

STATE OF CALIFORNIA  
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:  
CRC BUSINESS MEETING

TUESDAY, JANUARY 26, 2021  
9:30 a.m.

Transcription by:  
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APPEARANCESCOMMISSIONERS

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

STAFF

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Marian Johnston, CRC Staff Counsel  
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Fredy Ceja, Communications Director  
Cecilia Gomez Reyes, Communications Manager  
Marcy Kaplan, Outreach Manager  
Wanda Sheffield, Office Technician

TECHNICAL CONTRACTORS

Jesse Fraire, Comment Moderator  
Kristian Manoff, AV Technical Director

PRESENTERS

Chad Dunn, UCLA Voting Rights Project  
Rosalind Gold, NALEO Educational Fund  
Eileen Ma, Asian Americans Advancing Justice  
David Maldonado, CDCR  
Taina Angeli Vargas, Initiate Justice  
Alberto "Beto" Vasquez, Educator/Community Advocate

PUBLIC COMMENT

Renee Westa-Lusk

Juanita Salas

Lori Shellenberger, California Common Cause

Helen Hutchison, League of Women Voters California

Debra Levine

Alice Smith, National Voter Corps

Sarah Carrillo

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P R O C E E D I N G S

1  
2 January 26, 2021 9:30 a.m.

3 CHAIR TAYLOR: Good morning, everyone. Good  
4 morning, California. Good morning, staff and  
5 Commissioners. It is January 26, at approximately 9:30  
6 hours, and I would like to call to order this meeting of  
7 the California Citizens Redistricting Commission to  
8 order. You guys say that seven times fast. It's tricky.

9 My name is Derric Taylor, and I am your rotating  
10 Chair for this meeting and this series of meeting days.  
11 The Vice Chair is Commissioner Pedro Toledo.

12 Pedro, can you wave for us, please, Commissioner  
13 Toledo. Thank you.

14 We are going to begin with -- we're going to call  
15 the roll, and then I will preview our agenda, and then we  
16 will move to public comment.

17 So Director Claypool, if you can call the roll,  
18 please.

19 DIRECTOR CLAYPOOL: Certainly.

20 Commissioner Toledo.

21 VICE CHAIR TOLEDO: Here.

22 DIRECTOR CLAYPOOL: Commissioner Turner.

23 COMMISSIONER TURNER: (No response.)

24 DIRECTOR CLAYPOOL: Commissioner Sinay.

25 COMMISSIONER SINAY: Here.

1 DIRECTOR CLAYPOOL: Commissioner Vazquez.  
2 COMMISSIONER VAZQUEZ: Here.  
3 DIRECTOR CLAYPOOL: Commissioner Yee.  
4 COMMISSIONER YEE: Here.  
5 DIRECTOR CLAYPOOL: Commissioner Ahmad.  
6 COMMISSIONER AHMAD: Here.  
7 DIRECTOR CLAYPOOL: Commissioner Andersen.  
8 COMMISSIONER ANDERSEN: Here.  
9 DIRECTOR CLAYPOOL: Commissioner Fernandez.  
10 COMMISSIONER FERNANDEZ: Here.  
11 DIRECTOR CLAYPOOL: Commissioner Fornaciari.  
12 COMMISSIONER FORNACIARI: Here.  
13 DIRECTOR CLAYPOOL: Commissioner Kennedy.  
14 COMMISSIONER KENNEDY: Here.  
15 DIRECTOR CLAYPOOL: Commissioner Le Mons.  
16 COMMISSIONER LE MONS: (No response.)  
17 DIRECTOR CLAYPOOL: Commissioner Sadhwani.  
18 COMMISSIONER SADHWANI: Here.  
19 DIRECTOR CLAYPOOL: Commissioner Taylor.  
20 CHAIR TAYLOR: Present.  
21 DIRECTOR CLAYPOOL: Chair, we have a quorum.  
22 CHAIR TAYLOR: Thank you.  
23 COMMISSIONER AKUTAGAWA: You didn't call my name.  
24 CHAIR TAYLOR: Pardon me?  
25 COMMISSIONER AKUTAGAWA: You did not call my name.

1 CHAIR TAYLOR: Oh, I apologize. Commissioner  
2 Akutagawa.

3 COMMISSIONER AKUTAGAWA: Yes, I'm here.

4 COMMISSIONER TURNER: And Commissioner Turner is  
5 here. Thank you.

6 DIRECTOR CLAYPOOL: Okay.

7 CHAIR TAYLOR: Thank you.

8 So for those listening and watching, I would like to  
9 preview our agenda so that if you want to call in at  
10 specific times -- if you're unable to stay with us the  
11 whole meeting days, you will be able to target those  
12 times when you can join with us.

13 So immediately after I preview this call, we're  
14 going to go to public comment. We will have general  
15 announcements, a Chair report, the executive director's  
16 report, the deputy executive director's report, chief  
17 counsel's report, communications director's report.  
18 These are things that we hope to come to today, more than  
19 likely in the second half of our meeting day. We will  
20 have subcommittee reports.

21 What is important to note is that we're going to  
22 have VRA training, and that training is going to commence  
23 today at 10:15 a.m. So we're going to have VRA training  
24 at 10:15 a.m.

25 In the afternoon, Agenda Item 11, we're going to

1 have discussion on outreach and engagement. So if that  
2 is of particular interest, you can make time to join us  
3 for Agenda Item 11, outreach and engagement, at 1:30  
4 afternoon session.

5 Another important time to note is that tomorrow,  
6 Wednesday, January 27th, we will have a panel on economic  
7 sector issues. Wednesday, 27th, 10:00 a.m., if that's of  
8 interest and when you would like to join us.

9 Another agenda item to note is Thursday, January  
10 28th, we're going to have our language access  
11 recommendations discussion. And if everything follows in  
12 order, we will commence with the outreach zone, outreach  
13 plan, and our data management, our issues.

14 When we adjourn our meeting, it's going to then  
15 flow -- at 1:30 on Thursday, we'll flow into our Legal  
16 Access Committee. That will be on January 27.

17 So with that, the preview of the agenda, I would  
18 like to open it up for public comment. Jesse, if you can  
19 read the preamble for public comment, please.

20 PUBLIC COMMENT MODERATOR: In order to maximize  
21 transparency and public participation in our process, the  
22 Commissioners will be taking public comment by phone. To  
23 call in, dial the telephone number provided on the  
24 livestream feed. The telephone number is (877) 853-5247.

25 When prompted, enter the meeting ID number provided



1 on the livestream feed. It is 976 7934 9222 for this  
2 week's meeting. When prompted to enter a participant ID,  
3 simply press pound.

4 Once you have dialed in, you'll be placed in a  
5 queue, from which a moderator will begin unmuting callers  
6 to submit their comments. You will hear an automated  
7 message to press star nine. Please do this to raise your  
8 hand indicating you wish to comment.

9 When it is your turn to speak, the moderator will  
10 unmute you, and you will hear an automated message that  
11 says, the host would like you to talk, and to press star  
12 six to speak. Providing your name is not required, but  
13 if you would like to, please state and spell it for the  
14 record.

15 Please make sure to mute your computer or livestream  
16 audio to prevent any feedback or distortion during your  
17 call. Once you are waiting in the queue, be alert for  
18 when it is your turn to speak, and please turn down the  
19 livestream volume. These instructions are also located  
20 on the website.

21 The Commission is taking opening public comment at  
22 this time.

23 CHAIR TAYLOR: Thank you, Jesse.

24 We're going to wait a few minutes for the live feed  
25 to catch up to us, and when we get a caller, please

1 invite them in.

2 PUBLIC COMMENT MODERATOR: Good morning, caller.

3 The floor is yours.

4 MS. WESTA-LUSK: Yes. This is Renee Westa Lusk, and  
5 I virtually watched the meetings at the last January  
6 session, and I had wanted to send an email that would  
7 have been better sent as an attachment, but I ended up  
8 typing it -- it's pretty long -- because I couldn't find  
9 a way to send the attachment on the contact us page. So  
10 I just wanted to bring that up to you.

11 And then, Commissioner Kennedy, at one of the  
12 January meetings -- I think it was the second day, I'm  
13 not sure -- had mentioned a speaker request form on the  
14 website. I could not find that. This is in reference to  
15 submitting an invite to Commissioners to a community to  
16 do an educational presentation.

17 And then my third, I guess, question or comment is,  
18 is the only way to send an invitation to Commissioners  
19 for the educational presentation is going on the contact  
20 us page?

21 CHAIR TAYLOR: Thank you, Ms. Westa Lusk. I think  
22 we'll have staff look into all the questions that you  
23 have raised, so that those requests for speakers can be  
24 made, and you're able to effectively contact us in  
25 attachments, accordingly.

1 MS. WESTA-LUSK: Okay. All right. Will you be  
2 making that, like, an announcement, how to do those  
3 things, in any of the meetings, or will it be published  
4 on the web page -- website, somewhere?

5 CHAIR TAYLOR: As soon as we get an answer to it,  
6 we'll figure out the most effective way to do it. If I  
7 can make an announcement as to how to do it, I will, or  
8 we'll publish that on our web page.

9 MS. WESTA-LUSK: Okay. All right. Thank you.

10 CHAIR TAYLOR: You're welcome.

11 Jesse, do we have any more callers?

12 PUBLIC COMMENT MODERATOR: We do, Chair. One  
13 moment, please.

14 CHAIR TAYLOR: Thank you.

15 PUBLIC COMMENT MODERATOR: Good morning, caller.  
16 The floor is yours.

17 MS. SALAS: Good morning. Can you hear me?

18 CHAIR TAYLOR: Yes.

19 MS. SALAS. Hi. My name is Juanita Salas. I'm a  
20 resident of El Centro, California, and a twenty-year  
21 community activist here locally. I'm also a former  
22 elected member of the Community College Board, another  
23 local elected position. I am calling regarding the  
24 Strategic Outreach Plan, Item 6, on your agenda.

25 I definitely appreciate your clear commitment to

1 engaging the public. However, the current plan appears  
2 to confuse people with equitable. Equal means treating  
3 everything exactly the same. The plan has five  
4 educational presentations in each of the eleven zones.  
5 This may be equal, but is it equitable, when you consider  
6 that Zone H has fifty times more people than Zone G?

7       Dividing resources based strictly on population  
8 would be no less equitable. Ignoring geographically  
9 isolated areas just because they are small would not be  
10 fair, and equity requires a partially -- looking at what  
11 is fair and appropriate, given all the circumstances.

12       As a longtime organizer, I suggest for now we focus  
13 on phases 1 and 2, production and education, and then  
14 definitely return to phase 3, public input meetings,  
15 later. You can't know what will be equitable for your  
16 input phase until you know who you reached and who you  
17 missed in your education phase. You can plan, but don't  
18 commit.

19       I would separate time and money. Time is your most  
20 limited resource, and where you should start. Decide on  
21 a minimum number of educational meetings you need to have  
22 in each zone; I suggest two. Then distribute additional  
23 meeting space on an impartial population formula.

24       Finally, make adjustments based on concentrations of  
25 groups, with accessibility considerations listed under

1 goal 3. No matter how many educational meetings you  
2 have, they will never be enough. This is where money can  
3 help.

4 They may be small, geographically isolated areas and  
5 counties, and may be politically disenfranchised groups  
6 disinclined to trust government. They may be immigrant  
7 communities with specialized language access issues.  
8 There may be disability groups that are not concentrated  
9 on each particular zone but spread throughout the state.

10 Your grants framework should definitely explicitly  
11 prioritize those groups not well served by meetings and  
12 other broad based outreach efforts. That's the  
13 definition of equity, being fair, impartial, and looking  
14 at all the circumstances.

15 I definitely appreciate you taking the time to  
16 listen to my comments. Thank you very much.

17 CHAIR TAYLOR: Thank you very much for your  
18 comments.

19 Jesse, do we have another caller?

20 PUBLIC COMMENT MODERATOR: We do, Chair.

21 Good morning, caller. If you would like to give  
22 your name, could you please spell it, please.

23 MS. SHELLENBERGER: Good morning. This is Lori, L-  
24 O-R-I, last name Shellenberger, S H E L L E N B E R G E  
25 R, and I'm the redistricting consultant for Common Cause.

1 Good morning, Chair Taylor and Commissioners.

2 I'm calling in with a couple of short questions  
3 about a couple of the handouts that were posted and what  
4 action might be taken related to those. Those are Items  
5 9-J, on the grant structure options.

6 As you know, I facilitate a large collaborative of  
7 statewide organizations, and in reviewing the handouts,  
8 we were wondering what action you may plan to take on  
9 those today. It wasn't agendized as a specific item, so  
10 maybe it's just part of a subcommittee report, but if you  
11 could clarify that, and also what you see as the  
12 mechanism for public feedback on that, and what the  
13 window will be for that, before you choose an option. We  
14 would appreciate it. Thank you so much.

15 CHAIR TAYLOR: Thank you. I think more of that will  
16 be revealed during the Grants Committee's subcommittee  
17 report out. And of course, before we take any action, we  
18 have to open it up for public comment. Thank you for  
19 your comment.

20 Jesse, can you invite in the next caller, please.

21 PUBLIC COMMENT MODERATOR: Good morning, caller. If  
22 you could please -- if you would like to give your name,  
23 could you please state and spell it, please.

24 MS. HUTCHISON: Sure. Good morning. My name is  
25 Helen Hutchison, H-E-L-E-N, H-U-T-C-H-I-S-O-N, and I am

1 representing the League of Women Voters of California. I  
2 wanted to start by thanking you, Chair Taylor, for making  
3 the schedule so clear. It is really helpful to those of  
4 us who are monitoring the meetings.

5 I also want to appreciate the care that has been  
6 taken in the current job postings, and I want to focus  
7 particularly on the line drawer and the data manager. We  
8 really appreciate the focus on the communities of  
9 interest input, but we also want to highlight that you  
10 need to also allow for members of the public, either  
11 groups or individuals, to submit full maps.

12 It may be a map of a region showing what they think  
13 district lines should look like, or it may be a map for  
14 the whole state, showing what they think district lines  
15 should look like. That's important kind of input that  
16 you're going to be getting in addition to the community  
17 of interest input that you have been focusing on to date.  
18 So we really appreciate that.

19 Oh, one final piece. When you are doing your  
20 schedule -- when we know when the census data will be  
21 released -- you need to then allow time for members of  
22 the public to look at that census data and submit their  
23 suggested maps to you before you actually start drawing  
24 your maps. Thank you very much.

25 CHAIR TAYLOR: Thank you, Ms. Hutchison. Your

1 critical review, the California's critical review, both  
2 positive and negative, is much appreciated, so thank you.

3 MS. HUTCHISON: Thanks.

4 CHAIR TAYLOR: Jesse, do we have another caller?

5 PUBLIC COMMENT MODERATOR: One moment, Chair.

6 Callers, if you could please press star nine to  
7 raise your hand indicating you wish to comment.

8 Good morning, caller. If you would like to give  
9 your name, could you please state and spell it for the  
10 record, please.

11 MS. LEVINE: Debra Levine, D-E-B-R-A, L E V I N E.

12 Your past meeting presentation of the upcoming  
13 website looked great. I watched the video of the  
14 presentation online so I could follow the dialogue and  
15 view the slides. I have one suggestion to add a section,  
16 what your community is saying. Knowing what others are  
17 saying is often as important as your own thoughts. It  
18 would allow feedback from the public to agree, add to an  
19 idea, or challenge by disagreeing with making a comment,  
20 plus adding positive input that may not have been heard.

21 It could be a dedicated area for posting public  
22 comments, maps, videos from the input hearings, and lists  
23 of groups and individuals you have met with or are  
24 scheduled to meet with. Again, the previews of the new  
25 website look great, and hope this suggestion helps make



1 it even better, and I want to thank you very much for all  
2 your work.

3 CHAIR TAYLOR: Thank you very much for your  
4 comments.

5 Jesse, please invite in the next caller.

6 PUBLIC COMMENT MODERATOR: Good morning, caller.

7 MS. SMITH: Hello. My name is Alice Smith. I'm the  
8 executive director of National Voter Corps, and thank you  
9 for taking the call.

10 I'm wondering if I'm able to see this meeting, or  
11 whether it's only through the phone. I found the logon  
12 to be very confusing, and I am interested in watching or  
13 having other people also watch these hearings and  
14 participate as an active person interested in voting  
15 rights for all. Thank you.

16 CHAIR TAYLOR: Thank you. The meeting can be viewed  
17 on the website, [wedrawthelines.california](http://wedrawthelines.california)

18 MS. SMITH: I'm there.

19 CHAIR TAYLOR: -- .gov, and there should be a spot  
20 for the live feed.

21 COMMISSIONER SINAY: So when you're there, go to  
22 the -- go near the top, and it's in blue, and it says,  
23 click here to access the livestream feed, under meeting  
24 and agenda handouts.

25 CHAIR TAYLOR: That is correct. That link should

1 take you right to the livestream. Thank you for your  
2 call.

3 Jesse, do we have anyone else in the queue?

4 PUBLIC COMMENT MODERATOR: Good morning, caller. If  
5 you would like to give your name, could you please state  
6 and spell it for the record, please.

7 MS. CARRILLO: Sure. Hi. My name is Sarah  
8 Carrillo, and I'm calling as a member of the public who  
9 lives in Davis.

10 I've watched of your virtual planning meetings, and  
11 wanted to share my thoughts about public input. I also  
12 watched the local redistricting process in Davis. A city  
13 of 70,000 is admittedly different from a state of 40  
14 million. But my observation is, our redistricting is not  
15 a jigsaw puzzle. It is more like a Lego project.

16 Before I explain, some Commissioners appear to think  
17 most public testimony will be tied to a map. That's not  
18 what happened in Davis. While some people submitted maps  
19 of neighborhoods or the entire city, most public  
20 testimony did not include a map.

21 Some also seem to believe that public testimony that  
22 is not tied to a map is inherently less valuable. Again,  
23 that's not what I saw in Davis. The most important  
24 testimony ultimately came down to providing information  
25 that helps when assigning priorities and facing

1 tradeoffs. Yes, all of the different counties needed to  
2 be identified, but which should be split, when everyone  
3 can't be kept whole?

4 Public testimony is incredibly valuable information  
5 when making those decisions, whether or not it was  
6 provided with an accompanying map. A map may show you  
7 the where of a community, but it doesn't tell you  
8 anything about the other five Ws. What makes it a  
9 community? Why is it important? When is it most  
10 important that it be kept together, rather than assigned  
11 to another community?

12 I live in the Mace Ranch neighborhood in Davis.  
13 Everyone knows where Mace Ranch is. There are many maps  
14 that show where Mace Ranch is, and if those maps differ  
15 by a block, I'd be surprised. If I had submitted  
16 redistricting testimony to my council on Mace Ranch,  
17 should it be kept whole? It would have to be made any  
18 more or less informative by a map.

19 Later in your process, I'm sure that there will be  
20 input about the lines from members of the public in  
21 Davis. There will likely be testimony with thoughts on  
22 what district Davis should be in. Should Davis go with  
23 Napa, Sacramento, Solano? You already know what all of  
24 those places are. You don't need a map from me or  
25 others, but what you do need is input from people from

1 the communities about representation, about their cities.

2 This is why I wanted to reach out. I really believe  
3 that the Commission's job isn't to put together a jigsaw  
4 puzzle. Once you identify and sort all of the pieces in  
5 a jigsaw puzzle, you usually have a pretty good sense of  
6 what you are trying to create. Similarly, someone  
7 putting together a Lego project also needs to start by  
8 identifying all of the available pieces. Community is  
9 Legos.

10 There are limitations on what one can create, legal  
11 for you, physics for them. But unlike the jigsaw puzzle,  
12 there is not one correct answer. Are you creating a race  
13 car or a house? Should the roofs be blue or green? How  
14 many doors should it have? Others can provide valuable  
15 feedback on what to do with your pile of bricks, and that  
16 feedback no more requires an architectural schematic than  
17 public feedback on redistricting requires a detailed map.

18 Legoland is a resort. It is in Carlsbad. You can  
19 find it on a map, but a map won't tell you what district  
20 to put it in. But those who live nearby can tell you  
21 that. That's the true value of public testimony. Thank  
22 you for your time. Bye.

23 CHAIR TAYLOR: Thank you, Ms. Carrillo, for your  
24 comments. We take all your statements to heart.

25 Jesse, can you invite in the next caller.

1 PUBLIC COMMENT MODERATOR: Yes, Chair.

2 Callers, as a reminder, please press star nine to  
3 raise your hand to indicate that you wish to comment.

4 Chair, I don't believe any callers are in the queue.

5 CHAIR TAYLOR: Okay. Thank you very much, Jesse.

6 At this time, then, we will conclude public comment,  
7 and we'll move on to Agenda Item Number 3, general  
8 announcements, Commissioner updates, and items of  
9 interest to the Commission.

10 Any Commissioner with a general announcement or  
11 something for the good of the body?

12 Commissioner Sinay, go ahead.

13 COMMISSIONER SINAY: Thank you. I just wanted to  
14 share that I did present last week to the Southern  
15 California Tribal Chairs Association. It went well. So  
16 that was our first presentation, and the questions --  
17 there were some good questions, a lot of wanting to  
18 engage. They did ask questions about how we're going to  
19 be doing outreach into tribal communities that don't have  
20 tribal land and we had said that -- I shared that we did  
21 have a presentation from a community organizing group  
22 that's reaching out to them, and we're also really  
23 looking into that with our zones, and they were excited  
24 about that. I did invite them to participate as well as  
25 those tribal communities that have philanthropy to

1 consider supporting those efforts that are organizing  
2 tribal communities throughout California to do  
3 redistricting.

4 CHAIR TAYLOR: Thank you. Sounds like it went very  
5 well.

6 Commissioner Andersen.

7 COMMISSIONER ANDERSEN: Thank you, Chair. I  
8 received an invitation to come and present, along with  
9 Commissioner Kennedy, from the newly elected mayor of  
10 Ridgecrest, California, which is a rural community that  
11 is in the Indian Wells Valley. It's actually in  
12 northeast Kern County, but it's east of 395, and it's  
13 close to -- sort of a gateway to Death Valley, that sort  
14 of area.

15 They had a 6.4 and then a 7.1 earthquake last July,  
16 and they reached out to me, as the structural engineer,  
17 and Commissioner Kennedy, who also lives in a high  
18 desert rural area, as far as thinking that we would  
19 represent their community sort of the best, and so we're  
20 working out when we can do some presentation with them.

21 CHAIR TAYLOR: Got it. And Commissioner Andersen,  
22 did they reach out to you, or did you find them as your  
23 outreach search?

24 COMMISSIONER ANDERSEN: No, they reached out to me,  
25 which I'm -- they actually were listening to our

1 meetings, and they heard us talk about rural communities,  
2 and that we should -- they understood when we said any  
3 community can reach out to any Commissioner who they  
4 think would really represent their community, and they  
5 took that to heart.

6 So I was very pleased, one, that we had reached a  
7 rural community, and they did indeed reach out, which I  
8 thought was, basically, a wonderful thing for our group.

9 So again, to all the people out there who might be  
10 watching, might be afraid, please reach out to any of us.  
11 As we just heard Ms. Renee Westa-Lusk request, what's the  
12 format that people can reach and ask for speakers? I  
13 think that the staff is working on exactly how to do  
14 that, and we'll make that presentation, probably, later  
15 on during this meeting. But thank you very much for  
16 reaching out, and we will be working out the details.

17 CHAIR TAYLOR: I appreciate it, and we encourage  
18 everyone to contact us, and we are looking forward to  
19 those opportunities.

20 Commissioner Sinay, your meeting was virtual, I'm  
21 assuming, just confirmation that it was?

22 COMMISSIONER SINAY: Yes. Yes, it was virtual.

23 CHAIR TAYLOR: Thank you. Got it.

24 Any other Commissioners with announcements?

25 Go ahead, Commissioner Sinay.

1           COMMISSIONER SINAY: Sorry. I wasn't sure if  
2 Commissioner Ahmad was going to share, or I, but  
3 Commissioner Ahmad and I will be presenting on Thursday  
4           we just received the invitation -- to the Asian and  
5 Pacific Islander Initiative in San Diego, and they have  
6 invited Commissioners from different redistricting  
7 efforts throughout San Diego and the state. So we're  
8 looking to get more information on that, but we'll be  
9 doing that outreach.

10          CHAIR TAYLOR: Thank you.

11          Any others? Going once.

12          Commissioner Akutagawa.

13          COMMISSIONER AKUTAGAWA: I guess I'll just pile on,  
14 here. My sense is that I think, from our announcements  
15 before, people are reaching out. So I guess I'll just  
16 first comment to anybody in the public who is listening.  
17 If there is a particular Commissioner -- and I don't want  
18 to pile on to their emails, but this might be the easiest  
19 way for those who might want a presentation, to reach out  
20 to one that they may particularly be interested in, or to  
21 reach out to the staff.

22          I know that Commissioner Sadhwani and I, as part of  
23 our outreach work in Orange County, we've been contacted  
24 by the Orange County Civic Engagement Table. They are  
25 interested in scheduling a presentation with us. So we



1 will be talking with them soon. We've already included  
2 the staff in that communication as well, too, so we'll  
3 see the preliminary conversation that we have, and  
4 whether we can have that lead to a presentation.

5 I also want to mention that I had a conversation  
6 with the new executive director of California's Asian and  
7 Pacific Islander Commission, and we did also have a  
8 conversation about scheduling a presentation to Asian and  
9 Pacific Islander serving organizations. She's from the  
10 Central Valley, so she is particularly, I think,  
11 interested in trying to organize something there, because  
12 I think that's where a lot of her main contacts are.

13 I have informed Commissioner Turner, because I did  
14 mention to her that Commissioner Turner is from the  
15 Central Valley, so we're going to look to see about  
16 scheduling something maybe sometime in March. We just  
17 kind of left it rather vague right now, but March seems  
18 to be a good time frame, so we're going to try to figure  
19 out timing on all that. So I just wanted to share that  
20 with all, and if anybody is listening and they're  
21 becoming inspired as a result of it, please do feel free  
22 to reach out.

23 One other thing that I wanted to mention, and I  
24 guess this comes back to what our first public caller  
25 mentioned, about how to reach out. So the person I spoke

1 to at the API Commission mentioned that she's been having  
2 conversations with different organizations. There's been  
3 interest expressed in redistricting. There seems to be  
4 two things going on. One, there's just a lot of things  
5 going on with COVID, and a lot of organizations are  
6 focused on that as well, too, but the other comment she  
7 said is, people are interested, but they're not really  
8 quite sure how to get involved, or what to do, or what  
9 they can do.

10       So I think that continued effort that, I think,  
11 Director Ceja is putting together is going to be  
12 important in terms of really trying to get some  
13 information out there, where it's going to be clear for  
14 anyone to be able to easily see how they can set  
15 something up, and also, what can they do to really get  
16 more engaged in redistricting? Thank you.

17       CHAIR TAYLOR: Thank you.

18       We've reset our auction, so going once, going twice.

19       COMMISSIONER TURNER: I'm sorry. Chair Taylor, I'll  
20 share for the Central Valley, for Zone F. Commissioner  
21 Vazquez and I will be presenting to a couple of groups,  
22 actually. So one reached out with Leadership Counsel,  
23 and so we believe we have a meeting that we're trying to  
24 confirm for noon on the 12th of February.

25       Also I reached out to a lot of the contacts that I

1 had at the Fresno Table, and also for the Central Valley  
2 United for Power, which is a bunch of groups that come  
3 together from different organizations in the Central  
4 Valley, and they will also be scheduling presentations  
5 with Commissioner Vazquez and I in the next few weeks.

6 CHAIR TAYLOR: Thank you. It sounds terrific.  
7 We're moving from our informal contacts to our formal  
8 presentations.

9 Anyone else? All right.

10 Commissioner Kennedy, go ahead.

11 COMMISSIONER KENNEDY: The Riverside County/San  
12 Bernardino County team has been invited to speak to the  
13 Inland Empire Redistricting Hub on Wednesday, the 10th of  
14 February.

15 I've also had an initial conversation with the  
16 leadership of Mi Familia Vota, so we're in the process of  
17 working out timing for a presentation to them, and  
18 otherwise planning to send out a note to a fairly large  
19 list of organizations in the two counties this week to  
20 start scheduling that.

21 CHAIR TAYLOR: Terrific.

22 Any last bidders?

23 (No response.)

24 CHAIR TAYLOR: All right. So we'll move on to the  
25 Agenda Item Number 4, the Chair report.

1 Behind the scenes, I think everything that might be  
2 of note will come out during our subcommittee reports.  
3 So nothing significant from the Chair that the body needs  
4 to be made aware of. Everything seems to be flowing  
5 fine. The workings, the team, is working well. Staff is  
6 working well. So from my standpoint, I would move on to  
7 Number 5, the executive director's report.

8 Director Claypool.

9 DIRECTOR CLAYPOOL: Thank you, Chair. I was  
10 wondering whether we wanted to prepare for the 10:15 --  
11 we have a 10:15 presentation -- before I give my report.

12 CHAIR TAYLOR: Yes, we do. Yes, we do have a 10:15.  
13 I was hoping that we would take a brief recess at  
14 10:10 --

15 DIRECTOR CLAYPOOL: Okay.

16 CHAIR TAYLOR: -- and then we would come back and  
17 open up with that 10:15. If your report would take -- I  
18 guess, if you don't want to open it up, we could pause  
19 right here.

20 DIRECTOR CLAYPOOL: I think that would be wise.

21 CHAIR TAYLOR: Good idea.

22 DIRECTOR CLAYPOOL: What I have is going to take  
23 longer than the five minutes that we have there.

24 CHAIR TAYLOR: So then, what we'll do is we'll take  
25 a brief recess, and we'll come back at 10:10, and we'll

1 await our panelists. Thank you.

2 (Off the record at 10:05 a.m.)

3 (On the record at 10:10 a.m.)

4 CHAIR TAYLOR: Welcome back. We are going to  
5 transition shortly to Agenda Item Number 10, VRA  
6 training. I am going to turn this over to Commissioner  
7 Sadhwani and Commissioner Yee.

8 Briefly, before I do that, if there's anyone that is  
9 waiting in the queue for public comment, we probably will  
10 not return to public comment until after lunch. That's  
11 when we normally have public comment, after lunch, and it  
12 will be -- you'll be able to comment, make a general  
13 comment, or comment on this particular Agenda Item Number  
14 10. So I don't want to hold you up. We will return from  
15 lunch at approximately 1:30.

16 So with that being said, I'll turn it over to  
17 Commissioner Sadhwani and Commissioner Yee for VRA  
18 training, Agenda Item Number 10.

19 COMMISSIONER YEE: Thank you, Chair Taylor.  
20 Actually, we do anticipate opening for public questions  
21 about the coming presentation before lunch. So it may be  
22 possible, if the caller is calling about VRA matters, to  
23 hear them then.

24 Your VRA subcommittee has been busy lining up  
25 training for the Commission to turn our attention once

1 again to VRA matters, and now trying to pivot from the  
2 more theoretical training we've done in the past to more  
3 concrete examples of the work that we'll be facing.

4 Later today, we'll have a panel of representatives  
5 from various organizations in the state speaking to  
6 specific community concerns about VRA considerations, but  
7 right now we're fortunate to have Professor Chad Dunn  
8 come to us from the UCLA Voting Rights Project, which he  
9 cofounded with Professor Matt Barreto, whom we've also  
10 heard from.

11 Chad has a lot of -- Professor Dunn has a lot of  
12 litigation under his belt. This past year, he was  
13 involved in several cases in Texas about voting rights,  
14 challenging restrictions that have been proposed or  
15 enacted there, voter ID laws, vote-by-mail matters, and  
16 so forth. So he's been gracious enough to agree to come  
17 to us this morning to review the VRA generally, but more  
18 importantly to start looking at actual cases that have  
19 come in the past on VRA grounds, and help us start  
20 thinking about what we need to consider when we get to  
21 mapping.

22 So I believe he has a slideshow for us, and we'll  
23 have about a half hour to hear from Professor Dunn, and  
24 then open it up for your questions and questions from the  
25 public.

1 Professor Dunn, take it away.

2 MR. DUNN: Thank you, Commissioner, and nice to meet  
3 you all here, virtually. Thank you for including me as  
4 part of this important process. But even more  
5 importantly, thank you for the time, commitment of blood,  
6 sweat, and tears you're putting into this process.

7 You know, as somebody who's fought for voting rights  
8 for going on exceeding two decades now, voting rights for  
9 every citizen, from every walk of life and from every  
10 background, what you all are doing, in my view, is the  
11 foundation of democracy. So the Union is held together  
12 by the work that you've agreed to undertake. So I could  
13 not have more of a hat tip and respect for each of you  
14 for agreeing to take out of your time to do that.

15 I will take a little bit of time today, and I can  
16 let you know that I've spent a little time looking at,  
17 actually, all the presentations you've received up until  
18 now, or at least that are available publicly on line, and  
19 so I've tried not to duplicate a lot of that today,  
20 instead to weave some of that together in kind of a  
21 comprehensive presentation to you on what I think makes  
22 sense for you to consider as a reasonable redistricting  
23 process to undertake, to make sure you stay in  
24 compliance, and your work is ultimately safely defended  
25 under the VRA.

1           So let me share my screen here at the moment. If  
2 you'll give me one second. All right. Hopefully, you  
3 see the slides that we prepared. Maybe a thumbs-up from  
4 one of you? Yep. Okay. Great.

5           So as was mentioned, I'm going to discuss a lot of  
6 the things that go into a successful approach to  
7 redistricting that complies with the Voting Rights Act,  
8 and I'm going to spend some time today kind of talking  
9 about, first, a little bit about the UCLA Voting Rights  
10 Project, and some background on me and some of the other  
11 lawyers and experts at the project that helped put  
12 together this presentation and that work on our joint  
13 efforts.

14           I'm also going to discuss the redistricting process,  
15 sort of generally -- it's somewhat uniform around the  
16 country -- in terms of the basic steps, and I won't spend  
17 too much time on that, because I know you've gotten some  
18 of the, and we're going to talk about the basic  
19 redistricting principles. Obviously, your work has been  
20 set by state constitutional law and other laws that tell  
21 you what redistricting principles that you can follow,  
22 and which ones, in fact, you are to not follow, and we'll  
23 give a little consideration to those.

24           As was mentioned, I want to talk about three sort of  
25 exemplar cases, to kind of give you a sense of the kind



1 of litigation that you might have over the course of this  
2 process or in challenge to any final maps, and I've been  
3 on all sides of that. I've represented governmental  
4 units in the process of redistricting. I've defended  
5 many, and I've sued quite a few.

6 So I'm going to try to give you three cases from all  
7 those perspectives, to give you a sense of the steps and  
8 what's involved. And then I've also put together a  
9 little bit of a legal training here, to what, exactly,  
10 the Federal Voting Rights Act requires, a little bit of  
11 history about the amendments of the Act, because there  
12 are cases coming before the U.S. Supreme Court this term  
13 and next, that the background of which I think might help  
14 you understand your work, and the ultimate attorneys that  
15 you hire, why they might give you advice to handle things  
16 a certain way. There's some great uncertainty in the law  
17 at this moment, and so I want to spend some time talking  
18 about that.

19 And then we'll talk about vote dilution claims, the  
20 actual elements that a plaintiff has to prove, that a  
21 court will consider, and vote dilution claims under the  
22 14th Amendment, what that will look like. I don't intend  
23 to try to put on a law class today. I know many of you  
24 know some of this stuff. But the reason I think it's  
25 helpful, if only as a resource, to get into a little bit

1 of the nuts and bolts of these statutes, is because I  
2 think it may help some of you understand why it makes  
3 sense to handle the process, anyway, a certain way.

4       So just a little bit about the VRP. It was started  
5 in 2018 by a political science and Chicano studies  
6 professor, Dr. Matt Barreto, who has been a testifying  
7 expert for at least fifteen years in federal cases around  
8 the country. I met him originally as retaining him as an  
9 expert witness in cases. I put him on the witness stand  
10 probably a half-dozen or more times, presented him at  
11 depositions, and he and I recognized that there was a  
12 need for a center that could train new Voting Rights Act  
13 attorneys, but also develop social science techniques to  
14 observe various pieces of evidence that courts will  
15 consider in these cases.

16       And a lot of times, unfortunately, the lawyers get  
17 hired to do a case, and then they go find experts. We  
18 thought it would be helpful to have a collaborative  
19 approach, when a voting rights issue is presented, to  
20 sort of have both folks in both places, and to train  
21 graduate students and law students in that endeavor.

22       So at this point, the VRP is four lawyers and  
23 growing. There are three social science fellows. These  
24 are, you know, PhD graduate students, research analysts,  
25 fine legal fellows. These are folks that recently

1 graduated from law school, or about to, and so that makes  
2 up our UCLA VRP.

3       A little bit about myself. I'm one of the  
4 cofounders, as I mentioned. I'm the legal director. I  
5 have been litigating voting rights cases for going on two  
6 decades, for over 100 cases related to voting rights,  
7 elections, voting campaigns, that sort of thing. I've  
8 argued appeals in circuits around the country. I've  
9 argued over two dozen federal circuit appeals. I've been  
10 counsel of record in many U.S. Supreme Court cases.

11       I've represented, as I mentioned earlier, a number  
12 of political subdivisions in the drawing of maps, and  
13 then, later, in the defense of maps. Recently we've been  
14 active -- the UCLA VRP has been, as was mentioned, very  
15 active defending the state of California's decision to  
16 further facilitate vote by mail during this pandemic, and  
17 also to have aggressive enforcement of the California  
18 Voting Rights Act, which applies to districts and  
19 political subdivisions in California, not just state  
20 conduct, but a very important statute that we helped  
21 defend the constitutionality of at the Ninth Circuit in a  
22 recent case.

23       So that's a little bit about me. I want to talk  
24 about now kind of the redistricting process as a series  
25 of steps. Some of these things can get moved around, but

1 typically, this is what I see as, you know, the major  
2 steps.

3 First is to design your system. And let me back  
4 this up, and sort of put it to you in analogy that I like  
5 to use with elected officials about the redistricting  
6 process. I view it, because I have a background in the  
7 theater, somewhat like a stage production. You, as the  
8 Commissioners, of course, are the stars of the show.  
9 You're the ones that, you know, will be leading this  
10 effort and making the decisions. With you, sort of on  
11 the stage are, you know, stakeholders, the civil rights  
12 organizations, voting rights organizations, other  
13 stakeholders in the communities, mayors, other folks who  
14 have things to say and add, and then, of course, the  
15 ultimate audience will be the public in California, and  
16 courts that are going to consider the legality of your  
17 work.

18 The attorney that advises -- or group of attorneys  
19 that advises throughout this process I view kind of as  
20 the stage managers. They make sure that various things  
21 happen at the right time, in the right way, to put the  
22 Commission in the best place of defending its decisions  
23 later, and of course, give advice to Commissioners while  
24 they exercise the judgment and discretion they've been  
25 empowered with, and help them understand the legal impact

1 of various ideas and proposals, and the possibilities and  
2 methods to, you know, confirming court approval of those  
3 proposals, if they're ultimately adopted.

4       As you're going to see when we get into the VRA  
5 itself, and what it requires plaintiffs to show, process  
6 is sometimes akin to result. So the court is going to  
7 look as closely at process as it will the result. I  
8 liken it something like a math teacher. You know, a lot  
9 of math teachers want you to get the right answer, but if  
10 you don't show the right work, you still get the question  
11 wrong, and in a lot of ways, redistricting is that way.  
12 You've got to show your work, follow a somewhat rigid  
13 process, and then, ultimately, that work is judged.

14       So in the system design, we want to design a fair  
15 and organized public process. Here the provisions of law  
16 require a certain number of public hearings. Those are  
17 advisable, anyway. The Commission may decide to do more  
18 of those. You want to consider what redistricting  
19 principles -- and as I mentioned, some of that is laid  
20 out by law -- but there, I think, are places where the  
21 Commission might want to fill in on additional  
22 redistricting principles that it wants to consider.

23       You of course want to figure out and coordinate your  
24 field hearings, and the timing of the field hearings.  
25 Does it make sense to have some of these now? Should

1 they all be held until after the census data is  
2 available, the latest information, as we may not have  
3 census data until July? If that's true, does it make  
4 sense to have some field hearings now, and save some for  
5 afterwards. That's an important consideration. I'll  
6 just say I think it's critical that there are at least  
7 some field hearings after the census data comes out, but  
8 it may make sense to do some now.

9 A process needs to be designed to receive, sort, and  
10 consider the public input to make sure it's meaningfully,  
11 you know, listened to and gets sorted to each of you, so  
12 you can decide, as the Commissioner, you know, sort of  
13 which input you think ought to carry the day, so to  
14 speak, and weigh other stakeholder considerations.

15 The next thing is procure and consider relevant  
16 subject matter expertise. This is a piece that has  
17 always been important in redistricting, but I think is  
18 even more important this cycle. I don't have the time to  
19 sort of tease it out in detail, but because Section 5 of  
20 the Voting Rights Act has essentially been undermined for  
21 the time being, it may be necessary for jurisdictions to  
22 engage in specific Section 2 Voting Rights Act analysis.  
23 California has done that in the past. I think there are  
24 probably some additional steps we might want to do under  
25 that, or the Commission might want to consider doing

1 this, this go around.

2 I'll talk about that in a moment, but as a component  
3 of the Section 2 analysis, you typically need some  
4 additional information. And the additional information  
5 you need -- which you've heard about it from Dr. Barreto  
6 and others -- it's what's called a racially polarized  
7 voting analysis, and this is where you take election  
8 returns of certain elections, and you make a  
9 determination as to whether or not the majority racial  
10 voting group is voting in opposite to the minority voting  
11 groups there, and that's a matter of mathematics and  
12 social science study, but ultimately, the lawyer and the  
13 Commission will need to consider that information.

14 Additionally, you might want some historical  
15 background and research. What you also often see in a  
16 Section 2 Voting Rights Act case, is a historian, a  
17 professor testifies about the history of this community  
18 or this area of the state, and the extent to which racial  
19 minorities that have been subjected to official and  
20 community discrimination. So it may make sense to  
21 procure that kind of research on individual areas of the  
22 state, or perhaps the entire state.

23 The next thing is that -- and I think these things  
24 are distinct, in my view -- you have the counsel that's  
25 advising the Commission, that's advising this process. I

1 think you also -- it makes sense to hire -- and what I  
2 typically do is hire outside Section 2 legal experts. So  
3 these are additional attorneys who are providing a  
4 written opinion that, based upon their analysis of the  
5 Voting Rights Act, based upon their review of the RPV  
6 analysis we've retained, based on the historical research  
7 we've retained, based on the proposed maps that we've  
8 provided to the expert, Section 2 does or doesn't require  
9 a district in this particular area.

10 That way, when you get into court, you have a  
11 witness who is a legal expert, credentialed, that can  
12 testify, here's the review, you know, that we did, and  
13 then you have the lawyer that sort of helped the  
14 Commission manage this process handling the litigation.  
15 And you know, it signals to the court, this is, you know,  
16 two separate legal experts from different organizations  
17 have confirmed and are arguing to me, this United States  
18 district judge, that this process was legal, and this  
19 result was legal. It puts you in the best position, in  
20 my opinion, to get approval of any map.

21 Then, of course, the final thing are mapping  
22 possibilities. Under Section 2, you draw what-if maps.  
23 They're not maps -- sometimes never intended to be  
24 used -- but they're used to demonstrate certain  
25 conditions. I'm going to talk about that briefly in a



1 moment.

2       So the next thing is, you know, the debate and  
3 consideration process. After all this information has  
4 been collected, and at least some of the public testimony  
5 has been received, then, you know, there needs to be a  
6 process to receive proposals, make sure each of the  
7 Commissioners feel, and in fact, are empowered to make  
8 proposals that adjust, you know, the final outcome.  
9 Receive and review any reports from stakeholders. You  
10 know, the Commission is going to receive letters,  
11 advocacy from various organizations and individuals, and  
12 making sure that information is seriously considered and  
13 given in the final product it needs to be considered.

14       And then the debate and amendment process needs to  
15 be inclusive. It needs to be public, obviously, that's  
16 required by law. But every member of the Commission  
17 needs to, you know, have their opportunity to be  
18 facilitated, their ideas, and participate in the debate  
19 and consideration, and obviously, approval, at the end of  
20 the day, is the final adoption, and producing a public  
21 report.

22       Sometimes it makes sense to produce a report that  
23 says, this is the map, and here's why we did some of  
24 these things in the map. So you want to kind of figure  
25 out that process on the front end, what will that look

1 like, collect together the information, and produce  
2 whatever reports the Commission ultimately decides it  
3 wants to issue.

4 All right. So there are, you know, under -- there's  
5 some basic -- basic principles here, and I'm going to  
6 touch on the federal parts of this. I know you've been  
7 told about the enacting laws for the Commission and what  
8 they require, but the federal laws, which, under the  
9 supremacy clause of the U.S. Constitution overcome any  
10 state laws to the contrary are -- boil down to these two  
11 main ones.

12 Now, under the 14th and 15th Amendments, districts  
13 may not be drawn on the consideration of race. So  
14 generally, when you draw part of this map -- and really  
15 when you draw all of the map -- you go into the map and  
16 you look at these redistricting principles that are laid  
17 out in the state constitution, and you're not allowed to  
18 focus -- the Constitution prohibits -- the U.S.  
19 Constitution prohibits your focus on race, unless the  
20 Voting Rights Act authorizes racial consideration.

21 So the Voting Rights Act will tell you, this is an  
22 area of the state -- if these conditions are met -- that  
23 you're allowed to consider race in drawing your new map.  
24 So the Federal Voting Rights Act analysis is -- you know,  
25 I call it the keystone of the redistricting process. You

1 need all the other stones over the archway, but you've  
2 got to start with that keystone if you want the -- you  
3 know, if you want the construction to live in the end.

4       Also one of the important considerations, while  
5 we're doing a kind of the Voting Rights Act analysis, is  
6 that equal protection dictates that a state's  
7 redistricting plan is within a ten percent deviation.  
8 Some people call this a safe harbor. I've probably been  
9 caught saying that a time or two. It's not exactly  
10 right. In a case the cycle before last, called *Larios v.*  
11 *Cox*, which was ultimately decided by the Supreme Court in  
12 a summary affirmance, which gives it somewhat of a  
13 Supreme Court precedential position, the State of Georgia  
14 was -- their plan was stuck down, even though -- struck  
15 down, even though it was within ten percent deviation.  
16 The court said, if there's evidence that that ten percent  
17 deviation has been used for unlawful means -- in that  
18 case the use of race unlawfully -- then the ten percent  
19 deviation doesn't protect, either.

20       So there's more to it than just that. But generally  
21 you want your offices to be within ten percent deviation,  
22 and congressional offices have to be as near to perfect  
23 as you can make them. And so that's another part of the  
24 process. Sometimes you may end up splitting voting  
25 precincts and doing some other techniques to make sure

1 your congressional districts are equal.

2       So I want to give you three examples of work that  
3 I've done, cases I've done, that give you a little bit of  
4 a sense of what some of these things can look like. One  
5 of the -- before I get into these, I just want to point  
6 out that, you know, as we've seen in the recent  
7 presidential election, and really as I've seen over the  
8 course of my career, more and more of the redistricting  
9 process is subject to litigation. It used to be the case  
10 that, you know, the governmental board or agency or the  
11 legislature got together, drew the map, and then  
12 everybody sued over it.

13       My experience is, there's litigation now during the  
14 process, where groups are dissatisfied with how the  
15 process is going and whether they've been included in it,  
16 and so I think you can expect that. For example, I think  
17 there may be litigation on the statistics -- the  
18 population numbers the Commission uses to draw its  
19 districts. There's controversy out there. Some folks  
20 believe that citizen voting age population ought to be the  
21 metric to equalize districts, and not total population.

22       There's a case, *Evenwel v. Abbott*, that I was  
23 involved in with the U.S. Supreme Court that leaves some  
24 daylight for a state to decide between those two. So I  
25 wouldn't be surprised if the Commission saw some

1 litigation on that, and probably some procedural other  
2 issues along the way. But these cases here are cases  
3 that, you know, I would call sort of after-the fact  
4 cases.

5       The first one is Harding v. Dallas. We're going to  
6 see more cases like Harding, and that's why I selected it  
7 to talk to you about it. Dallas County, Texas, was sued  
8 in this case. I defended them, along with some other  
9 lawyers, and represented them in this redistricting  
10 process. A group of Anglo voters in Dallas County  
11 brought suit against Dallas County, arguing that its new  
12 map for what they called commissioner's courts in Texas,  
13 which is four individuals and a county judge, which is  
14 kind of an at large position on the county commissioner's  
15 court -- the Anglo voters were arguing that because they  
16 were now the racial minority in Dallas County, that they  
17 should be entitled to a district of their own under the  
18 Voting Rights Act, and that, because they had been  
19 subjected to historical discrimination in Dallas County,  
20 the Voting Rights Act protections should kick in, you  
21 know, for them.

22       The case was initially brought, really, to challenge  
23 the Voting Rights Act. There was a belief that we would,  
24 you know, defend the case -- or the county would defend  
25 the case by saying whites can't avail themselves of the

1 Voting Rights Act, but the county immediately conceded  
2 that all racial minorities are entitled to defense under  
3 the Voting Rights Act. The Department of Justice, in the  
4 1990s confirmed that by memo. The Fifth Circuit has now  
5 confirmed that, in the appeal on this case.

6 And so that's one thing that's just noteworthy to  
7 you. As you analyze the map, a lot of folks, for good  
8 reasons, because of the historical discrimination, focus  
9 on, you know, the black or Latino or Asian  
10 American/Pacific Islander communities as the places where  
11 the Voting Rights Act applies. Careful analysis needs to  
12 be given to areas where Anglos are racial minorities, and  
13 whether or not the Voting Rights Act gives them some  
14 protection and requires some outcome there, and so that  
15 needs to be part of the process. The criticism in Dallas  
16 is that, when the map was drawn ten years ago, we didn't  
17 do a Section 2 Voting Rights Act analysis on whites, and  
18 so the plaintiffs claimed that they were entitled to  
19 that.

20 Now, we ultimately, you know, prevailed, because of,  
21 you know, this reason. In 2011, Dallas County was  
22 approximately thirty-three percent white, and -- but that  
23 population split its vote, roughly half, between  
24 Democrats and Republicans. And so it wasn't possible to  
25 draw an additional white district that would elect a

1 Republican, and that's what the plaintiffs were seeking.  
2 The Fifth Circuit ultimately confirmed that, and the  
3 lawsuit was ended. But there may be places where there's  
4 a white minority, for example, that is voting cohesively,  
5 and may be entitled to some Voting Rights Act protection.

6 So the Federal District Court, as I mentioned, found  
7 that Section 2 of the Voting Rights Act wasn't violated,  
8 because you couldn't draw a second map, because Anglo  
9 voters didn't vote cohesively, and the Fifth Circuit  
10 confirmed it.

11 Now, this next case is what I would call traditional  
12 in the sense of the arguments, and completely  
13 untraditional in the sense of the procedural  
14 machinations, but Beaumont Independent School District,  
15 is also in East Texas, is a majority African-American  
16 school district, and has been since the late 1980s. It  
17 wasn't, unfortunately, integrated under Brown v. Board  
18 until the late 1980s, and it didn't elect a black  
19 candidate of choice to the school board until the 1990s.  
20 But once about 2010 had happened, a majority of the board  
21 was elected of candidates of choice, for the  
22 African-American community.

23 A group of whites got together and petitioned to put  
24 on the ballot, a ballot measure that would effectively  
25 force two at large school board members and five single

1 member districts, and then would schedule these elections  
2 at times when the Anglo minority -- which was about  
3 forty-six percent of the voting population -- would have  
4 the ability through low turnout to elect a majority white  
5 school board to this district that was both majority  
6 black and served majority black school kids.

7       And so the school district hired me to defend  
8 against this process. At the time I was hired, a state  
9 court had ordered the school district, essentially, to  
10 install a majority white school board, and at that point  
11 in time, Section 5 of the Voting Rights Act existed, and  
12 so we had been ordered -- the school district had been  
13 ordered to seek preclearance for this plan. And so I  
14 filed a lawsuit in Washington, D.C., ostensibly to seek  
15 preclearance, but actually to obtain a court ruling that  
16 this sort of move was unlawful, that it would result in  
17 discrimination against the black community, and would  
18 itself be a violation of the Voting Rights Act.

19       And so you know, at this point in time, a majority  
20 of the officers on the school board were black -- what we  
21 call black preferred candidates, but as I mentioned, the  
22 court was about to force the installation of a majority  
23 white school board.

24       So there ultimately ended up being five lawsuits.  
25 The first lawsuit, as I mentioned, was in D.C. We were



1 successful in obtaining a federal court injunction  
2 ordering the school district -- in opposite to what the  
3 state courts had ordered the school district -- to not go  
4 forward with this plan. I believe that was issued in  
5 about April of 2013. On June 26, 2013, the U.S. Supreme  
6 Court issued the opinion in Shelby County v. Holder. I  
7 was actually in the Supreme Court chamber when this  
8 happened, and a lot of us, you know, put our head down.  
9 There were tears. We knew immediately what this was  
10 going to mean. And when I came out, one of the many  
11 things that happened as a consequence of that decision is  
12 Beaumont ISD was ordered, then, to proceed with this plan  
13 to install this majority white school board.

14 So we then transitioned as counsel for the school  
15 district, and filed a new case in Federal District Court  
16 in Texas under Section 2 of the Voting Rights Act, and  
17 also a state court case, and we ultimately convinced a  
18 state court judge that moving forward with this process  
19 would violate Section 2 of the Voting Rights Act. The  
20 state court agreed with us. We were ultimately able to  
21 forestall the change for another election, and ultimately  
22 obtained the court approval to forestall it completely.

23 So in the end, it was a good ending from the  
24 standpoint of the courts in litigation. Unfortunately, I  
25 have to report to you that, after all the litigation, and

1 after we'd been successful at preserving this, the state  
2 decided to take over the school district, and then the  
3 state installed a majority white supported board, which  
4 is, unfortunately, how it prevailed for a few years after  
5 that.

6 I bring up this case, one, it's just a shocking set  
7 of circumstances, but also this is an important lesson in  
8 kind of the multicharacter litigation that sometimes this  
9 process brings. You'll have state courts considering  
10 matters at the same time one federal court is, and a  
11 different federal court will be considering another  
12 matter, And in fact, when it comes to statewide  
13 redistricting, my experience is that's the norm, not the  
14 exception. So I thought it was worth discussing with  
15 you. I've also been a party to statewide redistricting  
16 cases on the plaintiff's side in Texas, for example, and  
17 also was in about six different jurisdictions over the  
18 course of the case.

19 Another case of an example is Lone Star Community  
20 College System. This is, I'm told, the second largest  
21 community college in the country in terms of students  
22 served. It's a majority minority. In that case, I  
23 represented African-American and Latino citizens that  
24 lived in the district, and we sued the community college  
25 under Section 2 of the VRA because it had at large

1 districts, and the at large districts elected white  
2 preferred candidates, even though they were the minority,  
3 and had recently elected a white majority who had a  
4 stated goal of sort of collapsing the school, reducing  
5 its funding, reducing its footprint, reducing the number  
6 of students it served.

7       So throughout this litigation, we collected  
8 information, of course, historically, the racially  
9 polarized voting evidence, the mapping considerations,  
10 these other items I listed for you earlier, and we were  
11 able to convince a Federal District Court to issue an  
12 order forcing them to go to single member districts,  
13 which was, at the time, the largest jurisdiction in a  
14 decade or so that had been forced under the VRA to go to  
15 single member districts.

16       In the next lawsuit, it resulted in the election of  
17 a minority preferred majority, and as part of the  
18 settlement, we also moved the election day from May in  
19 odd numbered years to November in even numbered years,  
20 which the science demonstrates results in more  
21 participation and better representation of individuals'  
22 interests.

23       So I want to just do a little bit of law here, and  
24 you know, as I mentioned, I've included these slides  
25 mainly as a resource, you know, that you can go back to.

1 I've tried to put all of the information in one place,  
2 but you know, the Voting Rights Act was itself a  
3 struggle, as some of you may know. We, as a country,  
4 tried to pass -- in fact, passed several Voting Rights  
5 Acts that were insufficient at securing the right to  
6 vote. In 1964, there was a Voting Rights Act passed, but  
7 it had no enforcement mechanism and ultimately was  
8 ignored, especially by southern states that were dead set  
9 on not providing an equal right to vote.

10 So in 1965, Section 2 of the Voting Rights Act and  
11 the rest of the Voting Rights Act was passed. And I just  
12 want to point out, this is the actual statutory language  
13 here, and what I wanted to demonstrate to you is that  
14 this statutory language doesn't give you much guidance.  
15 I mean, it's more aspirational. This is what cannot be  
16 done. This is what we, as a country, believe in. You  
17 know, no voting qualification or prerequisite to voting,  
18 or standard practice or procedure -- and I'm paraphrasing  
19 now -- shall be imposed on account of race or color. So  
20 it left it to the courts to kind of fill in what this  
21 means.

22 I wanted to point out also that this is the second  
23 part of Section 2, that says that you make an analysis  
24 based on the totality of the circumstances. You're to  
25 consider whether or not election is equally open to some

1 members or others, and importantly, I want to point out  
2 this last sentence. The Voting Rights Act giveth, but it  
3 also sort of taketh away, and this last sentence, as part  
4 of the compromise in its passage, included that  
5 nothing -- and I'm paraphrasing -- in this section can  
6 lead to, basically, quotas or proportionality.

7 And so when you hear of court cases, and you hear of  
8 challenges, it's trying to balance these things. How we  
9 protect racial minorities that have been historically  
10 discriminated against, but do so in a way that doesn't  
11 look like government-imposed proportionality. That's the  
12 balance that Congress struck in the statute.

13 There was Section 5 of the Voting Rights Act. I  
14 left that in here mainly because there's a bill before  
15 Congress at this point that would reimpose Section 5.  
16 There are various formulas to decide which jurisdictions  
17 would have to comply with it. So California may find  
18 itself in the position that, at least in some areas of  
19 the state or in total, it has to seek preclearance.  
20 There's a different standard there. If it were to come  
21 up, I'm happy to come back and address questions about  
22 what Section 5 involves.

23 I want to mention real quick *Mobile v. Bolden* in the  
24 1982 amendments. In the original Voting Rights Act, the  
25 Supreme Court decided in *Mobile v. Bolden*, that it only

1 covered intentional discrimination. So Congress amended  
2 the Act in 1982, to make it clear that no, no, just the  
3 effect of discrimination of voting needs to be remedied.  
4 You don't have to show purpose.

5       There are a number of members of the U.S. Supreme  
6 Court at this moment that believe that was wrong, and  
7 there are arguments that it was unconstitutional for  
8 Congress to extend these protections to effects -- what  
9 we call effects without the showing of intent. There are  
10 cases that are at the U.S. Supreme Court, or headed there  
11 now, raising these issues. And so ultimately what may  
12 have to be shown could shift throughout the Commission's  
13 process, and it's important to keep an eye on these  
14 developments along the way. So you know, if you have  
15 more interest in that, you can take a look at these  
16 slides, and take a look at *Mobile v. Bolden*.

17       The last piece I kind of want to hit today is, what  
18 is it that a plaintiff has to show in a successful  
19 Section 2 case? Why do I want to cover that? Because  
20 this is what a jurisdiction needs to look at and make  
21 sure that it considers in every step of its redistricting  
22 process.

23       So you have -- the first premise is you can show  
24 intent or impact. Intent is shown under what's called  
25 the Arlington Heights factors. I've included those here

1 in the slides. And impact is shown based on the Gingles  
2 test -- what we call the Gingles test. And so that's  
3 what I'm going to talk about right now, is the Gingles  
4 test.

5       There are what's called the preconditions. There  
6 are three or -- depending on who you ask -- four of  
7 those. I'm going to list all four of them here. Is the  
8 minority group sufficiently large and geographically  
9 compact to constitute a majority in a single member  
10 district? In other words -- and there's a lot in  
11 there -- is that a majority population? Is that a  
12 majority CVAP? Can it be one racial group, or can it be  
13 a coalition of racial groups that makes this majority?

14       A lot of legal issues to ferret out there, but  
15 generally, one is addressed by map drawing. We sit down,  
16 and let's say we're focused on an individual region of  
17 the state, and we want to give consideration to whether  
18 or not the Latino population is sufficiently large. We  
19 sit down and draw a map, and we find out with the map  
20 drawers, what can we draw? What's possible to draw  
21 there? Setting aside all the other potential  
22 considerations, if we were just drawing for Voting Rights  
23 Act purposes, what can be drawn?

24       The next is, is the -- and the next two, are what  
25 make up the RPV analysis. This is what Dr. Barreto and

1 others, you know, study and produce a report on, and tell  
2 us -- they tell us, based on the mathematics and the  
3 science, is the minority group politically cohesive?  
4 This says the white majority, but it could a different  
5 majority in those circumstances. Does the majority vote  
6 as a bloc in opposite?

7       And I had this fourth precondition -- most people  
8 don't -- but in a case called Johnson v. DeGrandy, the  
9 Supreme Court added that you have to be able to show that  
10 there's a lack of proportionality. So if this county,  
11 for example, has four districts and fifty percent of the  
12 districts are Latino, and two of the districts elect a  
13 Latino preferred candidate, you have proportionality, so  
14 you don't have to decide anything else, under Gingles.

15       And then you have these factors. Totality of  
16 circumstances factors. They originated in a Fifth  
17 Circuit case called Zimmer, and the U.S. Senate adopted  
18 them, and then they were listed in the Gingles case. I'm  
19 not going to go through each of these, but I'm going to  
20 list them all here, and I'm going to add kind of this  
21 note. As you look at each of these Senate factors --  
22 these totality of circumstances factors -- a lot of  
23 what's in there is what you're going to want to consider  
24 over the process.

25       So as I mentioned, you'll want to consider



1 historical information. You'll want to take public, you  
2 know, testimony. You'll want to ensure that you have a  
3 responsiveness of government officials. You want to  
4 consider that and other branches of government. Each one  
5 of these factors you will want to consider, and  
6 importantly, your counsel will want to consider, in  
7 determining how your process looks, and then ultimately  
8 weighing, you know, kind of the final product.

9       And I know I've gone a few minutes over my time.  
10 I'm going to show you this last bit of slides, and then  
11 I'll be happy to take any questions, if you have any.  
12 But on the intent side, remember, Gingles is the test for  
13 effects claims. As I mentioned, there are folks -- I  
14 disagree with them -- but there are folks who are arguing  
15 that there can't be an effects voting rights claim, and  
16 they're asking the Supreme Court to find that. So it's  
17 possible that we may see, you know, some adjustment to  
18 Gingles. Let's hope not, in my view. But the intent  
19 case, will remain -- you know, will remain these factors.

20       This was a housing case in Chicago, but it applies  
21 to voting cases, and hundreds of courts have said so and  
22 you apply this test -- which is this broad test, and then  
23 there's what I call a more specific test -- but does the  
24 affected action affect a protected class in a greater  
25 proportion than the others, and was the official action

1 intended to discriminate against the suspect or protected  
2 class?

3       People often don't admit when they intend to do  
4 something, you know, that's unlawful, and you know, as  
5 despicable as race discrimination, so the Supreme Court  
6 came up with a series of tests -- factors, to consider,  
7 and those factors are listed here, and you'll see  
8 procedure is one of the things. They want to look at,  
9 did the governmental unit engaged in a sequence of events  
10 leading up to the challenged decision that were -- that  
11 were untoward or odd? Did they violate their normal  
12 procedures?

13       So a lot of the -- as I mentioned earlier, the sort  
14 of math part of this is showing your work, is to satisfy  
15 the Gingles and the intent test later. To make sure you  
16 can demonstrate to a court this was all done in a normal  
17 and fair process. And so you've seen parts of the  
18 analysis in various cases. You start by looking at a  
19 map, looking at what populations were cracked and packed,  
20 and if they were, was there a justification for it? Is  
21 it geography? Is there some other component or city  
22 boundaries, something else going on that justifies it?

23       You want to study court rulings of the past decade  
24 in that area to see if there other vote denial devices  
25 going on there. And then you want to analyze all the

1 events leading up to the districting plan. And these  
2 factors that I've listed here come straight out of court  
3 decisions, what the court's going to consider. Did the  
4 government adopt this redistricting plan in a different  
5 process than others do? You know, for example, in states  
6 that have been found to be intentionally discriminatory,  
7 they're -- they're -- they've had a committee of a whole,  
8 instead of a subcommittee, or they'd get rid of some  
9 supermajority vote requirement, or some kind of  
10 procedural machination took place that the courts really  
11 hang on.

12 And then, what did supporters say? What were  
13 members -- in this case, members of the Commissioner's  
14 court, saying? What were public members who supported an  
15 individual plan saying about the plan? Those are going  
16 to be the things that are looked after, so.

17 Anyhow, it's important for the Commission to have a  
18 fair process, because that's what builds public  
19 confidence. Of course, it's required by state law in  
20 this case, but it's also important for the litigation.  
21 And in most cases, though, in my experience,  
22 unfortunately, there's no perfect map that everybody  
23 signs up and says that's -- that's excellent. And  
24 there's going to be some folks who feel left out, and  
25 making sure that they have been involved in the process,

1 that their views are adequately taken into consideration  
2 and addressed, is as important, in my view, as anything  
3 else the Commission does.

4 You want a careful and thorough public discussion,  
5 and you want to pay close attention to the science and  
6 data. I mean, the Commission should have available to  
7 it, and I know it's planning to, racially polarized  
8 voting experts, historical experts, and mapping experts,  
9 you know, to give you the background that you need.

10 So that's my presentation today. I hope I haven't  
11 taxed you too much longer than you allotted me in time,  
12 and hopefully, I can answer any other questions or be of  
13 assistance to you.

14 COMMISSIONER YEE: Thank you so much, Professor  
15 Dunn. Excellent presentation, and so helpful, both in  
16 background and the specific cases. Wow. Lots to think  
17 about, and thankfully, we have your slides. They are  
18 publicly posted, and will remain so.

19 Chair, should we go ahead and open the question-and-  
20 answer time to the public, as well as taking questions  
21 from the Commission?

22 CHAIR TAYLOR: Yes, we can. Let's just be mindful  
23 that we have eight minutes until we have to take our  
24 mandatory break.

25 COMMISSIONER YEE: Okay. Why don't we go ahead,

1 then, and invite public comment?

2 PUBLIC COMMENT MODERATOR: In order to maximize  
3 transparency and public participation in our process, the  
4 Commissioners will be taking public comment by phone. To  
5 call in, dial the telephone number provided on the  
6 livestream feed. The telephone number is (877) 853-5247.  
7 When prompted, enter the meeting ID number provided on  
8 the livestream feed. It is 976 7934 9222 for this week's  
9 meeting. When prompted to enter a participant ID, simply  
10 press pound.

11 Once you have dialed in, you'll be placed in a  
12 queue, from which a moderator will begin unmuting callers  
13 to submit their comments. You will also hear an  
14 automated message to press star nine. Please do this to  
15 raise your hand indicating you wish to comment. When it  
16 is your turn to speak, the moderator will unmute you, and  
17 you will hear an automated message that says, the host  
18 would like you to talk, and to press star six to speak.

19 Providing your name is not required, but if you  
20 would like to, please state and spell it for the record.  
21 Please make sure to mute your computer or livestream  
22 audio to prevent any feedback or distortion during your  
23 call. Once you are waiting in the queue, be alert for  
24 when it is your turn to speak, and again, please turn  
25 down the livestream volume. These instructions are also

1 located on the website.

2 The Commission is taking public comment on the Asian  
3 Americans Advancing Justice and Black Census and  
4 Redistricting VRA training at this time.

5 COMMISSIONER YEE: Actually, comments and questions  
6 on the presentation we just heard. We'll have an  
7 additional public comment and question time for the  
8 panelists coming.

9 While we're waiting, any questions from the  
10 Commission?

11 Commissioner Sinay.

12 COMMISSIONER SINAY: Thank you so much for this  
13 presentation. It takes me a while to absorb it all and  
14 put it into English -- my English, I guess I should say  
15 because you did use English. So I just wanted to check  
16 in.

17 I keep getting confused on the whole idea that race  
18 and ethnicity is important, but we can't only focus on  
19 that, and you're kind of saying -- you're saying they  
20 giveth, and then they taketh, and I keep reading the  
21 sentence, and I think I finally kind of got what the  
22 second piece of that sentence, the taketh was. Am I  
23 right to say that yes, look at race and ethnicity, but  
24 the state cannot put any type of quota, kind of, around  
25 it, like a percentage of applicants need to be X, Y, Z?

1 MR. DUNN: I'll say yes, in part. So the latter  
2 part of that is one hundred percent true. The Commission  
3 and the government is not allowed to impose any kind of  
4 quota or benchmarks. The first part I'd reword just a  
5 little bit differently, which is that, number 1, you have  
6 to take a local appraisal, the courts say. That's a  
7 quote, "local appraisal." Number 2, you've got to  
8 consider the totality of the circumstances. You'll  
9 recall that language was in the statute.

10 And so what you do is you analyze portions of the  
11 state on a geographic basis. So your starting point is,  
12 there's no consideration of race allowed. The exception  
13 to that is, if after your experts report back racially  
14 polarized voting numbers, and what-if maps are drawn on  
15 the first Gingles precondition that show that racial  
16 minorities are living in an area that they could be drawn  
17 into a single member district, and your history experts  
18 tell you there's a history of discrimination here, then  
19 Section 2 not only allows you to consider race, it  
20 mandates that you have to consider race in the locations  
21 where those factors have been shown, and areas where you  
22 can't show those factors, and those areas you don't get  
23 to consider race at all.

24 CHAIR TAYLOR: Thank you, Mr. Dunn.

25 Jesse, if we can move to the callers that we have in

1 the queue.

2 PUBLIC COMMENT MODERATOR: Good morning, caller. If  
3 you would like to share your name, please state and spell  
4 it for the record, please.

5 MS. SMITH: I'm Alice Smith, Palo Alto. I'm calling  
6 only for two things. Four counties were included in  
7 Section 5 of the Voting Rights Act in California, so  
8 those counties should be examined very carefully, and  
9 historically, you can get those records, of which  
10 counties have been included.

11 And then, second, Arizona County Voting Rights  
12 Commission v. -- or Redistricting Commission was a five  
13 to four decision by Roberts' court whereby Roberts, in  
14 the minority opinion, proffered under Article 1, Section  
15 4, that only the legislative branch of the government  
16 should be able to have redistricting power, and that case  
17 may well come before the Supreme Court. So I assume,  
18 under California law, that we are completely protected,  
19 and the Commission will continue. I'd very much like  
20 your opinion. Thank you.

21 MR. DUNN: Mr. Chair and Commissioners should I  
22 respond to that question?

23 MS. SMITH: Roberts court.

24 CHAIR TAYLOR: Yes, you can respond.

25 MR. DUNN: Oh, all right. So two things. First,



1 absolutely, in my view, the Commissioners' work should  
2 pay careful attention to former Section 5 jurisdictions,  
3 and so I don't want to step away from that at all. But I  
4 would propose that I think that -- my advice to the  
5 Commission would be, every, you know, sort of square mile  
6 of the state needs to be carefully considered for Voting  
7 Rights Act purposes, but no question, section -- former  
8 Section 5 jurisdiction should be in the mix.

9       The next point you raise is a good one, and I should  
10 have mentioned, frankly. I can absolutely see the  
11 Commission's work being challenged. It is clear that  
12 Chief Justice Roberts -- at least before and maybe a  
13 majority now of the Supreme Court -- doesn't think that  
14 the legislature can, under the U.S. Constitution,  
15 constitutionally delegate its authority to draw  
16 congressional maps.

17       I think that the majority in the Arizona case was  
18 right. I think it's a very defensible position for the  
19 state of California to have done that. I think there are  
20 some other legislative adjustments that could happen, if  
21 it became necessary in some litigation, on that point,  
22 but the Commission's work on state legislative districts  
23 and state assembly districts are, in my view, untouched  
24 by the Arizona arguments and case. That case is solely  
25 concerned with what the U.S. Constitution requires for

1 drawing of congressional districts. But there's no  
2 question that's an issue we need to pay careful attention  
3 to, and may be the subject of litigation, you know,  
4 before a map is adopted and after.

5 CHAIR TAYLOR: And Jesse, can you invite in our last  
6 caller before we go to break, please.

7 PUBLIC COMMENT MODERATOR: (No response.)

8 CHAIR TAYLOR: Jesse, are we able to invite in our  
9 last caller?

10 PUBLIC COMMENT MODERATOR: I'm attempting to, Chair.

11 CHAIR TAYLOR: Thank you.

12 PUBLIC COMMENT MODERATOR: Their hand was not  
13 raised, so I'm not sure that they wish to comment.

14 CHAIR TAYLOR: All right. Thank you.

15 With that, we need to take our mandatory break. I'm  
16 unsure, Chad, are you able to return at 11:15, briefly?

17 MR. DUNN: Yes, sir.

18 CHAIR TAYLOR: Okay. So then, I'll see everyone  
19 back at 11:16. Thank you.

20 (Off the record at 11:01 a.m.)

21 (On the record at 11:16 a.m.)

22 CHAIR TAYLOR: Thank you.

23 Welcome back to the January 26th meeting of the  
24 California Redistricting Commission. We currently are  
25 discussing Agenda Item Number 10 with Chad Dunn.

1           Commissioners, be mindful that we need to break at  
2 12:30, so that we can make the appropriate time break  
3 prior to our Agenda Item Number 11.

4           I believe we left off -- are there any questions  
5 from the Commissioners for Mr. Dunn?

6           Okay. Commissioner Andersen.

7           COMMISSIONER ANDERSEN: Thank you for the  
8 presentation. Very, very interesting. And I'm wondering  
9 if you could kind of go back to the -- well, it's  
10 actually your slide 15 -- but it's when you were talking  
11 about the '82 amendments, and you were actually talking  
12 about the difference between -- there's intent and  
13 effect, and did one of those -- one of those, you say,  
14 could become in question based on the current Supreme  
15 Court, or did I miss that? And then given -- there's  
16 purpose -- there's also intent. I'm thinking purpose is  
17 intent, intent versus effect.

18           So then when you -- the next slide, and then, if  
19 you'd go a little bit more into the Gingles, because  
20 there was a -- in the preclearance or preconditions, that  
21 is basically on intent because you talked about both  
22 impact and intent.

23           So if you could go a little bit more into the meat  
24 of that, please, because that is exactly what,  
25 essentially, we'll start our work on, is, what is our

1 first criteria? What are the first steps? And  
2 essentially, you, unfortunately, because of time -- I  
3 would have liked a lot more detail on your slides from  
4 that point forward. So if you could give us a little bit  
5 more about which might change, and -- so therefore, which  
6 we don't have to worry about, and a little bit more about  
7 the differences, please.

8 MR. DUNN: Very well. Thank you, Commissioner. I'm  
9 sorry I didn't ferret that out better at the first -- at  
10 the outset, but maybe let me start a little bit from the  
11 beginning, because how we got to where we're at,  
12 jurisprudence wise, I think, will help you understand the  
13 issue better.

14 So when the Act was passed in 1965, the language was  
15 largely what I put in the slides, what the Section 2  
16 language is. It doesn't really say, this shall include  
17 intent. It does include effects claims, too. That was  
18 left in the open. So the Supreme Court decided, in a  
19 case -- the one I call -- or the one that's called *Mobile*  
20 *v. Bolen*, that Congress only intended to cover intent  
21 cases, not effects cases, and that was a matter of sort  
22 of statutory interpretation the Supreme Court decided.

23 So Congress could override that, and it did, in the  
24 1982 amendments, and made it very clear that this covers  
25 intent and effects. But that left one more argument,

1 which is that, whatever Congress wants to do, it's  
2 prohibited under the U.S. Constitution from considering  
3 an effects test. That's the argument. I disagree with  
4 it. Lots of folks disagree with it. But the argument  
5 that litigants are making now is that, Okay, fine.  
6 Congress amended the law in '82 to cover effects, but  
7 it's unconstitutional for Congress to create a claim  
8 under effects only, without the showing of intent.

9 Now, our position people on my side of this issue,  
10 that say, no, no, Congress can address effects, argue  
11 that the 14th and 15th Amendments to the Constitution  
12 both explicitly provide Congress has the authority to  
13 enforce this amendment with appropriate means, and that  
14 means covering not just intentional claims of  
15 discrimination, but also effects around the country.

16 And this applies in other areas, it's worth noting.  
17 I mean, in housing discrimination cases and employment  
18 discrimination cases, effects claims exist. They've been  
19 supported in the past, but they are under challenge now.  
20 So at the moment, intent and effects, it's very clear,  
21 you can have either claim. I just wanted the Commission  
22 to be aware that there are litigants and there are judges  
23 who believe that effects claims might be  
24 unconstitutional. So that's the first piece.

25 Now, on the Gingles question that you raised about

1 the intent versus effects. So the easiest way to look at  
2 it is, Gingles is the test if the claim is an effects  
3 claim. Okay. Arlington Heights is the test if the claim  
4 is an intent claim. And so that's why, in my opinion,  
5 the Commission has to pay careful attention to both of  
6 these tests.

7 So hopefully, that answered the question.

8 COMMISSIONER ANDERSEN: Thank you. That was  
9 perfect.

10 CHAIR TAYLOR: Commissioner Sinay.

11 COMMISSIONER SINAY: I think you said this later in  
12 your presentation, but at the beginning of the  
13 presentation, you said that it's important when looking  
14 at minority groups that they are a cohesive voting group,  
15 and you had said that you have looked at the Anglo voting  
16 group, and they were 50 50 Republican and Democrat. And  
17 that automatically got me thinking, some ethnic groups --  
18 I know you used race a lot at the beginning of a lot of  
19 these -- when these laws were created, but it's race and  
20 ethnicity -- some ethnic groups vote -- and obviously,  
21 Commissioner Sadhwani can speak hours on this -- but on  
22 other things that are outside of political party. And so  
23 I think later you said the cohesive voting group can be  
24 identified outside of just political party, but I just  
25 wanted to confirm that.

1 MR. DUNN: Yes. So you look at the voting behavior  
2 of the candidates. In some cases, you may be looking at  
3 nonpartisan races. So you may -- you know, the people  
4 that you're analyzing polarization aren't even, you know,  
5 nominees of a party. That obviously happens in a number  
6 of offices, so I was using, in that example, in Dallas  
7 County, the race in question in that litigation was a  
8 partisan race, and so the partisan consideration came  
9 into play. But right, you look at whether or not the  
10 voters are voting cohesively for the same kind of  
11 candidates, and that could be, you know, partisan kind of  
12 candidates or a different, you know, characteristic of  
13 candidates.

14 I'm sorry, Commissioner. Go ahead.

15 COMMISSIONER SINAY: No, no, no, no. Go ahead. I  
16 just came up with another question based on that  
17 question.

18 MR. DUNN: Well, I just wanted to add, because it  
19 was in response to, I believe, to your question earlier,  
20 that I mentioned that the Commission can't engage in map  
21 drawing based on race unless it's authorized by Section  
22 2, and the test is that race can't have been a  
23 predominant factor. I just wanted to make sure that was  
24 clear, that you can have some consideration of race.  
25 Where that line is, I don't think courts have set it down

1 clearly. So I made it sound more categorical, like we've  
2 just put blinders on to race altogether, and it's not  
3 quite that. You can give some consideration, but the  
4 predominant motivation behind the boundaries in the map,  
5 unless Section 2 compels differently, have to be  
6 something other than race, and I just want to make sure  
7 that was clear.

8 COMMISSIONER SINAY: And when we're looking for  
9 voter cohesiveness, does it have to be voter cohesiveness  
10 in -- if we're looking at district maps -- whichever  
11 district maps we're looking at, so if we're looking at  
12 the congressional maps, do we have to show the voter  
13 cohesiveness in that congressional district, or can it be  
14 looking at other races to see if there is or isn't?

15 MR. DUNN: Well, so that is one of the many million-  
16 dollar questions that are sort of unanswered in the law.  
17 We call that endogenous and exogenous elections, and  
18 which ones can you consider in determining racial  
19 polarization. And this won't be a satisfying answer. I  
20 hesitate to give it to you, but I'm sorry to say, it  
21 depends. It's going to depend on the individual  
22 location, the race, what data is available, what is the  
23 quality of the competitiveness of the race, of the  
24 election contest you're looking at. I mean, sometimes  
25 you've had people who are unopposed, and all you have is



1 exogenous election.

2       So the various characteristics of what we include  
3 vary. And to a large degree, as a voting rights lawyer,  
4 I'll lean on the social science experts to tell me,  
5 here's what the published studies and the social science  
6 says about what races are relevant in this particular  
7 circumstance.

8       CHAIR TAYLOR: Commissioner Yee.

9       COMMISSIONER YEE: Yes. So in considering race. So  
10 one of our higher criteria is communities of interest.  
11 And so let's say we had community testimony that you  
12 should keep my neighborhood together and racial reasons  
13 are given. Can we consider those are not? Would they  
14 have to be couched in some other factor? How do we think  
15 about that?

16       MR. DUNN: So if the -- if the Commission -- and  
17 this came out in a -- in a recent U.S. Supreme Court case  
18 against Texas that I was involved in called the Abbott  
19 case -- the court said that, you know, you're to presume  
20 that the government agency engaging in redistricting is  
21 operating in good faith. And if the government has an  
22 explanation or justification for the individual  
23 redistricting decision that was made that doesn't rely on  
24 race, then it was allowed to do so even if that had some  
25 racial implications.

1           So under Commissioner Yee's example, if somebody  
2 says, we would like to hold this neighborhood together,  
3 it has a common interest, the Commission or  
4 Commissioners, or experts, the lawyers may know that that  
5 is a predominantly Asian American community. That's  
6 fine, as long as there is some independent racial basis  
7 to do so or the decision to keep it -- I'll word it a  
8 different way -- wasn't predominantly for racial reasons.  
9 There was other, nonracial, justification for doing so.

10           CHAIR TAYLOR: Thank you.

11           Are there any other questions from Commissioners?

12           COMMISSIONER TURNER: I'd like to have a follow up  
13 question, Chair.

14           So with that, Mr. Dunn, based on Commissioner Yee's  
15 question, what if indeed the public comment was solely  
16 based on, keep my community together because of all this  
17 particular race, with no other factors included, we would  
18 receive the public comment, but we would not necessarily  
19 be able to use that in our decision making. Can you say  
20 a little bit more about that?

21           MR. DUNN: Sure. Well, my experience is, you know,  
22 having done a number of these things, is that when people  
23 come to the Commission or the legislature and testify  
24 that, look, my community needs to be kept whole, and the  
25 justification they give is racial reasons, is because

1 that's a community that has been subjected to a serious  
2 amount of government sanctioned discrimination, and the  
3 community -- and there's also science on this; I'm by no  
4 means an expert -- but you know, that community sees  
5 itself as a racial cohesive group in part of its, you  
6 know, survival of the government sanctioned  
7 discrimination and economic discriminations in place.

8       So what the Voting Rights Act says is that you can  
9 consider that public testimony, but you need to make sure  
10 that the other factors under the Voting Rights Act are in  
11 place. That, you know, there is a cohesive group that is  
12 voting one way. There is a majority, usually white,  
13 that's voting against it. They can be drawn in a  
14 district and have electoral control, and that there is  
15 this history of discrimination in place. And when all  
16 those factors are there, it's perfectly acceptable for  
17 the Commission to say, you know what, we're going to heed  
18 the community direction we got here from these citizens,  
19 and we're going to draw a district here that reflects,  
20 you know, that request, and frankly, that the Voting  
21 Rights Act requires in those kinds of circumstances.

22       CHAIR TAYLOR: Thank you.

23       Commissioner Andersen.

24       COMMISSIONER ANDERSEN: Sorry. On that further  
25 case. Some of the areas, particularly, -- well, it's not

1 that California is that old -- but some of it, it's  
2 historic areas. Yes, it is race based, but it is  
3 historically -- it's culture and that sort of thing. So  
4 I understand, obviously, in our criteria we have to do  
5 the Voting Rights Act first. It's one of the, well,  
6 numbers in the Voting Rights Act. Communities of  
7 interest is a further criterion a little down, but it  
8 still is -- historically, that's still a very valuable  
9 reason. That doesn't mean, just because -- it also  
10 happens to be race, doesn't mean we cannot consider it.

11 Is that correct? I mean, it's -- because we have to a --

12 MR. DUNN: That's correct.

13 COMMISSIONER ANDERSEN: -- criteria is communities,  
14 and particularly, I guess, as opposed to

15 say we've already taken care of the Voting Rights  
16 Act areas. We've already done that analysis. We've  
17 decided what we need to do, and now we're further  
18 breaking things down, looking at communities of interest.  
19 Can you elaborate a little more about this, please?

20 MR. DUNN: Sure. Yes. 100 percent. The way I  
21 sometimes I look at this, if you have any background,  
22 even a basic background in computer programming, you  
23 know, it's sort of, if then, right? You see these charts  
24 sometimes say, if this, then we can do that.

25 So as you mentioned, the first sort of step is, if

1 the Section 2 of the Voting Rights Act factors are met,  
2 then we draw Section 2 districts. If the if says no,  
3 then we're going to move down to the next level of  
4 redistricting principles. And at some point, we're going  
5 to get to keeping communities of interest together,  
6 right, because it's on the list.

7       And the Commission may ultimately, in the  
8 circumstances -- which are going to be, probably, rare --  
9 in the circumstances where the Section 2 analysis doesn't  
10 mandate a Section 2 drawn district, the Commission may  
11 say, okay, well, we may not have to draw a voting rights  
12 district, but this is a cohesive community. It's got  
13 decades of these types of characteristics. This is the  
14 general boundary of it. Yes, it also has a racial  
15 component to it, but we're going to hold that together  
16 under our community interest direction, even if we didn't  
17 find all the factors we needed to under the VRA. And  
18 yes, race will be a part of that, but it won't be the  
19 predominant part of it. The predominant part of it will  
20 be keeping a community of interest together.

21       COMMISSIONER ANDERSEN: Thank you.

22       CHAIR TAYLOR: Thank you.

23       Thank you, Mr. Dunn, for your presentation. Thank  
24 you for the information to help shape our decision-making  
25 process.

1           At this moment, I would like to give the floor over  
2 to Commissioner Sadhwani so that she can speak to our  
3 panelists from NALEO and the Asian Americans Advancing  
4 Justice.

5           COMMISSIONER SADHWANI: Yes. Great. Thank you so  
6 much, Commissioner -- excuse me -- Chair Taylor.

7           We hope that this has thus far been really helpful.  
8 As promised, Commissioner Yee and I are doing our best to  
9 ensure that there is an appropriate VRA training for the  
10 entire Commission, as well as the public.

11           We have up next, to follow this really great  
12 presentation from Mr. Dunn, Eileen Ma from the Asian  
13 Americans Advancing Justice. She is their director of  
14 their voting rights strategy for their affiliation. They  
15 have multiple locations across the country, and I'll let  
16 her talk a little bit more about that. She is a voting  
17 rights attorney and a long-time organizer, and she calls  
18 Los Angeles home.

19           We also have Rosalind Gold, who is joining us, I  
20 think -- is this the second or third time, Rosalind --

21           MS. GOLD: The second.

22           COMMISSIONER SADHWANI: -- that you're going to be  
23 joining us today? Rosalind has graciously given more of  
24 her time for us today. You know, previously, she had  
25 spoken with us about outreach strategies to the Latinx

1 community, as well as language access considerations, and  
2 today she's going to be sharing a little bit more in  
3 terms of the specifics of the VRA considerations for the  
4 Latinx community.

5 Rosalind is the chief public policy officer for the  
6 NALEO Education Fund, where she has worked for more than  
7 three decades on policy analysis and research for the  
8 organization's Latino civic engagement efforts.

9 We had also invited for today, a representative from  
10 the Black Census and Redistricting Hub. Unfortunately,  
11 they were unable to have a representative join us this  
12 morning, but Commissioner Yee and I had a long and really  
13 fruitful conversation with the organization. They are  
14 working with the Othering and Belonging Institute at UC  
15 Berkeley, and doing a lot of great work looking at some  
16 of the trends in terms of population changes for the  
17 black community since 2010. They continue to develop  
18 that work, and hopefully, in the future, they'll be able  
19 to come in the next month or two and share more  
20 information about that project and how it relates to some  
21 of our VRA considerations moving forward.

22 I'm going to turn it over to Rosalind and Eileen.  
23 We had originally talked about each of them spending  
24 about ten to fifteen minutes sharing a little bit about  
25 VRA considerations for the communities that they

1 represent and work in, as well as potentially sharing a  
2 little bit of information about H.R.4, which would  
3 potentially be new Voting Rights Act legislation that  
4 could potentially move forward under this new  
5 administration, in a new session of Congress. Should  
6 such action occur, certainly that would be something of  
7 interest to the Commission, but I think Rosalind will  
8 have a lot more detail to share on that.

9 I'll turn it over to both of you, and then just also  
10 to note we'll follow that by Q and A from the Commission,  
11 and then, hopefully, round out the segment with public  
12 comment on this agenda item before lunch.

13 Rosalind and Eileen, is there one of you that would  
14 prefer to go first?

15 MS. GOLD: Eileen, if it's okay with you, would it  
16 be okay for me to start?

17 MS. MA: Please.

18 MS. GOLD: Thank you. Great. Okay.

19 Well, first of all, thank you so much, Chair Taylor,  
20 Commissioners Sadhwani and Yee, and thank you so much to  
21 your fellow Commissioners. I'm Rosalind Gold. I'm chief  
22 public policy officer with the NALEO Educational Fund,  
23 and I appreciate this opportunity because the Voting  
24 Rights Act and compliance with the Voting Rights Act is  
25 so important, not only to Latinos but to ensuring the



1 strength of democracy for all Californians. I am going  
2 to go ahead and share my screen, here, and there we go.  
3 Great.

4       So you know, I want to talk about some issues  
5 affecting California redistricting, the Voting Rights  
6 Act, and the Latino community. Our mission at the NALEO  
7 Educational Fund is to facilitate full Latino  
8 participation in the American political process, and to  
9 make sure our democracy stays strong and responsive to  
10 all of its underrepresented communities, and we are also  
11 going to be mobilizing Latinos to participate in the  
12 redistricting process, to be good partners with the  
13 Commissioners.

14       So the Voting Rights Act -- again, compliance with  
15 the Voting Rights Act is just a very important part of  
16 the work that we're all doing together. In my  
17 presentation, I'm going to start by just highlighting  
18 some cases in California regarding redistricting in the  
19 Latino community, and I'm not going to do a really  
20 detailed rigid analysis of them -- legal analysis -- but  
21 more just to give you the flavor of the types of  
22 discrimination Latinos have faced in the redistricting  
23 process, and how the Voting Rights Act has served to  
24 combat it.

25       I'm then going to take you on what I call a

1 whirlwind tour of California, using the 2011  
2 redistricting maps -- the assembly maps. I'm going to  
3 show you where Latino effective districts -- in other  
4 words, districts that were drawn to enforce the Voting  
5 Rights Act for the Latino community -- where they were  
6 drawn as a result of the 2011 redistricting.

7 I'm also going to talk about the Voting Rights  
8 Advancement Act, which is an effort to amend the VRA and  
9 restore it to full strength in the wake of the Shelby  
10 County decision. And finally, I'm just going to provide  
11 some practical suggestions, building very much on the  
12 great foundation that Mr. Dunn laid, in terms of some  
13 practical considerations about your approach to  
14 redistricting.

15 So I wanted to start with some of the landmark cases  
16 regarding redistricting and Latino voting rights under  
17 Section 2 of the Voting Rights Act. The first, almost  
18 basic landmark case was *Garza v. The County of Los*  
19 *Angeles*, which was decided in 1991. And there, the  
20 plaintiffs, including the Mexican American Legal Defense  
21 and Education Fund, one of our partners, brought suit  
22 against a redistricting map of the L.A. County Board of  
23 Supervisors.

24 Basically, the court found that the Board of  
25 Supervisors intentionally fragmented the Latino community

1 to achieve protection of Anglo incumbents, and that, in  
2 fact, there had been a long history of the board  
3 redrawing supervisor boundaries to divide up what was  
4 then called the Hispanic core -- Latinos in East Los  
5 Angeles and San Gabriel Valley -- to fragment those  
6 Latinos so that they could avoid advancing Hispanic  
7 voting strength and make it less possible that Latinos  
8 could elect the candidates of their choice. And this is  
9 a case where the intention of the supervisors very much  
10 was in play. The court found that yes, primarily this  
11 was done for incumbency protection, but that the  
12 supervisors knew that to protect Anglo incumbents they  
13 knew that they were intentionally fragmenting the Latino  
14 community.

15       Ultimately, this case resulted in the redistricting  
16 of the L.A. County supervisorial districts, creating the  
17 first Latino effective district for that Board of  
18 Supervisors. The first district where Latinos had a fair  
19 opportunity to elect the candidates of their choice.

20       Moving forward to 2018, in Luna v. The County of  
21 Kern, and against MALDEF was a -- helped lead the legal  
22 fight in this particular challenge. Kern County had  
23 already established one Latino effective district in its  
24 redistricting plan. However, when it started to  
25 redistrict in 2011, the plaintiffs argued that, look, you

1 can create a second Latino effective district by  
2 combining the Latino community that's in the heavily  
3 farmworker and Latino areas in the northwest part of the  
4 county by combining them with the Latino communities  
5 either in areas south of Bakersfield or east of  
6 Bakersfield.

7       And this is a case where the court really looked at  
8 the Gingles factors and the totality of circumstances  
9 that Mr. Dunn mentioned. Not so much about intention,  
10 more about what kind of impact did the board of  
11 supervisors' maps have on the Latino community?  
12 Ultimately, the judge found that, by not drawing a second  
13 Latino effective district, there was discrimination  
14 against Latinos, and the plaintiffs and the counties  
15 eventually settled, and the new redistricting plan that  
16 was adopted unites Latinos in the northwest part of the  
17 district, again, the farmworker, heavily Latino parts of  
18 the northwest part of Kern County, with those south of  
19 Bakersfield.

20       Okay. So I then wanted to take you on what I called  
21 a whirlwind tour of the Latino effective districts  
22 created by the Redistricting Commission in 2011. And I  
23 want to be very clear, as I take you through these  
24 assembly districts, that this is based on DACA from 2011,  
25 including the redistricting data that the Census Bureau

1 released. Okay. This is a situation where the  
2 demographics changed, population growth has changed, so  
3 this should not be your total road map to drawing VRA-  
4 compliant districts, But again, just to give you a sense  
5 of what we saw in 2011, and where there were the  
6 priorities for drawing VRA-compliant districts at that  
7 time.

8       So first of all, if we go to areas outside of L.A.  
9 and Orange County, there is a VRA-compliant district for  
10 Latinos drawn in Fresno, two districts drawn in the San  
11 Bernardino County area. One was drawn, eastern San  
12 Bernardino County. The other was drawn in western San  
13 Bernardino County, but also included parts of L.A.  
14 County, and I'll talk a little bit about how sometimes  
15 you have to go over county or jurisdiction lines to  
16 comply with the VRA. And then this assembly district  
17 down here, Assembly District 80, was drawn from South San  
18 Diego to the border.

19       Going to Los Angeles, you can really get a sense of,  
20 at that time, where you had heavy concentrations of the  
21 Latino population and other factors that necessitated  
22 drawing VRA compliant districts. Here you have an  
23 assembly district in the San Fernando Valley. You also  
24 have districts in the San Gabriel Valley, downtown L.A.,  
25 southeast cities of L.A. You also have what you would

1 call the 605 corridor. You have districts both on the  
2 east side of the corridor and on the west side of the  
3 corridor and actually, you even go farther south to  
4 areas -- I think District 63 goes all the way from the  
5 southeast cities of L.A. down to Lakewood.

6 So you can see you have a lot of districts in the  
7 L.A. County area. And then, in Orange County, Assembly  
8 District 69 is primarily around the city of Santa Ana,  
9 and I believe it also has Anaheim in it as well. What  
10 this, again, is going to look like with the new data from  
11 the census is going to be very interesting to see.

12 So I had also mentioned I wanted to talk about  
13 potential amendments to the Voting Rights Act to restore  
14 Section 5 to its full strength before the Shelby decision  
15 came down. Just, you know, real quickly, Section 5 of  
16 the Voting Rights Act says that certain jurisdictions  
17 have to submit all of their changes in electoral  
18 practices to the Department of Justice or to a federal  
19 court for preclearance. They essentially have to get  
20 approval from the federal government before they can  
21 implement those changes.

22 Shelby County said, look, it's okay to still have  
23 the preclearance mechanism, but what triggers that? What  
24 requires certain jurisdictions to be covered, is out of  
25 date and unconstitutional. The court said, look, we'll

1 leave the door open. If you can come up with a trigger  
2 mechanism, a new mechanism to require preclearance, that  
3 passes constitutional muster, that's modernized, that  
4 would be a good approach to restoring preclearance to its  
5 full strength.

6 So there have been a couple pieces of legislation  
7 attempting to do this. The most recent bill is the  
8 Voting Rights Advancement Act of 2019. It was passed by  
9 the U.S. House of Representatives in December 2019, but  
10 it never went to the floor of the U.S. Senate. And we  
11 suspect that some version of the VRAA is likely to be  
12 reintroduced in the 117th Congress.

13 And the VRAA provides two updated triggers for  
14 preclearance. First of all, it looks at which  
15 jurisdictions have a history of repeated voting right  
16 violations. It goes over a certain period of time and  
17 says, you know, if you are a jurisdiction, and you just  
18 have repeatedly violated the Voting Rights Act, you will  
19 be subject to preclearance.

20 It also has something called known practices  
21 coverage, and if there's time during question and answer,  
22 I could talk about what the thinking is behind known  
23 practices coverage. But known practices coverages says,  
24 you know, we're not going to so much look at your history  
25 of voting rights violations. We're going to say, look,

1 if you meet certain demographic criteria -- if you have  
2 certain concentrations of underrepresented minority  
3 groups in your jurisdiction, then you're going to have to  
4 preclear certain electoral practices -- not everything --  
5 but certain electoral practices that have a really high  
6 risk of being discriminatory. And redistricting is one  
7 of those voting rights practices that would need to be  
8 precleared under known practices coverage trigger.

9       Okay. So is the VRAA going to happen before you  
10 complete your redistricting? Well, it's very unlikely.  
11 It's not impossible. You know, it's hard to predict  
12 anything that's going to be happening as we look to the  
13 future, but there's a lot of things that would keep it  
14 from getting to the floor and getting passed. First of  
15 all, because of the 50 50 partisan split in the Senate,  
16 the Senate is going to need to continue to take time to  
17 work out its agreements about rules, its agreements about  
18 committee assignments, its agreements about related  
19 matters.

20       Secondly, you know, legislative action on  
21 impeachment and issues such as COVID 19 pandemic relief  
22 and some other issues are really going to be top  
23 priorities for Congress for a while. And finally, there  
24 is still intense partisan polarization in Congress. So  
25 unless bills have really strong bipartisan support, they



1 are not going to get through as quickly as bills that do  
2 have bipartisan support. And you know, when the VRAA  
3 passed the House, it passed mostly along partisan lines,  
4 with strong Democratic support. So you know, it would  
5 really need to get -- sorry -- strongly with Democratic  
6 Party support. You know, we would need to get stronger  
7 bipartisan support to enhance its chances of getting  
8 through and considered by Congress.

9       Okay. So I wanted to take -- build on the  
10 foundation of what Mr. Dunn suggested, and just, again,  
11 give some practical recommendations from our perspectives  
12 and from our discussions with voting rights litigators  
13 and advocates on mapping for VRA compliance.

14       Again, it's a mixture of science and art. All this  
15 data you're going to get, geography, population, voting  
16 data, historical data, you're going to have to put it all  
17 together, synthesize it, you know, look at it -- look at  
18 what you're thinking about in terms of your mapping, go  
19 back to the data again, go back to what you're hearing  
20 from the community. So there's a lot of back and forth  
21 and iteration as you go through mapping for VRA  
22 compliance.

23       We do suggest that the Commission start off by  
24 sketching Voting Rights Act-compliant districts first,  
25 right. Just digitalize or sketch those, and then build

1 the rest of your maps around them. We also think a very  
2 helpful partner to you in this process is that there are  
3 several groups that have long experience with enforcing  
4 and defending the Voting Rights Act in California, and  
5 they are going to be presenting you with draft maps. We  
6 would strongly suggest that you do not drill down too far  
7 in terms of your mapping on your VR districts until these  
8 entities have had a chance to present draft maps.

9 Another thing that's -- that this is helpful for is  
10 that, you know, many of these organizations are hoping to  
11 provide you with a unity map that will actually satisfy,  
12 hopefully, VRA requirements for diverse communities, and  
13 that, I think, might be helpful in terms of balancing the  
14 different needs and the different considerations for  
15 different communities. Also again, VRA compliance is the  
16 second highest priority for your maps. Okay. It's  
17 higher than respecting local jurisdiction lines. It's  
18 higher than communities of interest. This is likely to  
19 lead to tension with stakeholders' perspectives, because  
20 there are many stakeholders who are going to say, wait a  
21 minute, you split our city up. You didn't keep our  
22 community of interest together.

23 The ability to say, yes, well, we understand that  
24 those are important criteria, but you know what? We need  
25 to respect the Voting Rights Act, and that's part of the

1 reason we may not have done what you wanted or what you  
2 thought was best for your community of interest, or  
3 keeping your city or county together. Being able to talk  
4 about that is very important.

5       And that leads to my final point. The Commission  
6 has a really important role as you go out and you educate  
7 the community -- you educate the public -- to explain why  
8 the Voting Rights Act is so important, why it's important  
9 for California, why it's important for redistricting, and  
10 why it's good for our democracy. And we very much  
11 appreciate the work, the thoughtfulness, and the planning  
12 that the Commission has done so far, and we look forward  
13 to being a continuing partner with you as you move  
14 forward through the process. Thank you.

15       COMMISSIONER SADHWANI: Thank you, Rosalind. And if  
16 you could, I don't believe we posted your slides for the  
17 public. If you don't mind sending those along, we will  
18 work to --

19       MS. GOLD: Absolutely.

20       COMMISSIONER SADHWANI: -- ensure those are --

21       MS. GOLD: I will do that right after we're all done  
22 with the dialogue. My apologies.

23       COMMISSIONER SADHWANI: No problem. No, no problem  
24 at all. Thank you so much. It was a great presentation.

25       I think we can move directly into the presentation

1 from Eileen Ma from Asian Americans Advancing Justice.

2 MS. MA: Great. Thank you. Thanks, Rosalind.

3 Greetings to the Chair and Commissioners. I'm glad to be  
4 here. I'm bucking the trend. I don't have a PowerPoint  
5 presentation or slides to share with you, but I do have  
6 some prepared comments. And I'm excited, especially, to  
7 have been invited here to participate with NALEO. I  
8 think we're excited about our long-time partnership.  
9 Rosalind mentioned unity maps, and I think we feel like  
10 we can, by working together, do the best job of sort of  
11 providing the best advocacy and representation across the  
12 state for our communities.

13 So Asian Americans Advancing Justice is an  
14 organization with multiple affiliates and partner  
15 organizations across the country, and we're one of the  
16 groups that will be working very closely with our  
17 community leaders and organizations, again, around the  
18 country in advocacy, to try and make sure that the  
19 Asian-American voices are heard in the processes of  
20 establishing fair districts around the country, including  
21 in California.

22 What we are most excited about with this  
23 redistricting process is to get an opportunity to work  
24 with the Commission, and so we do thank you all for your  
25 intense efforts and work, including being invited to this

1 panel to share with you, early on in the process, our  
2 thoughts.

3       And so before getting to a discussion about our  
4 approach on the VRA, or how we conceive about that for  
5 our community and compliance with the VRA, I want to  
6 share just a couple of sort of givens that we understand  
7 as we approach this work. And they're in some -- one,  
8 our population growth; two, our political cohesiveness as  
9 an aggregated Asian-American community; and three, our  
10 increased political participation as a cognizable bloc,  
11 sort of, in political -- you know, in political terms.

12       So first, on our population growth, we have  
13 historically -- the Asian-American community has  
14 historically been -- and we assume we'll continue to  
15 be -- one of the fastest growing racial groups in the  
16 country. We expect that the Census 2020 will show this,  
17 both growth in sheer numbers as well as a pronounced sort  
18 of rate of growth, and especially in particular areas  
19 where we have seen emerging population centers around the  
20 country, but certainly in areas specific in California as  
21 well. And so some indications of that, we've looked at  
22 the population numbers from the American Community  
23 Survey, looking at 2010 estimates and 2019 estimates, and  
24 our population increased by twenty-six percent, compared  
25 to a six percent growth rate for the statewide

1 population, right. So that's a pronounced high rate of  
2 growth.

3       So we look at -- or looked at AAPI data, which is  
4 one of the data experts in the Asian-American community.  
5 They have been estimating populations for 2020, and they  
6 think that our population in California will be around  
7 6.7 plus million, or 16.5 percent of the California  
8 population, suggesting, also a high growth rate among  
9 eligible voters, nearly double that of the state  
10 population in general.

11       And then there's a lot more data to look at, both  
12 sort of distribution and particular breakdowns that,  
13 hopefully, we'll be doing, and you all, I'm sure, will be  
14 looking at as well, but we think it's important to have  
15 sort of top of mind that sheer growth of numbers, right,  
16 because, whatever the distribution, I think what we're  
17 expecting to see is that this will warrant some greater  
18 representation in our communities. And so we're pretty  
19 confident that we'll see that there are several  
20 opportunities for Asian influence, if not Asian majority  
21 districts, in this coming cycle.

22       The second point I wanted to make was really about  
23 Asian-Americans as a coherent identity. I know that  
24 there's much written about this, and much discourse on  
25 this, but I think we come into this as an Asian-American

1 organization that has existed for decades, that we are  
2 generally a politically cohesive group that can and does  
3 act together, right. It's, in fact, the very premise of  
4 the Asian-American movement and our organization.

5       So while we can discuss this more, and the  
6 particular nuance of that, right -- there is diversity  
7 within our own communities, and there's diversity across  
8 various regions -- but again, we're pretty confident  
9 that, because we are active together, there are clear  
10 indications of our effectiveness, right, and again, of us  
11 as a cognizable political group. And so we'd like folks  
12 to keep that in mind, that that's sort of the given  
13 around which we're operating, and we think there's ample  
14 evidence of that as well, both looking at historical and  
15 present conditions. And then we hope to be able to  
16 provide greater data analysis and you know, information  
17 that can support that.

18       And third, as to the increase of our political  
19 participation and our sort of -- our presence as a  
20 political bloc, there's also data that shows that, you  
21 know, whatever the diversity that we've seen  
22 historically, there is also indication that Asian-  
23 Americans are voting together a little bit more, right.  
24 Some of the recent data in recent elections show that we  
25 are registered with a particular party, and voting in

1 larger numbers in that way. Again, you will see  
2 differences in different regions, but it can be said  
3 that, generally, you can see us acting together.

4       So with that, looking at the VRA, I wanted to share  
5 how we think of it as a community group, right. We see  
6 it as the VRA, more broadly, but surely Section 2 as a  
7 critical tool and a standard to consider adequate and  
8 nondiscriminatory representation, but we also think that  
9 there are opportunities for Asian-American communities  
10 particularly to help sharpen the tool that is the VRA.  
11 So we've talked about the Gingles factors, and we -- or  
12 the Gingles test, and we've talked about the Senate  
13 factors, you know, but there is also, I think, an  
14 argument to be made that, you know, some of those  
15 tests -- those standards -- may not be as effective as  
16 they should be for all communities, and I think that's  
17 certainly true for the Asian-American community.

18       And so that's why, while we see, in some ways, the  
19 VRA and Section 2 as a floor, right, and then there on  
20 that floor there are opportunities to put additional  
21 steps there that would include sort of communities of  
22 interest analysis as an important step, as well as sort  
23 of a different conception of how we think about our  
24 communities and the various historical and -- historical  
25 precedents, right, that might be important to preserve



1 and acknowledge as we talk about determining the  
2 districts.

3       And so when we consider how to ensure compliance  
4 with the VRA, we do start with a multifactor analysis.  
5 It's sort of like a wall of information that we're  
6 looking at, that does track Gingles and the Senate  
7 factors, but also recognizes that this might look a  
8 little different for Asian-American communities, and so  
9 we might have to be looking at sort of communities of  
10 interest first, or second, or even as we're aware of the  
11 underlying factors that are important for any kind of VRA  
12 consideration.

13       So really, generally, what we start with is looking  
14 at significant population centers first, and we try to  
15 develop a really thorough understanding of the  
16 demographics of these communities, and then multiple  
17 socioeconomic factors and others that might inform us as  
18 to what's important for our community, right, to preserve  
19 it. It isn't, I think, as some of the discussion with  
20 Chad Dunn indicated, it's not always just about race for  
21 race, for race's sake, right? It's about race and  
22 everything that comes with that, including, you know, the  
23 diverse ethnicities, (indiscernible) proficiencies,  
24 income, political character, you know, geographic  
25 distribution across jurisdictions, and any range of

1 communities of interest that might be resident for a  
2 particular community.

3       Of course, we do consider, you know, basic size and  
4 distribution as part of that VRA consideration, and then,  
5 you know, RPV is always a consideration as well because  
6 these are kind of the threshold factors for litigation.  
7 But in addition, we're looking at how we can think more  
8 broadly about advocacy, so that we understand that the --  
9 whether or not there's adequate representation might not  
10 always be indicated by RPV and Gingles, you know,  
11 specifically.

12       And so we also are looking beyond Asian majorities,  
13 right, by the numbers. We're also looking at where we  
14 can participate with other groups, right, in order to  
15 help be a part of effective representation of communities  
16 of color in general. And so once we feel like we have a  
17 clear understanding of what our community is, right, in  
18 all its diversity and with all its history and context,  
19 we then are looking at political representation as well,  
20 right. Is there evidence of Asians being elected? And  
21 sometimes we're looking at Asians and other POC elective  
22 leaders, and we are looking at endogenous and exogenous  
23 elections, right. That is, are there elections within  
24 the bounds of a particular jurisdiction, outside of,  
25 inclusive of, or you know, somehow overlapping with any

1 particular jurisdiction?

2       And then, again, we'll take a look a closer look at  
3 RPV to determine whether it fits the -- sort of the  
4 litigation thresholds, and then, combined with all of  
5 that, we'll look at all the Senate factors, and try and  
6 determination whether or not there's a Section 2 case  
7 here, right. But all of that in the mix helps us  
8 determine how we ought to be representing our  
9 communities.

10       So what I'll say is that the VRA hasn't been sort of  
11 a silver bullet tool for Asian-American communities to  
12 achieve adequate representation, right, but it is an  
13 important factor in the analysis that we consider, and  
14 what we hope is that we'll be able to come with you --  
15 come to you with a lot more research and analysis as we  
16 look at what our communities are and how are communities  
17 of interest can be supported through VRA compliance,  
18 right. Not outside of or in addition to, but sort of, in  
19 some ways, integrated with that.

20       And so I think maybe I'll stop there, and leave  
21 plenty of time for questions, and as I said, we'll be  
22 doing a lot more mapping and analysis and conversation  
23 among our own communities, and so we're looking to  
24 sharing a lot more with you as you all continue in the  
25 process.

1 COMMISSIONER SADHWANI: Thank you so much.

2 Chair, would you like to moderate the Q and A, or  
3 would you like me to do that?

4 CHAIR TAYLOR: I can do it. Thank you.

5 All right. So now we're opening it up to  
6 Commissioners' questions.

7 Commissioner Sinay.

8 COMMISSIONER SINAY: Thank you, Chair.

9 Thank you both for your presentations, and I really  
10 appreciated this thought about -- I mean, because I've  
11 been struggling a little bit about VRA and the constant  
12 referral to race, and not necessarily ethnicity, and my  
13 background is mainly looking at ethnic communities,  
14 refugees, immigrant, and whatnot, and so this  
15 conversation has been helpful on how the VRA may not be  
16 the sharpest tool for all communities. And I wanted to  
17 understand, is that partially because some of our  
18 communities are young in age, as well as new to the  
19 state, or new to the country, or are there other factors  
20 as well? And I understand you explained this, but I just  
21 want to hear it again. Sorry.

22 MS. MA: Maybe I'll chime in, and then, Rosalind, if  
23 you want to weigh in as well. I think, as we look at the  
24 Asian-American community, I think patterns of migration  
25 and age are certainly a factor, right, because when we're

1 looking at VRA and the Gingles test, we are looking,  
2 generally, at citizen voting age population, right, and  
3 we have seen -- if we were always looking just at  
4 population, you know, I think some of those standards  
5 would be easier to meet.

6       At the same time, I think that part of the way  
7 migration has occurred in the Asian-American  
8 communities -- the way migration and settlement has  
9 occurred, I suppose, is such that, at times, it's about  
10 how our communities are distributed across a particular  
11 region, right. And so because the Gingles factor  
12 requires a certain -- you know, an ability to draw a  
13 particular district in a particular area, you'll  
14 necessarily particularly find some challenges with that.  
15 So I would affirm your sense that migration and age are a  
16 factor. They're probably a factor as -- in combination  
17 with some other patterns.

18       MS. GOLD: Yes. I would just say -- and I don't  
19 want speak on behalf of the Asian -- the API community,  
20 but it does have to do -- my understanding -- and Eileen  
21 can kind of chime in to make sure I'm getting this  
22 right -- is part of the Gingles test looks at geographic  
23 compactness. Okay. So that your ability to create a  
24 district where an underrepresented group is  
25 geographically together, and that may not be the case for

1 all API communities, depending on residential patterns  
2 and other patterns that affect where people live.

3 And so I would say, though, we strongly feel, you  
4 know, the VRA has done a lot of important, effective -- a  
5 powerful tool, and we would not want -- in looking at  
6 ways to, you know, enhance the fairness of maps, we would  
7 not want to undermine the importance of compliance with  
8 the VRA, because it's there. It's in the Constitution.  
9 So I'm not saying you necessarily would, but I just did  
10 want to say that that is the requirement that's there in  
11 the California Constitution. But like I said, this is  
12 all very iterative, right. You know, how do you ensure  
13 VRA compliance? But again, you know, Eileen said this  
14 really well, which is to integrate communities of  
15 interest, integrate lower priority criteria. So you do  
16 not have an easy job, but yes.

17 COMMISSIONER SADHWANI: Can I weigh in on this  
18 question?

19 MS. GOLD: Sure.

20 COMMISSIONER SADHWANI: Sure. And certainly not  
21 from the community perspective, but simply from a  
22 research perspective. For the API community, there was  
23 an article several years ago in the UC Irvine Law Review  
24 by Taeku Lee, who's a political scientist at UC Berkeley,  
25 and Ming Hsu Chen, in which they specifically advocate

1 for using the communities of interest as a tool for the  
2 API community, right. And a part of that does speak  
3 to -- as Eileen mentioned, right -- that there's these  
4 varying -- it is a diverse community.

5       There's some diversity in terms of political  
6 behavior patterns, and yet at the same time, I think, as  
7 research continues to emerge, and as communities continue  
8 to grow, right -- just to underscore this point that  
9 Eileen started with, right about the large growth in the  
10 API community that we can see, particularly here in  
11 California -- that's not to say it's not elsewhere -- but  
12 particularly here in California, I think that there are  
13 multiple strategies that we will certainly need to be  
14 thinking about in terms of the API community.

15       And so I think that there is credence to be given to  
16 both, I think, what Rosalind is saying, like, we have to  
17 adhere to the VRA, but when it comes to the API  
18 community, we might need to be thinking about some other  
19 considerations. That being said, from my own research,  
20 looking at racially polarized voting in Asian-American  
21 communities, they're polarized. So you know, I have been  
22 looking at Asian-American communities up and down the  
23 state, and most certainly, they follow similar patterns.  
24 But I think, up until this time, the Asian-American  
25 community was not at that concentration. The numbers

1 were not necessarily there of that voting power. So I  
2 certainly think that it's something that we, as a  
3 Commission, will have to take into consideration, and be  
4 thinking about and looking at very closely as we move  
5 forward.

6 CHAIR TAYLOR: Commissioner Toledo.

7 VICE CHAIR TOLEDO: Thank you for a great  
8 presentation. I really appreciated Ms. Gold's comment  
9 and advice to the Commission around the reeducation,  
10 around the Voting Rights Act, and explaining and  
11 educating the community about the importance of the  
12 Voting Rights Act, the pieces that we're required to  
13 comply with, and why it's good for democracy and  
14 achieving equity.

15 I was just wondering, is there messaging that your  
16 groups, reflective groups, are using, that you might be  
17 using, so that we can take a look at that as we think  
18 about our educational messaging for the public? Are  
19 there talking points that you guys are working on that  
20 might be helpful to us, as the Commission, as we prepare  
21 our educational material?

22 MS. GOLD: Well, I think, actually, in terms of  
23 educating the community about the relationship between  
24 the Voting Rights Act and redistricting, a picture is  
25 worth a thousand words. I think it's helpful to provide



1 some kind of simple diagram that shows, if you draw  
2 district lines one way, you can dilute or prevent  
3 underrepresented groups from being able to choose who  
4 they want to have their elected representatives.

5       If you draw district lines a different way, you can  
6 make sure that those groups have a voice in our  
7 democracy. And so I think that if you combine that with,  
8 you know, the starting point of there has historically  
9 been discrimination in the electoral process and in other  
10 areas against the groups that are protected by the Voting  
11 Rights Act, and then, like I said, it really helps to use  
12 a diagram or some other, you know, pictures to show how  
13 lines affect whether people have a say in choosing their  
14 representatives. And we always like to go back to  
15 democracy, and being able to elect the people who are  
16 accountable and responsive to the people who elect them.

17       MS. MA: Maybe I'll follow on that last point that  
18 Rosalind made, which is really about the importance of  
19 trying to connect the whole redistricting process, and  
20 the VRA, and line drawing, to maybe the most recent  
21 elections, right, and the credible amount of interest and  
22 passion there was around voting this past cycle.

23       I think that, you know, we're talking, within the  
24 Asian-American coalition generally, about sort of  
25 resurrecting some materials from past redistricting

1 efforts, right, as basic fact sheets, so people can  
2 understand what the process is and how they might  
3 participate, but I think an important opportunity is to  
4 think about what messages connect with sort of this  
5 recent robust participation in our election process, to  
6 this process that's right ahead of us.

7       So you know, we haven't created those clear messages  
8 and opportunities yet, but we'll be happy to share what  
9 we have as we go.

10       MS. GOLD: Yes. And I'm sorry. I did want to add  
11 one thing. Also remember, you have to start with the  
12 basics. You may have to even go back to why choosing  
13 someone to represent you is going to affect your daily  
14 life, right. The person you elect is going to make  
15 decisions about, you know, the quality of schools in your  
16 neighborhood, what kind of employment opportunities are  
17 available to you, how are we going to deal with the COVID  
18 19 pandemic? So it's almost like partly also doing,  
19 like, democracy, not just redistricting basics, but  
20 democracy basics, and starting off there, then going to  
21 the ability to choose candidates who can be accountable  
22 to you, and how the lines affect that.

23       CHAIR TAYLOR: Commissioner Sinay.

24       COMMISSIONER SINAY: Go ahead, Commissioner Turner.  
25 I saw you.

1 COMMISSIONER TURNER: Yes. Thank you.

2 Thank you both for the presentation, and Rosalind, I  
3 was trying to catch you really close to one of the  
4 comments you made, to see if I can get you to at least  
5 state it, because I agree, a picture is worth a thousand  
6 words, and I like where you ended, too, talking about the  
7 quality of your schools, your neighborhoods, and the  
8 impact on all of that, but you said a line -- you said,  
9 if lines are drawn incorrectly, and you said something  
10 behind it, and I thought it was a really clear, easy, and  
11 succinct way of saying it -- and I can go back and watch  
12 the video, but I just couldn't remember what you --

13 MS. GOLD: Oh, you could -- I mean, there's a couple  
14 of ways to say it. You can say, if lines are drawn, you  
15 can dilute the voice of a community. You can prevent  
16 that community from choosing representatives that are  
17 accountable to it. You can, you know, prevent a  
18 community from choosing representatives who will respond  
19 to all of these issues that affect people's day-to-day  
20 lives.

21 COMMISSIONER TURNER: Thank you.

22 CHAIR TAYLOR: Go ahead, Commissioner Sinay.

23 COMMISSIONER SINAY: Thank you.

24 I'm going to go back to our conversation earlier  
25 about VRA and the API community. Wouldn't the concerns

1 that the API community has with VRA -- I don't know if  
2 concerns is the right word -- but shouldn't we not use  
3 kind of that cautionary lens also when looking at the  
4 Middle Eastern/North African communities and other new  
5 immigrant communities as well, Muslim communities, and  
6 not just in general because they're younger communities?

7 MS. MA: I would agree with that. You know, I think  
8 that any communities where their distribution across the  
9 state, right, might be a little more scattered, where  
10 they might be younger communities, where, you know,  
11 they're less established, there aren't huge population  
12 centers, I think it is worth a closer look, right,  
13 because you could easily meet the standards of the VRA  
14 and still find that the representation might not be what  
15 is needed for those communities, right, and then you  
16 might still find RPV, or you might still find any number  
17 of indications of some kind of ongoing, you know,  
18 systemic exclusions.

19 MS. GOLD: And this comes down to what extent do you  
20 want to comply with the letter of the VRA, or go beyond  
21 that, in terms of the spirit of the VRA, because the VRA,  
22 in terms of its explicit protections, explicitly protects  
23 certain groups, but it prohibits discrimination on the  
24 basis of a variety of factors.

25 CHAIR TAYLOR: Commissioner Akutagawa.

1           COMMISSIONER AKUTAGAWA: Thank you to the both of  
2 you for a really interesting presentation, and lots to  
3 think about. I guess I'm going to ask a question that  
4           as someone who doesn't work on these kind of issues  
5 on a day-to-day basis, I think what you just said about,  
6 perhaps, younger and newer communities, smaller  
7 communities that may not be as geographically  
8 concentrated, like you were saying, Rosalind, but yet how  
9 do you ensure that their voices get heard?

10           I'm thinking I also want to add in the Pacific  
11 Islander -- the Native Hawaiian/Pacific Islander  
12 communities into that as well, too. I guess, because I  
13 don't work in it, I'm just kind of trying to imagine,  
14 like, how might that be done? I mean, you can't draw --  
15 or at least the way my mind is going -- is that, I'm  
16 imagining this oddly shaped drawn district to try to  
17 ensure that there's some kind of critical mass of their  
18 voices being heard, but at the same time because they're  
19 so geographically dispersed, in so many different places,  
20 it may be difficult to meet some of those kind of needs,  
21 as required by VRA. And I think I'm just kind of trying  
22 to understand from your perspective what that could look  
23 like. How do we consider that?

24           MS. MA: I know you mentioned Rosalind.

25           Rosalind, did you have a comment on this, or is it

1 all right if I --

2 MS. GOLD: Well, I'll let you start. I'll let you  
3 start on that.

4 MS. MA: Okay.

5 MS. GOLD: Yes.

6 MS. MA: So my thought about it is, as we look at --  
7 you know, and sometimes we're looking at this issue year-  
8 round, from the other direction, right. I mean, we're  
9 trying to find ways to advocate for our communities,  
10 we're looking for okay, where is the VRA being violated,  
11 right. And so it will start with the Gingles test,  
12 right. It will start with those basic numbers, and then  
13 we might start to look beyond at these communities of  
14 interest questions and the Senate factors questions,  
15 right.

16 So in my view, it really is, in some ways, about  
17 taking a broad view of what these communities are, right?  
18 So we start -- for ourselves -- looking at the Asian-  
19 American community with the numbers, right, of where we  
20 see large numbers of Asian-American communities. Try and  
21 get an understanding of what their spread is, and then  
22 look for what their communities of interest might be,  
23 right. Who else are they connected with, right? If it's  
24 a specific -- let's say it's just a total hypothetical --  
25 we see a Pacific Islander community somewhere. They will

1 certainly be a very small number, right, as compared to,  
2 say, Asian-Americans as a whole or compared to the  
3 broader population, but then we'll look for well, what  
4 are the, maybe, solidarities or communities of interest,  
5 right, that we might see across socioeconomic factors or  
6 across sort of political issues that might have, you  
7 know, transpired in the community?

8       It might not be all about geography and the numbers,  
9 but rather, about the experience of the community, that  
10 helps us establish, wait, there's a need that needs to be  
11 met here. There might be indications of discrimination.  
12 How do we look at that, and then is it possible to  
13 consider what some appropriate lines would be that  
14 represent those communities, right?

15       And again, the VRA tests sometimes, for these  
16 smaller communities, are hard to meet, but there's still  
17 a consideration of whether there's discrimination there  
18 that needs to be or can be addressed. I don't know if  
19 that, in some part, addressed your question.

20       COMMISSIONER AKUTAGAWA: Yes. Thank you very much.

21       MS. GOLD: Just, I'll quickly, as an illustration,  
22 optimally, you would not want to take a community of  
23 Pacific Islanders who are lower income, don't have access  
24 to quality education, have issues with housing, and  
25 essentially put it in the same district as a

1 predominantly Anglo, wealthy, affluent groups of folks  
2 who have good educational opportunities. You know, as  
3 you're looking at factors, you would want to, let's say,  
4 take that into account. What are the economic and social  
5 factors, and how that might dilute or subsume the voice  
6 of the underrepresented community as you're putting  
7 groups together? And again, alternatively, can you link  
8 groups that have shared socioeconomic interests?

9 Eileen, does that work for you?

10 MS. MA: Yes, better said. Thank you.

11 CHAIR TAYLOR: Commissioner Yee.

12 COMMISSIONER YEE: So of course, the U.S. Census  
13 treats ethnicity and race separately, and this  
14 particularly affects Latino/Hispanic communities. So  
15 when it comes to VRA considerations, and as we think  
16 about it on the Commission, does that distinction matter?  
17 I mean, practically speaking, or you know,  
18 Latino/Hispanic, does that simply get treated as a race?  
19 In your work, do you make that distinction? Does the  
20 Census distinction actually make a difference?

21 MS. GOLD: Well, actually, the Census does collect  
22 its data, as you said, on Hispanic identification, Latino  
23 identification, separately from racial identification.  
24 So when you're looking at VRA compliance for Latinos, you  
25 look at -- you know, your starting place are the numbers



1 on people who identify as Latino.

2 If anybody is interested about the Census Bureau's  
3 recommendations about how we should be asking those  
4 questions, I'd be happy to talk more about it, but I want  
5 to be respectful of time.

6 CHAIR TAYLOR: If there are no other questions from  
7 the Commission, we can open it up for public comment.

8 Commissioner Sinay --

9 COMMISSIONER SINAY: This is just --

10 CHAIR TAYLOR: -- and then Commissioner Akutagawa.

11 COMMISSIONER SINAY: Sorry.

12 This is just kind of an off the top of your head,  
13 we're not going to quote you on this; but for each of  
14 you, if you had to think through, in California, where  
15 have been the most dramatic changes in population for the  
16 API community as well as for the Latino community?

17 MS. MA: I think this might be a cop-out, but I'm  
18 going to say, certainly in the L.A. area, we can look at  
19 areas where there's been population growth, as well as  
20 the Bay Area, but then we've also been trying to look at  
21 some areas in the Central Valley. So I've, you know,  
22 checked north, south, and central, so I'm not sure if  
23 that helps too much, but you know, we are hoping to dig  
24 into it a little bit more, and we'll look forward to  
25 sharing.

1 MS. GOLD: And rather than talking about geographic  
2 areas, I'd like to talk about some of the trends we're  
3 going to be keeping an eye out, right. So for example,  
4 did people move because of COVID, right? Are there going  
5 to be changes in where Latinos are because of the COVID  
6 pandemic and where people ended up being counted in the  
7 census?

8 You know, certain areas, rural populations are going  
9 to be something we're looking at -- remote populations --  
10 because of some of the challenges the Bureau had in  
11 enumerating people there. And then, you know, yes, we're  
12 going to see some changes in pretty much all of the areas  
13 that I had mentioned that VRA compliant districts were  
14 drawn. There's going to be, definitely, a lot of  
15 population dynamics there, as well as, for Latinos, we  
16 often look at just large parts of the state to see what's  
17 changed.

18 MS. MA: And I probably should not have been -- my  
19 focus is primarily Southern California, not just L.A.,  
20 including Orange County.

21 CHAIR TAYLOR: Commissioner Akutagawa.

22 COMMISSIONER AKUTAGAWA: Yes. Thank you.

23 Just a clarification question for Eileen. Only  
24 because I know that in, I'm going to say, the Asian-  
25 American/Pacific Islander communities, there is an

1 increasing move to try to really be clear about, when  
2 we're talking about data in communities, the distinction  
3 between Asian-Americans and Pacific Islanders. So I  
4 noticed that you were just saying primarily Asian-  
5 American, so is that what the intent that what you're  
6 focusing on is just strictly Asian-American data, without  
7 Pacific Islander data being kind of blended in?

8 And I know that the communities are fighting for a  
9 separate recognition because they feel like, being kind  
10 of bunched in with Asian-Americans, they get erased. And  
11 so I'm just kind of curious about the perspective from  
12 which you are presenting.

13 MS. MA: Yes. The numbers that I've provided were  
14 Asian numbers -- Asian only numbers. For the most part,  
15 and oftentimes, when we're doing some of our analysis,  
16 it's the numbers we'll look at first, but we do see those  
17 communities as distinct, and as we, you know, continue  
18 with our research as to representation, we look at both,  
19 and understand the importance of seeing them separately.

20 CHAIR TAYLOR: Thank you very much, Ms. Gold and Ms.  
21 Ma.

22 Jesse, if you can, can you invite in public comment  
23 as it relates to Agenda Item Number 10.

24 PUBLIC COMMENT MODERATOR: In order to maximize  
25 transparency and public participation in our process, the

1 Commissioners will be taking public comment by phone. To  
2 call in, dial the telephone number provided on the  
3 livestream feed. The telephone number is (877) 853-5247.  
4 When prompted, enter the meeting ID number provided on  
5 the livestream feed. It is 976 7934 9222 for this week's  
6 meeting. When prompted to enter a participant ID, simply  
7 press pound.

8       Once you have dialed in, you'll be placed in a  
9 queue, from which a moderator will begin unmuting callers  
10 to submit their comments. You will also hear an  
11 automated message to press star nine. Please do this to  
12 raise your hand indicating you wish to comment. When it  
13 is your turn to speak, the moderator will unmute you, and  
14 you will hear an automated message that says, the host  
15 would like you to talk, and to press star six to speak.

16       Providing your name is not required, but if you  
17 would like to, please state and spell it for the record.  
18 Please make sure to mute your computer or livestream  
19 audio to prevent any feedback or distortion during your  
20 call. Once you are waiting in the queue, be alert for  
21 when it is your turn to speak, and again, please turn  
22 down the livestream volume. These instructions are also  
23 located on the website.

24       The Commission is taking public comment on Item 10  
25 at this time.

1 CHAIR TAYLOR: Thank you, and if we get a caller,  
2 please invite them in.

3 COMMISSIONER AKUTAGAWA: Chair, can I ask a question  
4 while we wait?

5 I have a question, Rosalind. Just out of curiosity,  
6 in terms of California, kind of following on the question  
7 that I believe -- I think it might have been Commissioner  
8 Yee that asked about the Hispanic designation versus the  
9 race designation on the census. When you look at the  
10 Latino community in California -- and I think you  
11 presented on this previously, but I just want to ask for  
12 this clarification -- I know that there's the indigenous  
13 communities, and part of our public comment was that we  
14 did have a letter ensuring that we do not forget about  
15 the indigenous communities from Mexico and some of the  
16 other Latin American countries.

17 I'm also aware that, in other parts of the country,  
18 there's significant Afro Latino communities, and so is  
19 there a significant Afro Latino community in California,  
20 and what are some of the nuances that you see in terms of  
21 consideration around what we've been talking about today?

22 MS. GOLD: So I think what -- you know, I'm going to  
23 say I don't know the size or the distribution of the Afro  
24 Latino community in California, but the work that we  
25 would probably do is to really start with the community

1 of interest level, in terms of whether those communities  
2 you know, their identity, the interests that they  
3 have in common, you know, how do those play out at the  
4 community of interest level?

5 CHAIR TAYLOR: Thank you.

6 Yes. Can you invite in our caller?

7 MS. GOLD: And by the way, this is one of the  
8 reasons that California is such a fascinating place to do  
9 redistricting, is because we have such a diverse  
10 population, and we know that you are committed to  
11 protecting the voting rights and the voting access of all  
12 of the state's underrepresented communities, so we really  
13 appreciate you drilling down on these questions and  
14 issues.

15 PUBLIC COMMENT MODERATOR: Good afternoon, caller.  
16 If you would like to give your name, please state and  
17 spell it for the record, please.

18 MS. WESTA-LUSK: Yes, Renee Westa Lusk. My first  
19 name is R-E-N-E-E, and then there's W-E-S-T-A, and then  
20 hyphen, and then L-U-S-K.

21 I just wanted to ask a question regarding economics  
22 for the state, and for different parts of the state in  
23 general, that the VRA is more set up for, I guess --  
24 there was a statement by one of the presenters that said  
25 VRA compliance is a higher priority than local

1 jurisdiction lines and communities of interest, and to be  
2 prepared for experiencing tensions from communities split  
3 up to preserve VRA districts.

4       Is the only way to address economies -- because a  
5 lot of districts or communities of interest may be  
6 worried about their economy, and so it seems like there's  
7 kind of -- some places are going to have to suffer  
8 economically to accommodate VRA compliance, and is there  
9 any way to balance that so that communities of interest  
10 don't feel disenfranchised if they feel economically  
11 threatened, because maybe their representation -- they  
12 feel their representation may be decreased by being drawn  
13 in a different manner than what they were traditionally  
14 drawn in? That's my questions -- those are my questions.

15       MS. GOLD: You know, our recommendation is always to  
16 make the best argument about communities of interest and  
17 why a particular community of interest should be kept  
18 together, right, and just the stronger your arguments  
19 are, you know, you increase the likelihood of those  
20 getting integrated in the big picture with respect to  
21 Voting Rights Act compliance, right.

22       So you know, again, it is still a higher priority,  
23 but let's put it this way; if you're not at the table  
24 talking about your community of interest, and  
25 articulating your community of interest, it won't get the

1 consideration that it might otherwise get if you create a  
2 strong voice for your community of interest and all of  
3 the different factors, including the economic impact.

4 MS. WESTA-LUSK: Okay. Thank you for clarification  
5 of that. Thank you very much.

6 CHAIR TAYLOR: Thank you, Ms. Westa Lusk, and I also  
7 would like to bring to your attention again that we have  
8 our economic sector panel tomorrow in the morning  
9 session.

10 And seeing no other callers, no other public input,  
11 I would like to thank you, Ms. Gold, and thank you, Ms.  
12 Ma, for continuing to shape our decisions and our minds  
13 regarding these issues.

14 MS. GOLD: Chair Taylor I may be speaking out of  
15 place, but I believe -- I thought -- Commissioner  
16 Vazquez, did you have your hand up?

17 COMMISSIONER VAZQUEZ: Yes, I did.

18 MS. GOLD: I'm so sorry. I don't wish to speak out  
19 of place, but maybe I have a larger view here.

20 CHAIR TAYLOR: No worries. Sometimes it is. We  
21 don't see everyone on the same screen.

22 Go ahead, Commissioner Vazquez.

23 COMMISSIONER VAZQUEZ: Thank you. My comment wasn't  
24 urgent, but thank you, Ms. Gold, for flagging.

25 I just also wanted -- for the benefit of the



1 previous caller and other folks watching at home -- know  
2 that, in addition to the economic sector panel, we are  
3 also working on developing a panel about labor  
4 organizing. And so we know, again, communities of  
5 interest are possible around many interests, right,  
6 depending on sort of what is most salient, how folks view  
7 their political power, and where political power is sort  
8 of leveraged.

9       So we're working on sort of helping the Commission  
10 think really broadly. You know, we have particular  
11 requirements around the Voting Rights Act, and racial and  
12 ethnic power, and in addition, we want to make sure that  
13 we're taking that 360 view because we do know that folks'  
14 economic power is also related to their political power.

15       CHAIR TAYLOR: Thank you.

16       Final call. Any other Commissioners?

17       (No response.)

18       CHAIR TAYLOR: Then, again, thank you, Ms. Gold, and  
19 thank you --

20       MS. GOLD: Thank you so much.

21       MS. MA: Thank you all.

22       CHAIR TAYLOR: -- Ms. Ma, for your presentation.

23       All right. Commissioners, we will break for lunch  
24 shortly. Please be back at 1:40. We will return with  
25 Agenda Item Number 11, discussion on outreach and

1 engagement, and we'll open up immediately with the  
2 general public comment before we get into our discussion.  
3 So please return at 1:40. Thank you.

4 (Off the record at 12:38 p.m.)

5 (On the record at 1:40 p.m.)

6 CHAIR TAYLOR: Good afternoon. It is 1:40 p.m., the  
7 January 26th meeting of the California Citizens  
8 Redistricting Commission. It is our intention to take  
9 public comment, and then begin the discussion on Agenda  
10 Item Number 11.

11 So Jesse, please, if you can make the announcement  
12 and invite our callers in for public comment. Thank you.

13 PUBLIC COMMENT MODERATOR: In order to maximize  
14 transparency and public participation in our process, the  
15 Commissioners will be taking public comment by phone. To  
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25 automated message to press star nine. Please do this,

1 indicating you wish to comment. When it is your turn to  
2 speak, the moderator will unmute you, and you will hear  
3 an automated message that says, the host would like you  
4 to talk, and to press star six to speak.

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9 call. Once you are waiting in the queue, be alert for  
10 when it is your turn to speak, and again, please turn  
11 down the livestream volume. These instructions are also  
12 located on the website.

13 The Commission is taking general public comment at  
14 this time.

15 CHAIR TAYLOR: Thank you, Jesse. If you can invite  
16 in our first caller.

17 PUBLIC COMMENT MODERATOR: Good afternoon, caller.

18 MS. LEVINE: Hi. This is Debra Levine, D E B R A, L  
19 E V I-N E. Commissioners, I called in earlier this  
20 morning about the new website. After public comments  
21 were finished this morning, and during your general  
22 announcements, the individual Commissioners began listing  
23 off regional groups that they had already been meeting  
24 with or that they were planning to meet with. It was  
25 really hard to follow the names of groups, locations,

1 dates, and times, and this was why I made the comment  
2 earlier today about adding, what your community is  
3 saying, section to the website, so that you could list  
4 all those meetings in one place, and it would be a great  
5 way to strengthen transparency and public participation.

6 I want to thank you so much for your consideration,  
7 and I truly want to thank you for all the hard work  
8 you've been doing, and the journey that you have ahead.  
9 Thank you very much.

10 CHAIR TAYLOR: Thank you very much. I appreciate  
11 the comments. We appreciate the comments.

12 Jesse, can you bring in our next caller, please.

13 PUBLIC COMMENT MODERATOR: Good afternoon, caller.  
14 If you would like to share your name, please state and  
15 spell it, please.

16 MS. SHELLENBERGER: Hello. This is Lori, L O R I,  
17 last name Shellenberger, S H E L L E N B E R G E R. I'm  
18 a redistricting consultant for Common Cause. Good  
19 afternoon, Chair Taylor and Commissioners.

20 I'm actually calling in in reference to the panel  
21 that occurred right before lunch. It was a great panel,  
22 and appreciate all the work that was done, that  
23 Commissioners Yee and Sadhwani put into putting that  
24 together.

25 I just wanted to -- this is really a question for

1 Commissioner -- and request of Commissioners Sadhwani and  
2 Yee. You mentioned -- I know that you made every effort  
3 to have the Black Census and Redistricting Hub present  
4 during that panel, and due to scheduling conflicts, that  
5 wasn't possible. You mentioned your conversation with  
6 them, and that you -- but you didn't share highlights  
7 from that conversation, and I was hoping that you could  
8 do that, for the benefit of the public, and also share  
9 your plan to ensure that the black community is able to  
10 have equal time to present, you know, on their protection  
11 under the Voting Rights Act, and their history with that  
12 in California.

13 And so I imagine it was an oversight because there  
14 was a very engaging conversation between you and your  
15 panelists, but if it's possible -- and I know you have a  
16 panel now, but at some point -- to share some of the  
17 takeaways from your conversation with the BCRH, I know  
18 the public would really appreciate that. Thank you.

19 CHAIR TAYLOR: Thank you. And I think, in respect  
20 of our panelists that we have present, perhaps we can  
21 revisit that at the end of this conversation.

22 All right. Jesse, there appears to be no other  
23 callers in the queue. So with that, we will conclude  
24 public comment at this time.

25 We'll move on to Agenda Item Number 11, and I will

1 turn it over to Commissioners Fernandez and Sinay.

2 COMMISSIONER FERNANDEZ: Okay. Thank you, Chair  
3 Taylor.

4 So today's outreach panel is focused on our efforts  
5 to conduct outreach efforts to those individuals  
6 incarcerated in California, as well as those that have  
7 been previously incarcerated. So we do have three panel  
8 members, and we thank them all. I'm going to present  
9 them in the order that they'll be presenting, from what I  
10 recall in our pre-meeting, so I might be wrong. So we're  
11 excited to have the three of them, and they'll each  
12 provide a different perspective, which we feel will be  
13 very helpful for the Commission, and also those that are  
14 viewing.

15 First, we have David Maldonado. He is the deputy  
16 chief in the Office of External Affairs with the  
17 California Department of Corrections and Rehabilitation.  
18 He works with external entities to the Department, as  
19 well as the community-based organizations and other  
20 external organizations. He'll talk about how he got  
21 (indiscernible) the Department of Corrections, explain  
22 some of the limitations in reaching out to the  
23 incarcerated populations in our state facilities, and  
24 provide recommendations on our outreach efforts, because  
25 they will be somewhat different than what we were

1 planning to do. Not just because of COVID, but because  
2 there are security concerns in terms of those outreach  
3 efforts that we'll conduct.

4       And then we have Taina Vargas, who is the cofounder  
5 of Initiate Justice. Initiate Justice organizes its  
6 members, both inside and outside of prisons, to advocate  
7 for their freedom and change criminal justice policy in  
8 California. And Taina will talk about her perspective as  
9 a family member impacted by an incarcerated individual,  
10 as well as provide insight and recommendations on how  
11 outreach activities -- on our outreach activities to the  
12 incarcerated populations.

13       And then, lastly but definitely not least, we have  
14 Alberto Vasquez, who goes by "Beto." Hopefully, that's  
15 okay I tell them that, Beto. And so Beto, he's currently  
16 employed with the Center for Research on Educational  
17 Equity Assessment and Teaching Excellence at UC San  
18 Diego.

19       He spearheads UCSD's efforts to increase the STEM  
20 diversity access and interest to disenfranchised  
21 communities throughout Southern California, and Beto will  
22 bring his perspective as a formerly incarcerated  
23 individual, and recommendations on how best to conduct  
24 our outreach efforts.

25       And I do encourage all Commissioners, as well as

1 everyone out there that's listening to us, or that's  
2 visiting our website, to please review their impressive  
3 bios. We did post them online. I don't have enough time  
4 to talk about them and their background because I think  
5 I've been limited to like two minutes, but I'm very  
6 excited, and I'm hoping that you'll enjoy this panel as  
7 much as we're going to enjoy it.

8 So with that, I'm going to pass it over to David.

9 MR. MALDONADO: Hi. Good afternoon, and thank you,  
10 Commission.

11 So I'm David Maldonado. As just explained, I'm the  
12 Deputy Chief of External Affairs at the California  
13 Department of Corrections. I've been in this role since  
14 July of this year. I got a new job during the pandemic.  
15 I was one of those people. The last four years, though,  
16 I spent time -- I was working in state prisons. So I was  
17 working at the California Medical Facility State Prison  
18 in Vacaville, California, as the community resource  
19 manager.

20 My role as community resource manager was to oversee  
21 the Prop 57 inmate activity groups and the religious  
22 services. So a pretty extensive experience on getting  
23 communications out to the inmate population and going --  
24 like, my recommendations are based on just the four  
25 years, just working in a prison, and that's where some of



1 my policy will come from as well. Prior to that, I was  
2 outreach coordinator with the Office of Victim and  
3 Survivor Rights and Services with CDCR, but I have a bit  
4 of an outreach background as well.

5 So just to get into it, after meeting with  
6 Commissioners Fernandez and Sinay -- hopefully, I'm  
7 pronouncing that correctly -- they have explained what  
8 you're trying to accomplish. They explained the dynamic  
9 websites you're using and the tools that you're using,  
10 and I'll say right now, we're pretty archaic. You know,  
11 we, unfortunately, with our 90,000 population of  
12 incarcerated, I think we're also trying to reach -- you  
13 know, when we're talking about parolees, people who are  
14 on the outside, we can probably use a lot of the tools  
15 you're using on the website, but when we're talking about  
16 the incarcerated population, we can't really use the  
17 online features that you have.

18 So I mean, to make it easy, I would probably say to  
19 use snail mail. My recommendation to Commissioner  
20 Fernandez when we talked -- and she also worked for the  
21 Department most of her career as well -- is using snail  
22 mail, using a prepaid postcard with maybe a survey on one  
23 side, a map on another, really trying to grasp what  
24 you're trying to achieve. Corrections has a lot of  
25 abilities. We give things out, like mail or Title 15s or

1 other publications out, and math books. Getting it out  
2 to the inmate population is not going to be the problem.  
3 You know, it sounds pretty hard giving 90,000 out, but  
4 that's not an issue.

5 I think the biggest thing -- and I know the two  
6 people following after me will speak mainly to this -- is  
7 using credible messengers and educating the population of  
8 what you're trying to achieve. You're going to want to  
9 you know, you're going to want to explain to them  
10 why this is important to them. Why would they want to  
11 fill this out? You know, what are we trying to achieve?  
12 Once they are released, how will this benefit them? And  
13 using the right messenger -- and I'm not going to talk  
14 about that too much, because I know Initiate Justice and  
15 Beto have a lot to say about that.

16 When thinking of sending the postcards, I would  
17 definitely recommend not putting actual stamps on the  
18 outside -- that one person doing something bad and  
19 collecting all of them -- but using the prepaid postage,  
20 not giving the -- little things like not putting a map  
21 that's too detailed, because that's considered contraband  
22 in a prison, but putting the general map of California,  
23 that would be okay. I know you're really interested in  
24 drawing the lines of which area or community where  
25 somebody says they're from, so having the general

1 California map would be okay, with the major cities lined  
2 up on there.

3 Also on top of that, so External Affairs, we have a  
4 lot of contacts within the community-based  
5 organizations -- individuals that I have the contact with  
6 in the prisons -- inmate family councils. So using our  
7 resources, our contacts, to even set up a meeting where  
8 we can sit with Commissioner Fernandez and Sinay, and/or  
9 just do meetings, explaining what we're trying to do, and  
10 have them help us push this information.

11 We have an inmate TV station, if you will, where we  
12 can push videos on every prison and every TV all at once,  
13 and that's part of the education purpose, is getting the  
14 outreach out there. We can make sure that we're reaching  
15 all our class members, and we're using closed captioning,  
16 and trying to get as many languages as possible, Spanish.  
17 Any language we can get from the postcards and any  
18 publication and/or video, would be greatly appreciated as  
19 well.

20 I think that concludes my presentation. I don't  
21 know if questions are now or later.

22 COMMISSIONER FERNANDEZ: I think what we'll do,  
23 David, is we'll wait for the three of you to give your  
24 presentation, and then we'll open it up for questions.  
25 Is that okay?

1 MR. MALDONADO: Yes.

2 COMMISSIONER FERNANDEZ: You'll be able to hang on?  
3 Great. So let me pass it on. I think, Taina, you were  
4 next, right? I think.

5 MS. VARGAS: Thank you so much. Hello, everybody.  
6 Thank you for having me here. My name is Taina Vargas.  
7 I'm the cofounder and executive director of Initiate  
8 Justice, and my pronouns are she and her, and I think  
9 I'll start by talking a little bit about what Initiate  
10 Justice does.

11 So we aim to end mass incarceration by activating  
12 the political power of people in prison, formerly  
13 incarcerated people, and people with incarcerated loved  
14 ones. Every year, we pass different pieces of  
15 legislation that help bring people home to their  
16 families, and our strategy is to engage people who are  
17 inside, formerly incarcerated folks, and folks like me  
18 who are family members of system impacted people.

19 So one of the ways that we do that is through a  
20 quarterly newsletter that goes out to all of our members  
21 who are currently inside. Right now, Initiate Justice  
22 has just over 34,000 currently incarcerated members on  
23 our mailing list, which means that more than one in three  
24 currently incarcerated people receives a newsletter from  
25 us every quarter that has updates on different pieces of

1 legislation that are impacting them, overviews of the  
2 legislative process and how they can be direct political  
3 advocates from inside, and also action items that they  
4 can take. So depending on what bills we're working on  
5 and what our priorities are at the time, about 34,000  
6 people get political information from us.

7 So we think that it's very important that people who  
8 are impacted by incarceration's voices are heard in the  
9 redistricting process, and of course, it's apparent that  
10 you all agree, by holding this panel and inviting us to  
11 come and speak. So again, thank you for that, but I  
12 think some advice, or you know, some input that I would  
13 want to offer is a few things.

14 One, I think it's great that currently incarcerated  
15 people will now be considered part of the community of  
16 where they were before they were incarcerated. It's been  
17 an incredible injustice that they have been counted in  
18 the facilities where they're currently housed, which are  
19 often rural, mostly conservative, don't really align with  
20 the values and political beliefs of the people who are  
21 incarcerated there. In some towns, like, you know,  
22 Susanville, California, where my ex-husband spent about a  
23 year, the two prisons there make up more than half of the  
24 town's population. So you know, this is something that  
25 it seems like you all are aware, so again, grateful for

1 that.

2 But to that end, I think it's also really important  
3 to note that it's complicated to associate folks who are  
4 currently incarcerated with a community that they have  
5 essentially been taken from. For some people, it may be  
6 a few years. For some people, it may be decades, and the  
7 way that they relate to those communities can be very  
8 complicated, and there may be a lot of hesitancy for  
9 folks to want to, you know, have a say in how they think  
10 the map should be drawn in that area.

11 But more importantly than that, I think the most  
12 important thing that this Commission can do is answer the  
13 question, why. Why is this something that people  
14 impacted by incarceration should be concerns about? And  
15 I think it's great if that information can be shared via  
16 postcards or over, you know, over the institutional  
17 channels, but to the point that was raised earlier around  
18 messengers, you know, folks who are impacted by  
19 incarceration, both inside and outside, have a lot of  
20 healthy skepticism for government institutions.

21 So I think it will be really important for folks to  
22 partner with community-based organizations that have  
23 longstanding relationships which would directly impact  
24 people that are made up of directly impacted people, so  
25 that we can help folks see, you know, why it's important

1 to have their voices heard.

2       Initiate Justice recently passed a -- or helped pass  
3 a ballot proposition, Prop 17, which restored voting  
4 rights to all formerly incarcerated people in California,  
5 so now everybody who is released from prison  
6 automatically has their voting rights restored, and that  
7 was a very important issue for us because we recognize  
8 the necessity of directly impacted people to be seen as a  
9 part of the political solution, and not just a problem.

10       So one way that that manifests is in the process of  
11 voting. But of course, another way that that manifests  
12 is in determining, you know, what these districts even  
13 look like, and you know, who is represented where. So  
14 you know, in your outreach to system impacted  
15 communities, I would also encourage you to break down why  
16 this is important, how this impacts people's daily lives  
17 because, you know, it is something that's quite  
18 complicated, if you don't spend a lot of looking into it.

19       I think, you know, any of us, it would take some  
20 time for us to figure out, like, why in the heck should I  
21 care about, you know, what my various districts look  
22 like? This is something that folks might not even  
23 realize changes every so often. So I think just  
24 explaining, like, the overall process, why it's important  
25 to be aware of it, why it's important to uplift your

1 voice and be heard in this process, is really key. And  
2 then, of course, like, partnering with organizations who  
3 have trusted relationships with directly impacted folks.

4       And then I think the last thing that I'll say  
5 quickly is a note on language. It's really important to  
6 use people centered language when we're talking about  
7 people impacted by incarceration. So you know, we never  
8 use words that other impacted people, whether that be,  
9 like, prisoner, inmate, felon, anything like that.  
10 Everything starts with people. So people in prison,  
11 people impacted by incarceration, formerly incarcerated  
12 people. Yes. Just kind of like, rule of thumb, have  
13 the word people or person in there, and don't label  
14 folks. They'll be much more likely to respond and be  
15 part of this when they're seeing it for their full  
16 humanity.

17       So yes, I think that that pretty much sums up some  
18 of the things that I wanted to say. I'm happy to answer  
19 more questions, but again, would just really encourage  
20 this Commission, in all of its outreach, to do everything  
21 that they can to reach folks where they're at, and help  
22 them see themselves as an important part of this process.  
23 Thank you.

24       COMMISSIONER FERNANDEZ: Thank you, Taina. And then  
25 I'm going to pass it off to Beto.



1 MR. VASQUEZ: All right. Thank you very much.

2 Thank you all for having us this afternoon. I hope  
3 that you and all your loved ones are doing well during  
4 these challenging times. Really hard to follow Taina,  
5 you know. I mean, she eloquently just really put  
6 everything into perspective. You know, I guess I'll  
7 start off by just telling you a little bit about where I  
8 work, right.

9 So I work at a research center. It's an educational  
10 research center where we're equity minded. We're at UC  
11 San Diego, and for the most part, we work on trying to  
12 provide equitable educational opportunities for all folks  
13 from pre kinder to post docs, you know, that have just  
14 completed their PhDs, and so that's a lot of work.

15 The reason I mention that is because, you know, I am  
16 no stranger, professionally, to trying to address a lot  
17 of the equitable issues that exist for most of our  
18 disenfranchised populations. Whether it's for education,  
19 whether it's for socioeconomic status, whether it's for  
20 workforce opportunities, you know, upward mobility,  
21 whatever it may be, you know, for the most part, it's  
22 something that's near and dear to my heart. And then  
23 when coupled with my personal passions, which is to  
24 provide opportunities for folks that are system impacted,  
25 then, you know, that's kind of where I'm at.

1 I grew up in San Diego, Logan Heights, to be exact.  
2 You know, first person in my family to do a lot of  
3 different things, some good, some not so good, but here I  
4 am, being able to speak for the voiceless. Being able to  
5 advocate for those folks that don't know how. Being able  
6 to support families that don't know that they can be  
7 supported. And so I'm excited to be able to share with  
8 you today, and really echo everything that Taina just  
9 mentioned right now with respect to, you know, the point  
10 that David made earlier about the messenger, right, and  
11 the value of transparency, and the value of communicating  
12 with folks, and not just making assumptions that  
13 everybody knows what you're talking about when you're  
14 redrawing lines, right.

15 Having conversations with folks that mention, you  
16 know, why it's important for them to be aware. What does  
17 this mean to them? How does this benefit their  
18 community? How are we thinking about, when these future  
19 neighbors of ours, right -- and I really want you to  
20 think along those lines -- not all these people that are  
21 incarcerated only, but these future neighbors of ours --  
22 how are they going to contribute? What are they going to  
23 come to when they come back home to our counties, to the  
24 counties of commitment that they have?

25 And so as we're having these conversations, and

1 we're thinking about everything that falls in between,  
2 you know, how are we humanizing them in that process,  
3 right. And I really appreciate that comment that was  
4 made when we were referring to folks that are  
5 incarcerated as people, right. I think oftentimes we get  
6 caught up in numbers, like, over two million in the U.S.  
7 that are incarcerated, right? That's larger than the  
8 population in some states here in the United States,  
9 right. And we think about over seventy million people  
10 that are system impacted, whether they had handcuffs on  
11 at one point, whether they did time, or if not, right,  
12 and maybe they just got some kind of a probation of some  
13 sort.

14       You know, the case is that probably every one of us  
15 here on this call knows somebody, either personally or  
16 indirectly, that has been incarcerated at some point or  
17 impacted by the criminal justice system. So it's  
18 important for us to be able to humanize the people that  
19 we're working with, and kind of step away from how things  
20 have always continued to be done, to be able to start  
21 speaking life into their preparation to come back into  
22 society to be our neighbors.

23       You know, I definitely would agree with, again,  
24 everything that's already been mentioned, right, about,  
25 you know, we're talking about individuals that have come

1 from communities where trust has been broken. We're  
2 talking about individuals that are going to go back to  
3 communities and households where they might have burned  
4 bridges, right. Where the only places that they know  
5 when they go back home might not be a healthy environment  
6 for them.

7       So that means that we are tasked with being able to  
8 prepare folks with having options. This means that there  
9 needs to be resources. This means that there needs to be  
10 funding -- adequate funding -- to be able to provide and  
11 address many of the different issues that are going to be  
12 dealt with when folks return home. Transparency, right.  
13 Even in the work that we're doing here today, and being  
14 able to communicate why it is that it's important, right,  
15 that they're aware of issues that are going on.

16       And that's why I really appreciate a lot of the work  
17 that Initiate Justice is doing in informing and educating  
18 folks about what's going on around them, because  
19 oftentimes, I'll tell you firsthand we are not raised up  
20 to know about policy. We are not raised up to be  
21 familiarized with elections, right. Why? Because we're  
22 caught up trying to deal with life on life's terms,  
23 right, and sometimes that means trying to pay the bills,  
24 trying to feed some mouths, trying to keep a roof over  
25 our head.

1           And so for many of us, I know it's easy for us,  
2 including myself, you know, as I now have transitioned,  
3 after doing most of my twenties, you know, in state  
4 corrections, and graduating there from youth  
5 corrections -- you know, I have a couple of layers of  
6 privilege with me right now, and I need to be aware of  
7 that, and I also need to be aware of how that causes me  
8 to look at how we're interacting with populations like  
9 those that are currently incarcerated, how we're  
10 advocating for those folks, right?

11           And we have this responsibility, as individuals on  
12 boards like these, to be able to consider, not only the  
13 short-term implications, but the long-term implications  
14 of creating opportunities for upward mobility for  
15 individuals that have made decisions in the past that  
16 were not great, and to not let those past bad decisions  
17 dictate what they're considering themselves for the  
18 future.

19           So I do want to leave with you that. I also want to  
20 leave you with this quote that I love to share from a  
21 friend of mine who says that, the closest to the problem  
22 are the closest to the solution, but furthest from the  
23 power and resources. And with that, I want to share  
24 that, you know, as we're thinking about bringing in  
25 credible messengers, as we're creating a sense of

1 urgency, as we're, you know, really helping to fortify  
2 individuals that have been impacted directly by the  
3 system, we can use their voices to continue to reach out  
4 to others, right.

5       So I just want to encourage you all to have that  
6 vision -- that long-term vision -- of the wonderful work  
7 that you get to do, and really take advantage of the  
8 opportunity and the reach that you can have by the  
9 decisions that this Board makes. So thank you very much  
10 for allowing us to share today.

11       COMMISSIONER FERNANDEZ: Thank you, Beto.

12       And I just want to say that Beto is very humble. In  
13 case you haven't read his bio, he's a community college  
14 professor in biology, and he's also a doctoral candidate.  
15 So talk about a story that he gets to tell from when he  
16 was in his teens, probably, to now. Right, Beto?

17       So with that, I will open it up, and I'm hoping that  
18 Commissioner Sinay is going to take over from here.

19       COMMISSIONER SINAY: Chair Taylor would you like me  
20 to facilitate, or do you want to facilitate the  
21 questions?

22       CHAIR TAYLOR: You go ahead, Commissioner Sinay. Go  
23 ahead.

24       COMMISSIONER SINAY: Okay. Thank you.

25       Any questions, comments, thoughts?

1 Yes, Commissioner Kennedy.

2 COMMISSIONER KENNEDY: I think we need clarity on  
3 this issue of maps being contraband. What kinds of maps,  
4 and how do we work around that if we want -- I mean, when  
5 we're talking about communities of interest, and the  
6 communities of interest mapping, we're talking small  
7 areas? We're not talking state maps with big chunks.  
8 We're talking very small areas. So we need to be clear  
9 as to what we can and can't do and offer so that this  
10 population can engage in the redistricting process.

11 MR. MALDONADO: Okay. So I was hoping one of my  
12 counterparts from the Division of Adult Institutions  
13 would join me, but unfortunately, they got called away.

14 Typically, it's smaller than that. Usually, around  
15 the prison area would be the contraband. In general,  
16 maps are contraband. That doesn't mean we can't work  
17 with you. It doesn't mean you can't submit things to us,  
18 and we can take a look at it and see whether it would be  
19 allowed or not, but I would say, typically, like, if you  
20 had a zoomed in map around a prison area, that would  
21 probably be contraband. That probably would not be  
22 allowed.

23 I can probably speak freely and say they're going to  
24 disallow that. But if you are doing an area that doesn't  
25 even have a prison, I don't see why we can't consider it,

1 but like I said, I can always take back any suggestions.  
2 If you have, like, examples you want to show us, email me  
3 PDFs and we can talk to the individuals who make these  
4 decisions at the Division of Adult Institutions.

5 COMMISSIONER SINAY: Thank you, David, and we're  
6 going to -- Commissioner Fernandez and I are going to  
7 work really think this through, and come back with  
8 recommendations and thoughts on how we're going to do  
9 some of this, and obviously, this means we're going to be  
10 working very closely with David, Beto, and Taina to  
11 figure all the different pieces out.

12 Anybody else have questions or comments?

13 Yes, Commissioner Yee.

14 COMMISSIONER YEE: Yes. Thank you to our panel.  
15 This is very informative and very helpful as we embark on  
16 this new part of redistricting in California.

17 So when it comes to last known address, I guess we  
18 are going to be -- or I know, we've been told that we're  
19 going to get that data from the Statewide Database.  
20 They're going to do the work to reallocate incarcerated  
21 persons to their last known addresses, and to do so in as  
22 accurate a fashion as they can, using some randomization,  
23 where necessary, and so forth. So there's no discretion,  
24 I take it, in that process.

25 So in some of our discussion just now, I guess it



1 would be an outreach, then, that we might be in  
2 conversation with people about that process, and there  
3 were some brief comments earlier about, well, people have  
4 all kinds of relationships to their former addresses,  
5 some welcome, some may be very unwelcome.

6 So I'm just wanting to hear a little bit more -- get  
7 some more advice about how to open that conversation, and  
8 what to consider as we have some of those conversations  
9 about that reallocation process.

10 COMMISSIONER FERNANDEZ: Maybe, Beto and Taina, I  
11 think you might be in the better situation to answer that  
12 type of question.

13 MS. VARGAS: Yes. Oh, Beto, do you want to go  
14 first? Sorry.

15 MR. VASQUEZ: It's okay. Go ahead, Taina.

16 MS. VARGAS: So I think it might have been in some  
17 of the preparation materials, but in 2019, Initiate  
18 Justice did a report called Democracy Needs Everyone, and  
19 we surveyed over 1,000 currently incarcerated people and  
20 asked them, if they could vote, would you vote, and you  
21 know, what policy priorities were important to you? And  
22 some of the other questions that we asked were, you know,  
23 what do you consider your community to be? For a lot of  
24 folks, that response was, you know, my community is here.  
25 I have been here for X amount of years, and you know,

1 these are my friends, you know, this is who I consider my  
2 family now.

3       So I'm not, you know, exactly sure what, you know,  
4 boundaries you have with the questions that you'll be  
5 asking, but if you have space for an open-ended question,  
6 where maybe you can code some of the responses and you  
7 know, ask, where do you consider your community to be.  
8 For some folks, that might be where their last residence  
9 address was. For some folks, it might be where they grew  
10 up, or -- you know, I guess I also just wanted to get  
11 some clarity on if it's going to be their last residence  
12 address or if it was their county of commission, because,  
13 for some folks, that's different, and there might not be  
14 any connection to the county of commission.

15       So yes, I'm going to respond to that question with  
16 another question, but I think, to respond to that,  
17 Commissioner Yee, I would say, you know, try and find a  
18 way where you can actually touch base with the folks  
19 you're reaching out to, to get them to identify what  
20 their community is.

21       MR. VASQUEZ: Yes, very good points.

22       I would add just to that, you know, it's  
23 multifaceted, right, when you think about it, because you  
24 have a couple of -- so the population at hand is one of  
25 the groups. That's one of the facets. Families and

1 households are a different one, right, where they're  
2 coming from, what they would foresee, you know, being a  
3 support -- you know, if added support to their county  
4 would be helpful. I would see service providers as  
5 another one, the community in general as another one.

6       You know, it's not an easy -- you're absolutely  
7 right, it's not an easy lift, right. But I think some of  
8 the groups that oftentimes go unheard are either, you  
9 know, the folks directly themselves that are doing the  
10 time, or the family members that are impacted by the  
11 decisions of the folks that are doing time. And so I  
12 would say being able to provide an opportunity for input  
13 from families that are impacted by folks that are away  
14 doing time would be good. It would equally be valuable  
15 to hear, you know, just out of curiosity, what, you know,  
16 COs, right, or officers at different institutions, what  
17 their opinion might be. It will give you some contrast  
18 on things, right.

19       But I think it's very important for you to be able  
20 to tap the voices that usually go unheard, because it  
21 will give you an overall sense of the landscape, rather  
22 than just kind of making decisions because you see that  
23 it's a little bit more data driven approach to what  
24 you'll be doing, and then you can quantify, right, why  
25 this is important, after that.

1 COMMISSIONER SINAY: Thank you, Beto.

2 Anyone else?

3 Commissioner Sadhwani, it looked like you were about  
4 to ask something.

5 COMMISSIONER SADHWANI: No, no. I think this is a  
6 super helpful presentation, and I look forward to  
7 thinking about various formats of outreach to folks who  
8 are incarcerated people. Does folks count, though?  
9 Folks is okay, too, right? I hope so.

10 MR. VASQUEZ: Yes. No, I appreciate your  
11 consciousness to that, right I think that's where  
12 that's a starting point. That's where we start,  
13 where we're aware of how conversations and the humanizing  
14 language -- it's a very valuable point.

15 You know, there's research by Shaun Harper I always  
16 like to kind of lean into, but this anti deficit  
17 mindedness, right, in always thinking that we're solving  
18 a problem, you know, that pobrecito, right, you know,  
19 there are so many problems with this and that, rather  
20 than thinking, wait, we have a great group, a gaggle, if  
21 you will -- I never use that word, but I think it's  
22 appropriate here -- a gaggle of people that have been  
23 successful, that are doing great things, that are those  
24 credible messengers, that can, you know, not only provide  
25 hope, but you can actually learn from them, right. And

1 it goes back to that quote, right. These are the persons  
2 closest to the problems that have those solutions, but I  
3 think it starts with that awareness of, you know, what --  
4 we've been dehumanizing folks for a long time, and we  
5 need to change that right away.

6 COMMISSIONER SADHWANI: Well, I really appreciate  
7 that. I think, similarly, we could say the same about,  
8 like, folks experiencing homelessness --

9 MR. VASQUEZ: Yes.

10 COMMISSIONER SADHWANI: -- and I really appreciate  
11 that, and I love the work by Shaun Harper. I think he's  
12 great.

13 COMMISSIONER SINAY: Commissioner Andersen.

14 COMMISSIONER ANDERSEN: Thank you. That's a very  
15 interesting presentation. Thank you all.

16 You mentioned, I think -- well, Beto -- I don't want  
17 to be too familiar -- but you mentioned the families.  
18 Impact to the families, and the information we will be  
19 getting from the Statewide Database is actually where the  
20 prisoners were taken from, essentially. Their last known  
21 address.

22 And when we're considering, well, that's their  
23 community, that is what we would naturally be thinking,  
24 but I know, because you mentioned many families have  
25 certain people who are incarcerated for longer periods of

1 time. Families move to be in the area, for visiting  
2 purposes, et cetera. And so how would we -- because,  
3 quite frankly, they might be very interested in actually  
4 not being relocated to where they came from, but where  
5 their families are.

6 So do you have any sort of information, say, that we  
7 could use to determine what portion of these people --  
8 rather than going, okay, well, here's our information,  
9 but actually what portion we could, and should, change  
10 and how we might go about that?

11 MR. VASQUEZ: Yes. So a very interesting point. I  
12 think that's where we start, kind of, to see a lot of the  
13 ramifications from recent legislature, right, where folks  
14 are now doing local state time. So you have -- you still  
15 do have populations in California corrections -- you  
16 know, the Department of Corrections -- but you also have  
17 folks that are doing their time in county jails, right.  
18 Now they're doing what would typically be a state  
19 sentence in a county facility.

20 And so I think that also -- you know, that's a  
21 gamechanger right now, right, because you would have to  
22 look at what those numbers look like. You would have to  
23 look at the family, you know, component of it, and it  
24 goes both ways, right. You have families that are  
25 willing to make a sacrifice like that because that's what

1 it is on the families, to be able to be closer to their  
2 loved ones. And then you have folks, you know, like  
3 myself, that just did time on your own, right, and you  
4 have to disconnect yourself from the outside world, and  
5 it kind of goes back to the other point that Taina made  
6 earlier, where your community is that facility that  
7 you're in, that yard that you're on.

8       And so again, it's no easy feat, right. Definitely  
9 a lot of things to consider, but I think, as we think  
10 about how, statewide, things are changing, because we,  
11 for so long, were at overcapacity of where we were  
12 supposed to be, and because now folks are doing more  
13 local time, you know, how does that overlap with Prop 47  
14 funds, right? How does that overlap with other efforts  
15 that are going on, and how could we, instead of working  
16 in silo, work in unison or complement other things that  
17 are already going on -- other efforts that are going on  
18 to help folks, you know, really not just lower recidivism  
19 or just look like we're not locking as many people up,  
20 but actually giving them vital tools and resources so  
21 that they can rehabilitate, right. So that they can have  
22 a fighting chance of doing well out here, especially in  
23 times like now, right.

24       I mean, you add this whole added layer of COVID, and  
25 the challenges with working right now. You know, most of

1 these jobs that a lot of these folks are coming to would  
2 be, you know, essential workers now, or restaurants,  
3 which, you know, just today, they started opening up  
4 again. So while the general population out here is  
5 struggling already with the jobs, what does that look  
6 like for folks that are getting out right now and coming  
7 to an environment like this, right.

8       And so again, it's not an easy feat. I don't envy  
9 your job by any means, right. But I think -- again, I  
10 really appreciate this whole conversation, because at  
11 least we're having it, right. At least we're having this  
12 conversation, and we're acknowledging that there's an  
13 important piece to consider, especially when we're  
14 talking about resources.

15       Taina, I don't know if you'd like to add anything to  
16 that.

17       MS. VARGAS: Yes. Thank you, Beto. I actually did  
18 want to add something that I realize is not the purview  
19 of this Commission, but you know, I think the elephant in  
20 the room is that incarcerated people don't have the right  
21 to vote, and that's why this issue is so complicated,  
22 where we're asking ourselves, you know, well, you know,  
23 where should we be counting them? How should they be  
24 included in the redrawing of the district maps, because,  
25 at the end of the day, they don't have the ability to



1 vote for the people who will be running in those  
2 districts?

3       So I guess I just wanted to, like, name that, and  
4 say that, you know, in the future, I don't know if  
5 there's any space for this Commission to make any types  
6 of, like, policy recommendations, but if we can restore  
7 voting rights to all citizens who are over the age of  
8 eighteen in the state of California, then this is  
9 something that will be much more simple moving forward.  
10 Hopefully, on next census, that will be a reality.

11       COMMISSIONER SINAY: Thank you, Taina.

12       David, did you have any response, kind of, to what  
13 Commissioner Andersen asked? Do we know what percentage  
14 of families move closer, any of --

15       MR. MALDONADO: That is pretty hard to tell. I was  
16 thinking about it, too. I mean, we do have an Office of  
17 Research. They don't capture where the families live,  
18 but we could probably, somehow, get a statistic of, you  
19 know, where they end up -- where the incarcerated person  
20 ends up when they leave, if it's different counties from  
21 when they started.

22       I was thinking throughout this thing, too, some  
23 crimes will prohibit you from going to the county of  
24 commitment as well. If you committed certain series of  
25 crimes, you can't go back to the county, if the victim

1 doesn't want you there, and that's part of the California  
2 Constitution as well. So maybe that is something we work  
3 with our Office of Research to figure out, is, you know,  
4 out of -- what percentage of incarcerated end up in a new  
5 county?

6 MS. VARGAS: And if I could just add, yes, I don't  
7 have any statistics, either, but anecdotally, as somebody  
8 who visited someone in prison for seven years and you  
9 know, met a lot of visitors, a lot of us would try to  
10 move as close as possible, if we could, but it's very  
11 difficult because, one, most people move from prison to  
12 prison, often. My loved one was in prison for seven  
13 years and was at five different facilities, so keep up  
14 with that is really difficult.

15 Two, these prisons are in the middle of nowhere, so  
16 nobody wants to live in Susanville, nobody wants to live  
17 in Jamestown, or any of these random towns that I'd never  
18 heard of until I was driving to a prison, to one of those  
19 places. And then, three, you know, like, it's so much,  
20 to like, to move your entire life. People have kids,  
21 people have jobs, and all of those things.

22 So for myself, like, I tried to move closer. So you  
23 know, I would try to move to a town where, instead of  
24 being ten hours away, I was five hours away or something  
25 like that, but it's just incredibly hard to track,

1 because so much of it is up in the air, and if I could  
2 guess, I would probably say that what happens most often  
3 is people just stay where they are and don't see their  
4 loved ones, because it's too hard.

5 MR. VASQUEZ: And I would just -- I mean, the last  
6 point I would add to that is, you know, if CDC were to go  
7 and ask a family, hey, where do you live, right? Are you  
8 moving closer to see a relative? Chances are they're  
9 probably not going to answer honestly with you, for fear  
10 of being investigated further, or you're assuming that  
11 I'm doing something, or -- I mean, there's just -- and  
12 maybe it's just me, right, because I've been guilty of  
13 things in the past, right. I don't know.

14 But there's this sense of, I can't get involved with  
15 law enforcement, because then I'm opening up a can of  
16 myself for something, right. I'm putting myself -- I  
17 mean, that's street code, right. It's like, well, you  
18 don't go talk to the cops because then they're going to  
19 want to turn around, you know, and check you out or  
20 investigate you, and take your name, and it just -- you  
21 know, so again, there's this trust, right, this antitrust  
22 piece that's going on. And I think, if we were to  
23 approach all of this with a layer of authenticity of,  
24 hey, we just want to make sure that the resources are  
25 going where they're supposed to go in the state of

1 California, and this is why it's important, and this is  
2 what it can look like, and this is why we need your help,  
3 right. And having those credible messengers to help  
4 deliver that message, so that people don't feel like,  
5 hey, you know, CDC is up to something, right.

6 I mean, I'm talking about the folks that are  
7 incarcerated, because, you know, in Spanish -- and the  
8 reporter is going to hate me for this, right -- but in  
9 Spanish, the saying, se me hace muy ojona para ser  
10 paloma, right. If it's too good to be true, it probably  
11 is. That's more or less the rough interpretation of  
12 that.

13 And so sometimes, you know, as well intended as we  
14 may be, you know, we're talking to folks that are not  
15 trusting of the state, of the system, and are going to  
16 look at you with that skepticism, right. And so again,  
17 that authenticity, the genuineness, the working with the  
18 credible messengers, but just being very sincere in the  
19 things that we're doing, I think it's important for us.

20 COMMISSIONER SINAY: Commissioner Taylor.

21 CHAIR TAYLOR: Good afternoon, Mr. Vasquez. That  
22 statement works in a variety of communities, so it's  
23 beyond just yours.

24 Quickly, if either of you might know, are there any  
25 other publications that are widely distributed amongst

1 the incarcerated population?

2 MR. MALDONADO: I know there's quite a few. Like,  
3 Life Support Alliances is an organization. Restore  
4 Justice is an organization. Anti-Recidivism Coalition is  
5 a large -- as I said, I have a lot of contacts with  
6 basically any of the programs that are providing services  
7 within the institutions. So we can have each and every  
8 one of them push messages, publications, anything we  
9 really want to include Initiate Justice.

10 MS. VARGAS: Yes. I would also recommend the San  
11 Quentin News. So if folks have -- if you don't have a  
12 connection with them, folks who are writers, who are  
13 editors, one of our board members is a lead staff writer  
14 at San Quentin, so we'd be happy to make that connection.

15 MR. MALDONADO: Yes. My boss helped start that. So  
16 you know, we're good. I think they're not really  
17 distributing right now, because of COVID, and that's the  
18 problem. Because of COVID, we're not really doing too  
19 much of that.

20 CHAIR TAYLOR: Thank you.

21 COMMISSIONER SINAY: Beto, do you want to say what  
22 you've put in the chat publicly?

23 MR. VASQUEZ: Yes. Sure. So actually, I run a  
24 little nonprofit on the side, and we used to do a lot of  
25 civic engagement work with the guys that are getting out

1 here locally in San Diego. Because of COVID, we haven't  
2 been able to do a lot of the things that we typically do.

3 So we're actually going to be starting a newsletter,  
4 and I've already been in works with the San Diego County  
5 Sheriff's Department on gathering stories from folks that  
6 are system impacted, resources and such, because  
7 oftentimes you get a list that's outdated. You know,  
8 they tell you, oh, here's a list of felon friendly jobs,  
9 right, and you call them all. Half of them don't work,  
10 you know, many of them don't accept you. And so we're  
11 actually putting together a newsletter that's going to  
12 debut in March, the good Lord willing, and it's going to  
13 be to that specific audience there.

14 So David, I'll probably follow up, to see how we can  
15 get it to the hands of folks that are, you know, close to  
16 going home.

17 COMMISSIONER SINAY: All right. Any other  
18 questions?

19 I wanted to close just with a conversation that  
20 Taina and I had.

21 Everyone is going in a different direction, but yes,  
22 Commissioner Kennedy, I finally see you.

23 COMMISSIONER KENNEDY: Thank you. When we last  
24 discussed this, I made the point that I support  
25 reallocating the population of California residents, but

1 I would also -- as far as equity -- like to see us make  
2 an effort to reallocate individuals in the federal  
3 system. And I just wanted to know if any of the speakers  
4 had thoughts on that.

5 I've drafted a letter for chief counsel's review and  
6 possible sharing with relevant subcommittees, but I just  
7 wanted to get our guests' views on reallocating  
8 individuals in the federal system. Thank you.

9 MR. MALDONADO: Oh, go ahead, Taina.

10 So one thing to think about with that is that  
11 they're not all California residents. I did a tour of  
12 the facility in Dublin, so I can easily connect you with  
13 the PIO or some of the other administration there.  
14 They're not always California residents, even though  
15 they're currently living in California, so I don't know  
16 how your view on that is, because they're going to leave,  
17 and they're not going to come into our community. So  
18 maybe doing a survey amongst the entire prison population  
19 of California residents throughout the system -- but as  
20 Taina stated, all California should be counted. So it's  
21 not a bad idea.

22 Go ahead, Taina.

23 MS. VARGAS: Actually, I wanted to clarify.  
24 Commissioner Kennedy, were you talking about people who  
25 were serving a federal prison sentence at a California

1 federal institution, or California residents who are  
2 serving time at a federal institution outside of  
3 California?

4 COMMISSIONER KENNEDY: Ideally, I would like to deal  
5 with both of those.

6 MS. VARGAS: Okay.

7 COMMISSIONER KENNEDY: I recognize that it is going  
8 to be difficult, but what I said at the last meeting when  
9 we discussed this is I would at least like us to make a  
10 good faith effort to do that.

11 MS. VARGAS: Right. So I wish I had a proposal for  
12 a solution, but I think that I'll just echo what you're  
13 saying, that it's complicated, because we do have, you  
14 know, as Mr. Maldonado just said, folks who are not  
15 California residents who are serving their time here, and  
16 then we also have folks who come from California who are  
17 serving time at federal facilities all over the country.  
18 So maybe the practice we need is to just keep people  
19 close. I don't know.

20 COMMISSIONER SINAY: Thank you.

21 Commissioner Taylor.

22 CHAIR TAYLOR: Yes. So again, I don't know if you  
23 guys have the answer or not. Is there an effective  
24 enumeration of the individuals that are serving state  
25 time in county facilities? Is that counted in that whole



1 number, or is that now a separate number?

2 MR. MALDONADO: So the individuals serving time in  
3 county facilities -- only because of COVID do we have  
4 inmates in county facilities. Because of a lot of  
5 legislation, AB 109, Prop 47, there has been crimes that  
6 have not been deemed -- like, in the past, would have got  
7 you to prison, but those aren't CDCR inmates. You know,  
8 in the past -- it was, I think, prior to 2011 -- you  
9 know, the most you could stay in a county facility was  
10 one year. With the legislation of AB 109 and Prop 47  
11 passing, those aren't CDCR inmates. Those are county  
12 inmates.

13 But because of COVID, right now there is a kind of a  
14 backlog of individuals waiting to transfer to CDCR  
15 prisons. I want to say it's pretty high right now.  
16 We're trying our best to get them into CDCR facilities,  
17 but because of COVID, restrictions of social distancing,  
18 we're slowly, but surely, getting them in there. So  
19 hopefully, that answers your question.

20 MS. VARGAS: Yes. Folks who are serving a state  
21 prison sentence in a county jail are considered part of  
22 the county jail system, even though it's technically a --  
23 they're, you know, incarcerated under the state system.  
24 But thanks to AB 2466, they can also vote. So even  
25 though they're serving a state prison sentence, they are

1 considered part of the county system, so they can vote.  
2 So I think it would be a little bit less complicated with  
3 them because, you know, they're represented in other ways  
4 as well.

5 COMMISSIONER SINAY: Thank you.

6 Okay. I'm looking. Anyone else?

7 (No response.)

8 COMMISSIONER SINAY: All right. Well, I want just  
9 to kind of close it with a conversation that we had when  
10 we were preparing for this panel, and as Taina said, they  
11 created a report that states -- you know, the title is  
12 Democracy Needs Everyone, and she has it right there, and  
13 I had sent it over to Fredy to share.

14 And for me, I mean, that's something I've always  
15 said, is democracy needs everyone, and voting is not  
16 democracy, but there's a lot more to democracy, as we all  
17 know, because we're on this Commission. But one of the  
18 things that's really interesting about incarcerated  
19 people, and going back to their communities, is -- Taina,  
20 do you want to just give the overview of what you all  
21 found about voting and just being engaged?

22 MS. VARGAS: Sure. So the purpose of this report  
23 was to support legislation to end felony  
24 disenfranchisement, and so to restore voting rights for  
25 currently and formerly incarcerated people in California.

1 We did win part of this in November, with Prop 17.

2 However, the work is not done. We're trying to restore  
3 voting rights for everybody impacted by incarceration.

4       Essentially, we found three different things. One,  
5 people impacted by incarceration do want to be able to  
6 vote. You know, going through the system, folks  
7 generally understand much more intimately, like, how  
8 policy impacts their everyday life, and most folks  
9 reported back saying that they feel, like, much more  
10 likely to be engaged in the political process.

11       I think it was about thirty something percent of  
12 folks who said that they voted before they were  
13 incarcerated, and ninety-eight percent of the people said  
14 that if they had their voting rights restored now, they  
15 would, and I cannot think of any other demographic where  
16 ninety-eight percent of the people say, like, I would do  
17 this if I could. So that stood out.

18       Two, we found -- and this kind of goes back to some  
19 of the points I was making earlier -- is that, you know,  
20 folks who are also currently incarcerated are part of a  
21 community, and the community, it mirrors the communities  
22 that we have out here. People are working. People are  
23 going to school. They have friends. They have  
24 recreational activities, things that they do in their  
25 free time. You know, they build relationships, and they

1 build lives inside, and they try to contribute to their  
2 communities in any way that they can.

3       Some of them, you know, participate in, like,  
4 volunteer activities on the inside that benefit folks on  
5 the outside. Some just, like, mentor one another. So  
6 you know, it's really important for us to see folks who  
7 are currently incarcerated as members of a community,  
8 even if that community looks different from the community  
9 in the free world in some ways.

10       And then the third thing is that restoring voting  
11 rights will increase public safety. About three out of  
12 four people in the report said that, if they had their  
13 voting rights restored, they feel like it would help them  
14 be less likely to return to jail. Eighty six percent of  
15 people said having their voting rights restored would  
16 make them feel more connected to their communities, which  
17 is also linked to lower recidivism.

18       So again, the purpose of the report is to make an  
19 argument for an end to felony disenfranchisement, which,  
20 of course, is very closely linked to the questions that  
21 are before this Commission.

22       COMMISSIONER SINAY: And the reason I wanted her to  
23 share that is, even if we do outreach, and we don't get a  
24 high activation rate among the population, just the  
25 effort, as they have said, of reaching out and then

1 seeing the importance of their voice, or that  
2 understanding this issue better is helping our  
3 communities in the long run, and their communities in the  
4 long run, because they're feeling connected and heard.

5 So the public will be happy to hear it's not about  
6 the numbers. The outcome is bigger than that. It's  
7 about the civic engagement, long-term, as Alberto was  
8 saying earlier. Beto was saying earlier you need to look  
9 at long-term outcomes.

10 Thank you, Beto, Taina, David. I know this is just  
11 the beginning of our conversations, but thank you for  
12 sharing your stories and your wisdom and your experience,  
13 and all the work that you do in our communities. Take  
14 care.

15 MS. VARGAS: Thank you so much for having us.

16 MR. VASQUEZ: Thank you all for having us. Have a  
17 good one.

18 MR. MALDONADO: Thank you.

19 COMMISSIONER SINAY: Thank you so much.

20 CHAIR TAYLOR: Okay. So that was wonderful. I  
21 think, if it is okay with Commissioner Sadhwani and  
22 Commissioner Yee, perhaps we could revisit the issue with  
23 the Black Caucus, and perhaps address that.

24 COMMISSIONER SADHWANI: Sure, and many thanks to  
25 Lori Shellenberger for raising that. Yes, we most

1 certainly -- sorry about that -- we most certainly were  
2 reaching out to the Black Census and Redistricting Hub,  
3 and had hoped that they would be able to present this  
4 morning.

5 We most certainly recognize the importance of  
6 hearing from the black community as it relates to the  
7 Voting Rights Act. The Voting Rights Act was originally  
8 created based on Jim Crow laws that prohibited African-  
9 Americans, particularly in the South, but also  
10 nationwide, who were unable to access the vote.

11 So yes, we had a long conversation with Mr. Woodson  
12 and Ama -- I am so sorry that I am forgetting your last  
13 name right now.

14 Commissioner Yee, if you have that, please feel free  
15 to jump in.

16 COMMISSIONER YEE: Nyamekye, N- Y A M E K Y E.

17 COMMISSIONER SADHWANI: Yes. Thank you so much.

18 Both of them had presented to this Commission,  
19 previously. I think they were very willing to present,  
20 it's just the timing and the date didn't really work out  
21 for them at this point in time.

22 We were able to spend a good hour or so talking with  
23 them, as well as with some of the representatives from  
24 the Othering and Belonging Institute at UC Berkeley, whom  
25 they have partnered with. They specifically have data

1 analysts there that are mapping for them some of the  
2 movements of the black community within California from  
3 2010.

4       As we've discussed previously, we anticipate seeing  
5 some of those changes when we receive the census data.  
6 We believe that there has been movement, for example, of  
7 African-American communities in the South Los Angeles  
8 area to parts of the Inland Empire, growth in communities  
9 in the Stockton and San Joaquin Valleys. So they are  
10 looking at all of those issues currently, and thinking  
11 about them from a VRA perspective. I certainly don't  
12 want to speak on behalf of the Black Census and  
13 Redistricting Hub in terms of their analysis of that  
14 data, but we most certainly made the offer to them that  
15 when they have that report ready, we would love to have  
16 them come and share that with the Commission, as well as  
17 any thoughts or recommendations that they might have for  
18 the VRA.

19       So the intention is to continue to be in touch with  
20 them. Unfortunately, it didn't work out today, and I  
21 certainly welcome Mr. Woodson or others from the Hub to  
22 chime in, call in for public comment if there's anything  
23 today that they want to just add to the conversation, but  
24 certainly we want to keep the door open for the future.

25       COMMISSIONER YEE: Just to mention the names of the

1 folks from the Othering Institute at UC Berkeley, it was  
2 Arthur Gailes, G-A-I-L-E-S, and then Samir Gambhir, S A M  
3 I R, last name G-A- -- I'm sorry -- G-A-M-B-H-I-R.

4 So in 2011, in the end, there were no VRA districts  
5 created for the African-American communities. That's  
6 based on community and RPV work as well. So of course,  
7 they're tracking population shifts since then, and the  
8 question will be what to recommend for this time around.

9 The one piece of advice they gave -- the same thing  
10 we heard this morning -- which is, communities that are  
11 smaller than a district in size, don't ignore them. Try  
12 to include them in a neighboring -- within a district  
13 that makes sense, and not a neighboring district that  
14 doesn't make sense. And so we took that to heart.

15 COMMISSIONER SADHWANI: Yes. And just to add to  
16 that, I mean, while -- I think, when we think about the  
17 VRA, we're often thinking about majority minority  
18 districts, but that does not necessarily need to be the  
19 case. Influence districts could also potentially be in  
20 compliance with the VRA, and influence districts, from a  
21 political science research sort of standpoint, can also  
22 allow for very fair representation, and allow  
23 underrepresented communities to still receive fair and  
24 reasonable representation, even if it's not necessarily  
25 representation from their own community.



1           So anyways, we're continuing to think about all of  
2 those things as we move forward with this process, and  
3 what that will look like and mean throughout the state  
4 for varying communities.

5           CHAIR TAYLOR: Thank you, Commissioners Yee and  
6 Sadhwani.

7           I think that this would be an appropriate time to  
8 take a break. That way, we can have the rest of our  
9 agenda in continuity. We won't have to have a  
10 significant break in between.

11           When we return from our break, we will be at Agenda  
12 Item Number 5, executive director's report. I will also  
13 make a note that, due to scheduling conflicts, that we  
14 may move up Agenda Item Number 9-J, the grant  
15 subcommittee, so that both of those Commissioners  
16 involved can be fully engaged with that discussion prior  
17 to our conclusion today.

18           So we'll take a break, and be back at 3 o'clock.

19           (Off the record at 2:45 p.m.)

20           (On the record at 3:00 p.m.)

21           CHAIR TAYLOR: Good afternoon. Welcome back. It is  
22 3 o'clock of the January 26th meeting of the California  
23 Citizens Redistricting Commission.

24           Before we move on to Agenda Item Number 5, in my  
25 haste to move on or to address a VRA question, we did not

1 take public comment as it related to Item Number 11.

2 So Jesse, if you please can invite public comment  
3 for Agenda Item Number 11, I'd appreciate it. Thank you.

4 PUBLIC COMMENT MODERATOR: In order to maximize  
5 transparency and public participation in our process, the  
6 Commissioners will be taking public comment by phone. To  
7 call in, dial the telephone number provided on the  
8 livestream feed. The telephone number is (877) 853-5247.  
9 When prompted, enter the meeting ID number provided on  
10 the livestream feed. It is 976 7934 9222 for this week's  
11 meeting. When prompted to enter a participant ID, simply  
12 press pound.

13 Once you have dialed in, you'll be placed in a  
14 queue, from which a moderator will begin unmuting callers  
15 to submit their comments. You will also hear an  
16 automated message to press star nine. Please do this to  
17 raise your hand indicating you wish to comment. When it  
18 is your turn to speak, the moderator will unmute you, and  
19 you will hear an automated message that says, the host  
20 would like you to talk, and to press star six to speak.

21 Providing your name is not required, but if you  
22 would like to, please state and spell it for the record.  
23 Please make sure to mute your computer or livestream  
24 audio to prevent any feedback or distortion during your  
25 call. Once you are waiting in the queue, be alert for

1 when it is your turn to speak, and again, please turn  
2 down the livestream volume. These instructions are also  
3 located on the website.

4 The Commission is taking public comment on Item 11  
5 at this time.

6 CHAIR TAYLOR: Thank you, Jesse. We'll wait a few  
7 minutes.

8 All right. My trusty timer tells me we have waited  
9 two minutes. So seeing no one in the queue, we will move  
10 on to Agenda Item Number 5.

11 So Dan, I know I only tried to give you five minutes  
12 to do your whole report. Now you have more time to do a  
13 more robust report out.

14 DIRECTOR CLAYPOOL: Thank you, Chair. I will try to  
15 keep this fairly succinct, because I know we have a lot  
16 of business.

17 I wanted to report, first of all, on our budget.  
18 Deputy Director Hernandez and I met with ten legislator  
19 staffers from the Joint Legislative Budget Committee, the  
20 budget offices of the senate and the assembly, and the  
21 legislator staff from the four legislative leadership  
22 offices, and two of the members from the Department of  
23 Finance yesterday.

24 It was a very good meeting. The conversation was  
25 completely about the 2.3-million-dollar outreach

1 provisional funding, and it appeared that all of the  
2 staffers had read the Commission's posted strategic  
3 outreach plan. So that tells you that people are paying  
4 attention to what you're doing.

5       There were many things discussed. The three things  
6 that were the most important that I thought to bring up  
7 to you was that the Commission's educational meetings  
8 were examined, and the staff asked whether the meetings  
9 would be recorded and posted for public review, to ensure  
10 transparency.

11       Then they asked, when would the Commission formalize  
12 their outreach plan? To that one, I responded that that  
13 was a topic that, hopefully, we would get to during this  
14 meeting set, and I would explain the outreach plan in  
15 depth.

16       And then, finally, they wanted to know how much of  
17 the Commission's budget would be dedicated to internal  
18 outreach, including materials, translation, and language  
19 access, and how much would be devoted to grants. So we  
20 gave them our best estimates, knowing that there would be  
21 more answers coming out of this meeting, and now they've  
22 asked for another meeting to be scheduled for early next  
23 week, to basically get their responses from whatever we  
24 decide during this meeting set.

25       So first of all, I'll just ask, are there any

1 questions about that meeting?

2 (No response.)

3 DIRECTOR CLAYPOOL: Okay. The next item in our  
4 budget is going to the April letter. I've discussed it  
5 for week after week. It does have to be completed early  
6 in February. That letter and the Commission's February  
7 budget update will be completed by myself and our new  
8 budget officer. I can now tell you that that  
9 individual's name is John Fitzpatrick.

10 John joined us from the Department of Finance, where  
11 he's been our primary contact with the Department, and  
12 he's a principal budget analyst, overseeing all of  
13 California's boards and commissions. We're very  
14 fortunate to be bringing on someone with that much  
15 experience. He was also involved with the 2010  
16 Commission as our principal contact. So he has a long  
17 history of knowing how this Commission operates and what  
18 our budget needs are. So we're glad to have him aboard.

19 Finally, the staff are completing projections for  
20 costs that will determine the amount of expansion that  
21 we're going to request during the May revision. That  
22 request will include considerations of our increased  
23 operational expenses that will result from a longer  
24 staffing cycle because of the anticipated delay caused by  
25 the census, and also the cost of additional videography

1 expenses.

2       The upshot of this is, we are putting together this  
3 week and next week the final budget projections, which  
4 means that, in February, you'll get a comprehensive  
5 estimate of how much we think it's going to cost, our  
6 best estimates, and those will be the same numbers that  
7 will be provided to the Department of Finance to  
8 substantiate our requests for any additional funds.

9       I really believe that there will be an expansion of  
10 our operational expenses, simply because of the  
11 videography costs, and because of this delay where we  
12 expand staffing needs out for two to four months longer  
13 than we had originally anticipated.

14       So that's where we're at right now with our budget,  
15 and so I'll pause to see if there are any questions.

16       Commissioner Sadhwani.

17       COMMISSIONER SADHWANI: Thanks, Dan. This all  
18 sounds great. It sounds like Mr. Fitzpatrick is going to  
19 be an excellent addition to the team.

20       I wanted to just ask -- I remember -- and I forget  
21 all of the correct terminology, but I recall previously  
22 you were very excited to be advancing, like, an  
23 application to become a designated something that Raul  
24 would be, and then Raul --

25       DIRECTOR CLAYPOOL: Right, right. Delegated

1 authority.

2 COMMISSIONER SADHWANI: Delegated authority. Could  
3 you give us an update on that?

4 DIRECTOR CLAYPOOL: We are still working on that,  
5 through the Procurement Department or the Department of  
6 Finance, and we are having many of the same problems that  
7 we had last time, because of the short-term nature of our  
8 endeavor, and this time the rules have changed slightly.  
9 So we're working to see what we can do. To start with,  
10 what we're hoping to do is just get a California credit  
11 card so that we can start charging some of the things  
12 that are on some of our credit cards, just to that, but  
13 we are still working on that, and I'll keep you apprised.  
14 That's where we're at.

15 Commissioner Ahmad.

16 COMMISSIONER AHMAD: Thank you, Dan. I don't know  
17 if I'm missing this, but I'm looking on the website with  
18 the posted material. I don't see any handouts for your  
19 report. Is that accurate, there's no handouts?

20 DIRECTOR CLAYPOOL: That's correct. The numbers I'm  
21 talking about in the projections would be in that report  
22 that I promised at the first of each month, and really it  
23 wouldn't have changed. Our expenditures and our  
24 encumbrances have not changed since the beginning of this  
25 month. They will change by the beginning of next month,

1 and that will be the most comprehensive report we have at  
2 that time because that's when we're going to extend to  
3 the governor's office, a request for additional funds as  
4 we see them.

5 COMMISSIONER AHMAD: Thank you.

6 DIRECTOR CLAYPOOL: Okay. Not seeing any other  
7 hands.

8 Commission computers. So the only remaining item  
9 for shipping these computers to you is to load them with  
10 Windows 365. The first vendor that we had backed out of  
11 the agreement to provide us with it, and now the new  
12 vendor -- the second vendor that we are working with, has  
13 said that they're going to deliver those licenses by next  
14 week, and as soon as we have Windows 365, that will get  
15 loaded onto your computers by Corina and will be shipped  
16 to each of you, but it has been just a slog. I'm trying  
17 to get that taken care of.

18 Any questions?

19 (No response.)

20 DIRECTOR CLAYPOOL: Seeing none.

21 Hiring. So we are rounding the corner at that time  
22 when we're going to really start staffing out for the  
23 individuals that are going to support you, both the data  
24 management side of the equation and also field staff.  
25 Alvaro will be talking about that more extensively. I



1 just wanted to say that I've spoken with all of our staff  
2 about giving me their needs over the next couple of  
3 weeks, and their projections for the individuals that  
4 they think that they may wish to add onto their staff.  
5 That includes the deputy executive director, the  
6 administrative deputy, and our chief counsel.

7 I anticipate that once we have those needs that we  
8 would take those positions and the justification for  
9 them, through the Finance and Administrative Committee,  
10 and they would give us the review, and then we would go  
11 ahead and add them onto our organizational chart, and  
12 start doing a projection as to what those individuals  
13 will cost us across the life of this project.

14 Now, without knowing when the census data is  
15 actually going to come to us, we're going to work on this  
16 projection that some of these staff will be with us for  
17 up to ten months, and others will be with us for six  
18 months, and we'll work the numbers that way, and like I  
19 said, we're going to be going through the Finance and  
20 Administrative Committee to make sure that we get a sign  
21 off on our numbers and what we should be doing.

22 In that same vein, I asked our chief counsel to work  
23 with Marian to determine how the Commission can write  
24 letters, so that the current letter process that we had  
25 for the Census Bureau doesn't become an issue, and when

1 we get that opinion, of the best way that we can move  
2 forward, we will also move that through the Finance and  
3 Administrative Committee.

4       And then, finally, I just wanted to say that we are  
5 in a very critical point as a Commission. Our timing is  
6 getting to that point where we need to make some  
7 decisions, particularly this week, in this meeting. We  
8 don't necessarily need votes where places weren't  
9 agendized for votes, but we need a consensus of the  
10 Commission's opinion about the direction we're going to  
11 be headed, so that we can start thinking about staff  
12 hires, and also for contracts that we need to put in  
13 place.

14       This includes -- well, it includes everything that  
15 we're going to talk about, whether it's materials that we  
16 want translated, or it's languages that we wish to put  
17 under contract, the staffing needs for data management,  
18 or the staffing needs for the field teams. If we can  
19 come out of this with as many of those answers completed,  
20 even if they don't need a vote -- or even if we need to  
21 have the vote the next time frame -- then it can keep us  
22 on track. If we have to wait until the next meeting,  
23 it's going to slow us down. So I have every bit of faith  
24 in all of you that we're going to come away with what we  
25 need.

1           That's the end of my report, unless any of you have  
2 any questions for me.

3           Commissioner Sadhwani.

4           COMMISSIONER SADHWANI: I mean, it's just a comment,  
5 more than a question. I think, as we're contemplating  
6 the addition of more staffing, I just really want to  
7 underscore the need for new staff members to receive  
8 training on the work of the Commission. What it is that  
9 we are here to do, the legal requirements that we have to  
10 uphold. I think, in some of the conversations with some  
11 of our newer staff, it's become apparent to me that that  
12 training did not happen for them. There wasn't an on  
13 boarding process, and I think that makes it a real  
14 challenge, then, to advance the work, because I think we  
15 are trying to move more quickly now. We all recognize  
16 that time is of the essence. Things are about to pick up  
17 rather quickly.

18           So I think, as we are thinking about more staffing  
19 being brought on, I just want to make sure that it's on  
20 our radar to ensure there's a couple days where folks  
21 can, at a minimum, sit down and watch some of those  
22 training videos that we participated in early on in this  
23 process, to really understand where we've come from thus  
24 far and what it is that we're trying -- really attempting  
25 to do.

1 DIRECTOR CLAYPOOL: We noted it.

2 Commissioner Andersen.

3 COMMISSIONER ANDERSEN: Yes. I have a question  
4 about the writing letters. What were you referring to?  
5 Is that just for straight legal opinions, or for letters  
6 in general, or could you elaborate a little bit more what  
7 that entails?

8 DIRECTOR CLAYPOOL: I will. Commissioner Toledo had  
9 actually put together a census letter that we're going to  
10 discuss, I believe, and it was sent through to me, and I  
11 had actually asked that it be distributed to the full  
12 Commission for edits, and then, at the last -- well,  
13 actually, had it gone out, and then I was put under the  
14 impression that that was the wrong thing for me to do,  
15 that that could have been a violation of Bagley Keene.  
16 There were no comments, so there was no violation, but we  
17 need to have a better way of taking these types of  
18 documents, if we wish everyone to see them and edit them,  
19 than the way I approached it.

20 So we're looking to formalize a policy, because this  
21 isn't going to be the last letter that one of you or all  
22 of you wishes to send out or wishes to see, and so the  
23 last thing I would want to do is jeopardize this  
24 Commission by making a foolish error. So it was actually  
25 brought up by the Finance and Administrative Committee

1 that we should consider this particular -- how we should  
2 do this, and have a policy for it, and so I'm just  
3 following through on that.

4 COMMISSIONER ANDERSEN: Sorry. So just for  
5 clarification, these are for letters we're sending, say  
6 these are specific letters that, like, the entire  
7 Commission is planning on sending, as opposed to  
8 communication back and forth with different individual  
9 groups in the state.

10 DIRECTOR CLAYPOOL: Right. It's any response where  
11 the Commission may wish to all see it and review it  
12 before it goes out, whether it's from within the state or  
13 not. If you all wish to collectively get behind a  
14 letter, such as the census letter, then we need to have a  
15 way so that there's not a serial meeting, so that doesn't  
16 occur. That's what we're after right here, just a policy  
17 that says, if we have that letter, here's how we're going  
18 to move it forward without having a Bagley Keene  
19 violation.

20 COMMISSIONER ANDERSEN: Thank you.

21 DIRECTOR CLAYPOOL: Commissioner Fernandez.

22 COMMISSIONER FERNANDEZ: Actually, on that letter  
23 thing.

24 DIRECTOR CLAYPOOL: Right.

25 COMMISSIONER FERNANDEZ: When Commissioner

1 Fornaciari and I talked -- was it yesterday? It was  
2 yesterday, right? We actually felt when we talked that  
3 we don't necessarily need a policy but maybe, like an  
4 agreement amongst the Commissioners, in terms of letters,  
5 which ones require them to go through subcommittees, if  
6 it's associated with a specific subcommittee, or is it  
7 okay just for the chair to sign. Because, again, our  
8 concern is, if there's correspondence that needs to be  
9 routed through all of the Commissioners, it's really  
10 going to hold up the process in terms of responding. So  
11 I wasn't thinking of formalizing it into a policy, I was  
12 thinking more of, like, an agreement amongst the  
13 Commissioners for that.

14 DIRECTOR CLAYPOOL: Certainly, and we can discuss  
15 that during the week, and then decide how you wish to  
16 handle it, you and Commissioner Fornaciari, moving it  
17 forward.

18 Commissioner Sinay.

19 COMMISSIONER SINAY: Having said that, though, I do  
20 think that the subcommittee who is working on that issue  
21 should review it, just to give that final eye after  
22 everything is done, for the legal and everybody else,  
23 just in case something is missing.

24 DIRECTOR CLAYPOOL: I think that's all part and  
25 parcel of the same process, that we just look at all the

1 correspondence that we might be moving, and just make  
2 sure that everyone sees it who needs to see it, but I  
3 agree with you.

4 Any other questions?

5 (No response.)

6 DIRECTOR CLAYPOOL: Thank you, Chair. I am  
7 finished.

8 CHAIR TAYLOR: Thank you, Director Claypool.

9 While we both have them here and present -- while we  
10 have them captive -- I am going to move to Agenda Item  
11 9-J, the grant subcommittee.

12 COMMISSIONER AKUTAGAWA: All right. Commissioner Le  
13 Mons, do you want to go ahead and start?

14 COMMISSIONER LE MONS: There you go. Okay. Hi.  
15 Commissioner Akutagawa, are you going to share your  
16 screen, or is staff going to share theirs? I know we  
17 didn't really talk through how we were going to present  
18 the information. Hopefully, everyone had a chance to  
19 take a look at the two attachments we're going to go over  
20 today that were included in the packet.

21 COMMISSIONER AKUTAGAWA: I'll go ahead and share my  
22 screen. I think I have it up.

23 COMMISSIONER LE MONS: Okay. Do you want to walk us  
24 through it, Commissioner Akutagawa?

25 COMMISSIONER AKUTAGAWA: Sure. I'll just briefly

1 start, and just say that what we're going to be  
2 presenting to -- or what we are presenting to the entire  
3 Commission for your consideration is two separate grant  
4 structure options.

5 I will say that Commissioner Le Mons and I had quite  
6 a few very in-depth conversations with staff on these  
7 options. I just want to commend them for just some  
8 really great work in terms of doing research, answering  
9 all of our questions, trying to anticipate all of the  
10 possible questions that might come up, and also trying to  
11 anticipate where are the kind of areas in which there  
12 might be concerns.

13 So as you'll see up here, we have one option, which  
14 is to use a third party, and then we considered the  
15 second option being an in-house option, which is, all of  
16 the work would be done in house, including all of the  
17 grant applications, the actual granting of the grants,  
18 and then all of the other back-end work that would  
19 happen.

20 We wanted to just present in the most, I would say,  
21 neutral way the two different options, and we wanted to  
22 engage all of you in discussions about these two options,  
23 and to see where the Commissioners would like to go. I  
24 will just say for myself, I mean, I do have a particular  
25 area in which I would recommend going, but we do want to



1 make it open to everybody to see what the options are  
2 before we actually make the specific decision about which  
3 option.

4 Commissioner Le Mons, I know you have some really  
5 great thoughts in terms of both our process but also, how  
6 we arrived here, so I think it would be helpful for the  
7 Commissioners to hear from you, too.

8 COMMISSIONER LE MONS: Okay. What I'd like to add  
9 just prior to that is, we're not asking to make a  
10 decision today. I think that's important for the public  
11 to understand. We're not taking a vote, per se, today.  
12 So there will be an opportunity to digest this  
13 information that we're discussing today, and we do plan  
14 to have a preliminary document, if necessary, in the form  
15 of an RFA, available between this meeting and our next  
16 series of meetings -- the first set of meetings in  
17 February -- as well as a budget outline.

18 So all of those items would be drafted, dependent  
19 upon the direction we go here, and those things will be  
20 available to be reviewed and addressed so that, when we  
21 come together in the February meeting, we'll be able to  
22 actually vote and be prepared to move forward rather  
23 quickly. So just from a process standpoint, we really  
24 wanted to set this up respecting all of the lead time  
25 that was necessary to get documents posted, et cetera,

1 but to come up with a process where we could have a  
2 fruitful discussion today, and then move the process  
3 forward.

4       So I, too, want to piggyback on Commissioner  
5 Akutagawa's praise and feedback to staff for all of their  
6 outstanding work in getting us to this point, because we  
7 did have several meetings, and they were very responsive,  
8 and we feel really good about what we've laid out here,  
9 and hopefully, it sets up this conversation in a way that  
10 we can actually come to some conclusions or start to rule  
11 out some things.

12       I, too, like you, Commissioner Akutagawa, I won't  
13 say what I -- we share the same recommendation, but we  
14 don't want to go there yet. We'd like to just have a  
15 discussion about it first, and see where everybody kind  
16 of shakes out. We also wanted the Commissioners to know  
17 that we were paying attention in this process as well to  
18 things that we've heard along the way. So this isn't the  
19 first time we've talked about this. So I mean, it's come  
20 up in many of our discussions over the last several  
21 months, and so we tried to keep all of that in mind as  
22 well.

23       So what we hope we have here is a nice layout. I  
24 have to admit it's a little small on my screen, but I'll  
25 go and pull up -- I have, actually, the actual document,

1 but I won't be able to see all of you at the same time.

2 So with that, Commissioner Akutagawa, if you'd like,  
3 I can kind of talk us through it, or you can do it.

4 COMMISSIONER AKUTAGAWA: Well, go ahead,  
5 Commissioner Le Mons.

6 COMMISSIONER LE MONS: Okay. So let me pull up the  
7 actual -- I have it open, I just need to pull it up,  
8 because I can't see the one on the screen. These older  
9 eyes, I guess. Let's see, here. Let me get it. Okay.  
10 Here we go. So it's two documents. One is going to be  
11 the two options, and then we're going to do an estimated  
12 timeline for each. We'll go over that one second.

13 So as everyone here knows, we've been talking a lot  
14 about the pros and cons of doing this through a third  
15 party, versus in house, and what could be done, and what  
16 would it take. My initial concern is that -- and I'd  
17 said this in previous meetings -- is that when you go  
18 through an agency whose job and responsibility and  
19 business is to administer grants, there's oftentimes a  
20 lot of requirements or hoops that prevent organizations  
21 that I think was a part of the groups that we wanted to  
22 reach, that ends up preventing them from actually being  
23 able to participate.

24 That was one of my big concerns about us just  
25 jumping right to a third-party option, and not strongly

1 considering an in-house option, and also one of the  
2 reasons why I raised my hand to be on the subcommittee,  
3 to, hopefully, keep that intention and that message alive  
4 in terms of, if we really want to try to help some of the  
5 groups that don't typically get to play, how can we best  
6 do that? And we did take that into consideration as we  
7 began to put together this document as well.

8       So as you can see, on the far-left column is a set  
9 of considerations. And so we looked at the time frame to  
10 draft and distribute grant solicitations, as you can see  
11 that they're very similar between option 1 and 2, and  
12 then we looked at also, Commission approval of the final  
13 awardees, like, that process, and what would that take,  
14 and there's a slight longer process in option two. And  
15 then below explains each of these processes, and what  
16 impacts that timeline between March 8 through 9th, and of  
17 course, these are dates based upon starting at these  
18 particular times. We know this could be adjusted,  
19 depending upon when we actually launch the process. This  
20 was more so to look at -- process time and how long a  
21 process would actually take.

22       And then in the third consideration, we looked at  
23 the time for the funds to be distributed, which was a  
24 really critical one because we were thinking about,  
25 despite the fact that census data is going to be delayed

1 and things are being pushed out, we also wanted to make  
2 sure that resources could reach the recipients in time  
3 for them to actually do the work, in service of our work.  
4 So that's what this category is all about.

5       And then we looked at the cost consideration. We  
6 used a standard -- and this could be plus or minus a few  
7 percentage points -- but typically about ten percent of  
8 the total grant award is usually what that administration  
9 fee is to process the money, and we just used the million  
10 dollar -- that's going to be one of the determinations  
11 that we have to make between now and the next meeting --  
12 is what is the exact budget that we're actually making  
13 available for the grants, so that's where that ten  
14 percent comes from.

15       So we figured it would cost about 100,000  
16 dollars on a million-dollar distribution for  
17 administrative costs, to handle that, and internally,  
18 when we looked at staff time, the various players that  
19 would have to be involved, if there were new hires,  
20 additional staff, et cetera, that it would be a little  
21 more than the 100,000. So there would be a cost  
22 advantage to option one, comparatively.

23       I think this category here is probably the biggest  
24 one, and that's the staff workload. Because, of course,  
25 if we do this in house, all of the workload will be on

1 our staff and us. So what's broken down here is how that  
2 staff workload would look if we went with option 1 versus  
3 option 2, and then the Commission workload. I'm sorry.  
4 That was staff. We did delineate Commission workload  
5 separately. And again, it would, of course, be a larger  
6 burden on the Commissioners if we go with an in-house  
7 model versus the third-party option.

8 And then this was a category that, based on what we  
9 recalled, meaning Commissioner Akutagawa and myself, some  
10 of the things that had come up in the past, is we really  
11 wanted to give some attention to public perception, as  
12 well as litigation risk, and so we wanted to put those  
13 elements there as well.

14 So we just laid out the raw data here, and we wanted  
15 to give the opportunity for all of the Commissioners to  
16 have this information available to them, and then we  
17 could answer any questions as to how we got to any of  
18 this information, and Marcy Kaplan and Deputy Executive  
19 Director Hernandez were very involved with us in talking  
20 these things through and doing the background research,  
21 so they're available to support in answering questions as  
22 well.

23 So Commissioner Akutagawa, I don't know if there's  
24 anything else you want to add before we open up. Maybe  
25 we should go on and do the timeline part, too, because

1 they kind of work in conjunction with each other, and  
2 it's not a lot of data there. So why don't we look at  
3 that as well? So there was also this workflow in terms  
4 of what would take what amount of time to accomplish. So  
5 that's what that second document attachment lays out, and  
6 I'm trying to locate it.

7 Commissioner Akutagawa, do you want to just go  
8 through it? I don't have that one handy. I apologize.

9 COMMISSIONER AKUTAGAWA: Yes. No problem.

10 I had to blow it up because it's really hard to see.  
11 What we wanted to do is, from a visual point of view, to  
12 be able to showcase to everybody, both the Commissioners  
13 and also any of the members of the public who are  
14 watching and are interested in this particular  
15 conversation. We wanted to show some of the differences  
16 in the timeline, and as you'll see that, the first half  
17 is not as stark of a difference. You'll see that, from a  
18 timing perspective, we're pretty much even.

19 Where we're starting to see differences is length of  
20 time in terms of how long we would post and distribute  
21 the solicitation for the RFA, how much time it would take  
22 in terms of grant review approval, of who gets awarded  
23 the grant or grants, and then there's also other  
24 challenges around -- or time crunches -- where you'll see  
25 the big difference in terms of how long it takes, not

1 only to review it, but also to prepare the  
2 recommendations. And then how long it takes to actually  
3 release the funds, get the grant agreements signed and  
4 into the state system, the FI\$Cal system -- which we were  
5 told is going to take some time if we're doing it -- if  
6 the Commission decides we want to individually award the  
7 grants ourselves, rather than through another party.

8       So there is a possibility that, in terms of the time  
9 line difference, it is pretty stark. You'll see that by  
10 the time we can possibly get -- if we use a third party,  
11 we're looking at a potential release date of about  
12 roughly mid-April, when we will have the funds available  
13 and out to the entity, and then our expectation is that  
14 they will then be able to quickly turn that around and  
15 get it out to the grantees that they select. Whereas, if  
16 we do the grant distribution ourselves, we're looking at  
17 some time about a month to month and a half later, so at  
18 least around the end of May time frame, when the  
19 organizations will actually have funds in hand. So there  
20 are pros and cons to both, but we wanted to at least lay  
21 it out in terms of the time line.

22       One of the other things I do want to mention again  
23 is, in terms of the work that will be done, I've had a  
24 conversation with Commissioner (sic) Claypool where he  
25 has said, you know, the direct cost of one thing, but



1 then there's also the indirect cost. The indirect cost  
2 meaning the staff time. It's not just the staff members  
3 who are directly involved in handling the work, but  
4 there's legal review. There's fiscal kind of inputs and  
5 other things like that.

6 So if we take all of those costs into account, we  
7 started to see that while, you know, a ten percent grant,  
8 I guess, a fee that a third party would take seems  
9 significant, we also realized that there are going to be  
10 significant costs to the Commission as well, too, even if  
11 we do it. And then there's also the time cost that we'll  
12 need to also take into account for the Commissioners,  
13 because we'll need to be very hands on and involved in  
14 this process as well, too.

15 I'm going to stop sharing. Any questions? Any  
16 reactions?

17 So Chair Taylor do you want to facilitate, or do you  
18 want us to facilitate?

19 CHAIR TAYLOR: Just so that -- I'll help you, so  
20 that you guys can answer accordingly, you don't get lost  
21 in anything. And those Commissioners that want to say  
22 it, again, they can raise their hand. Commissioner Sinay  
23 was the first hand I saw, and Commissioner Turner, and  
24 Commissioner Kennedy, and Commissioner Fernandez.

25 COMMISSIONER SINAY: I think you said this, but I'm

1 not seeing it on here. For option 1, on the time frame  
2 for distribution of funds, that's just distribution of  
3 funds to the third party, but the time built in to get it  
4 from the third party to the actual community-based  
5 organizations isn't on here. So in your conversations  
6 with the third parties, do you know what that time frame  
7 might be?

8 COMMISSIONER LE MONS: Well, I'll try to jump in on  
9 that. What our concern was there is, an entity who's  
10 used to doing this would more than likely -- in  
11 comparison to what we would have to do with FI\$Cal, et  
12 cetera, in terms of getting it out to the community --  
13 would be a shorter process. So we don't know exactly  
14 what their process would be, but that would be part of  
15 what we would want them to describe in their application  
16 if they were going after this opportunity.

17 So what we did is basically made an educated guess  
18 that, that by this being what they do, the biggest  
19 challenge we would have is getting the resource to them,  
20 and then they would more than likely be able to turn that  
21 resource around to the public much faster than we would  
22 through the FI\$Cal process, once we got to that point, be  
23 able to get it to the street. So it was more that  
24 comparison than it was an actual -- us having a clear  
25 understanding of exactly how long that would take for

1 them.

2 COMMISSIONER AKUTAGAWA: And Commissioner Sinay, we  
3 can't necessarily dictate it, but as Commissioner Le Mons  
4 said, part of our consideration of the proposals would be  
5 what their process is going to be, and how quickly and  
6 efficiently they can get it out in a way that is still  
7 going to ensure that the work is going to be done  
8 properly.

9 CHAIR TAYLOR: Commissioner Turner.

10 COMMISSIONER TURNER: Yes, and thank you,  
11 Commissioner Akutagawa and Commissioner Le Mons, for just  
12 all of the detail and work on here. I have a couple of  
13 questions.

14 Number one, I would imagine that if we were to go  
15 with option two, and whoever ended up being that fiscal  
16 sponsor, depending on who it is, there should be no  
17 delay. They probably could go ahead and release the  
18 funds, depending on that sponsor just with a signed  
19 agreement for us that the money is forthcoming, the first  
20 comment.

21 I wanted to understand, under option number one that  
22 has us relying on a fiscal sponsor. I'm sorry. Let me  
23 see. Option one, third party. It says that there is one  
24 grantee. So is one of these options that we're only  
25 going to grant the whole million to one grantee? I

1 wasn't sure how to read that. Can you tell me

2 COMMISSIONER LE MONS: No. What that means is,  
3 we're dispersing resources to one entity, versus 50 or  
4 100. Like we're disbursing to the recipient who would be  
5 doing the distribution, as opposed to directly disbursing  
6 to whatever number of grantees we ultimately have.

7 COMMISSIONER TURNER: Okay.

8 COMMISSIONER AKUTAGAWA: Commissioner Turner, I do  
9 want to -- I think I know what you're also asking. So  
10 just so that you know, I did ask a similar question, and  
11 so for example, I think the way we envisioned it right  
12 now is that there would be one third party entity that  
13 would receive all of the funds. However, let's just say  
14 there just happens to be two strong entities that we may  
15 decide we'd rather split and give two grants out, maybe  
16 for Northern California/Southern California or something  
17 like that. I mean, we just don't want to make it too  
18 complicated. According to what the staff have said, that  
19 is possible to do. The RFA will be written in such a way  
20 that we can decide, at that time, if we want to grant to  
21 more than one intermediary, but I think our preference is  
22 to keep it simpler, and just try to see if we could find  
23 one entity.

24 I do want to also acknowledge what you said about  
25 the idea that if a third party were to get it, that they

1 should be able to quickly -- once the agreement is  
2 signed, they should be able to quickly disburse funds. I  
3 have that assumption, too, but I don't want to  
4 necessarily put it in writing. I mean, that's the hope,  
5 is that they won't necessarily wait until they get the  
6 money from us, but that they have the kind of a cushion  
7 to be able to start getting it out, and then, when they  
8 get the money from us, they'll be made whole again,  
9 although, you know, some may choose to disagree with the  
10 assumption.

11       COMMISSIONER TURNER: And then, going further down,  
12 under the staff workload, there's a statement here that  
13 says, similar responsibilities to option two, without the  
14 need to hire additional staff. And so when it said  
15 similar, I was trying to quickly stay in the  
16 conversation, but also determine this is not indicating  
17 that we'd have the same amount of work. It says, similar  
18 except for the hiring of additional staff, because I'm of  
19 the mindset that if we write it, and have someone else  
20 facilitating and monitoring this grant, that it greatly  
21 cuts down staff and Commission workload.

22       COMMISSIONER AKUTAGAWA: Yes, and that's correct.  
23 Also I just want to -- I just realized -- and thank you,  
24 Commissioner Sinay, for pointing this out. I want to  
25 also make a clarification. We are not looking for a

1 fiscal sponsor, but we are looking for a regrating  
2 organization. So it is going to be a third-party  
3 intermediary who will receive all of the funds and then  
4 regrant out all of the funds, and not a fiscal sponsor.

5 COMMISSIONER TURNER: Got it.

6 COMMISSIONER LE MONS: So I don't know if you got  
7 that question answered, Commissioner Turner, regarding  
8 the clarification there. On the last question, you were  
9 just asking about the similar to option.

10 COMMISSIONER TURNER: Staff?

11 COMMISSIONER LE MONS: Yes, the staff one. I was  
12 thinking that maybe Marcy might be able to address that  
13 statement.

14 MS. KAPLAN: Yes. Thank you. All the steps would  
15 still need to be followed. However, we're looking at  
16 just managing one grantee, versus numerous, like 50 or  
17 100.

18 COMMISSIONER TURNER: Thank you, Marcy. I guess  
19 that's what I don't understand. If, indeed, we're going  
20 to have one outside third-party entity handling this, I'm  
21 trying to see, under all of the bullet points required --  
22 we are still wanting to be involved in how they handle  
23 their administration, facilitate, oversee the signatures?  
24 We're still wanting to make

25 MS. KAPLAN: No. Sorry. So that would just be for

1 the selected third-party entity. So the Commission would  
2 still need to go to RFA to be able to select a third-  
3 party entity. We'd still have to review grant  
4 applications. It would be likely a much smaller pool, if  
5 we're just going to be selecting one entity.

6 So that review time is shorter, but we still would  
7 have to do a review of grant applications to then select  
8 an applicant, have the Commission approve. We'd still  
9 have to go through the awarding process through the state  
10 to be able to distribute funds. So there's still those  
11 steps. We wouldn't be overseeing (indiscernible). It's  
12 just, all of these steps would be repeated as many  
13 times -- did my Internet just cut out?

14 COMMISSIONER TURNER: No, we hear you.

15 MS. KAPLAN: Can you hear me?

16 COMMISSIONER TURNER: Yes.

17 COMMISSIONER LE MONS: Yes, we hear you.

18 MS. KAPLAN: Okay. Would need to be repeated,  
19 especially the administrative side, if there were, let's  
20 say, 50 awardees, you'd have to go through that that many  
21 times.

22 COMMISSIONER TURNER: So it's similar, but  
23 minimized? We would do it once for the --

24 MS. KAPLAN: Yes.

25 COMMISSIONER TURNER: -- and sometimes we'd do it

1 over and over. Okay. Great.

2 MS. KAPLAN: Yes, yes.

3 COMMISSIONER LE MONS: Thank you, Marcy.

4 MS. KAPLAN: I think maybe Fredy wanted to add  
5 something to that. Sorry.

6 CHAIR TAYLOR: Hang on, Fredy, unless you're going  
7 to directly answer what Ms. Kaplan said.

8 MS. KAPLAN: He can't hear me?

9 CHAIR TAYLOR: Commissioner Kennedy.

10 COMMISSIONER KENNEDY: Thank you, Chair, and thank  
11 you to the subcommittee for this very helpful document.  
12 I would like to suggest that you add two things in the --  
13 what is it, the considerations column. One, which  
14 someone mentioned earlier is the ease of access element.  
15 In other words, the grantees. How easy is it for  
16 grantees that we might hope would be successful in  
17 getting the funds? How easy is it going to be for them  
18 to apply and obtain funding if it goes through a third  
19 party?

20 And the second is -- and this is based on earlier  
21 conversation, perhaps even input from a caller in an  
22 earlier conversation about this -- but we had a  
23 conversation about conflicts of interest, and how we  
24 would deal with a situation where the one grantee or two  
25 grantees were also lobbying us -- for lack of a better



1 term -- to put district lines in certain places. How is  
2 it going to look?

3 I mean, I suppose you could put this under public  
4 perception and litigation risk, but we might also break  
5 it out. But just more focus on those potential conflicts  
6 of interest, and how we might need to -- what we might  
7 need to deal with, and how we might need to deal with it.  
8 But yes, the table itself is a really helpful tool for  
9 us. Thank you.

10 COMMISSIONER LE MONS: Thank you for that,  
11 Commissioner Kennedy. We'll certainly incorporate those  
12 in the table, and we did talk about those. Well, the  
13 first one, to your point about ease -- well, I'll come  
14 back to that one because I think that that was sort of --  
15 ease was a big -- I'll make this comment about ease. We  
16 felt like ease was a really, really important one in  
17 forming which option we chose, because, at the end of the  
18 day, we would want it to be easy for people, and so we  
19 both have opinions about that on these two options.

20 And then to your point about conflict of interest.  
21 We would use the RFA to address that piece, and so we  
22 would have to spell out in the RFA what people wouldn't  
23 be able to do. Much like us, as Commissioners, we agreed  
24 that, as Commissioners -- or by becoming Commissioners,  
25 we gave up our right to run for elected office for the

1 next decade. I still keep asking myself, why did I do  
2 that.

3 In terms of the RFA, we can spell out the criteria,  
4 and some of these concerns, and then when people apply,  
5 that might eliminate a group that has a desire to lobby  
6 us in a particular way. But that would be a way that we  
7 could put that front and center, and have that be a part  
8 of the application process until considerations are set  
9 in terms of who actually ends up getting awarded.

10 COMMISSIONER AKUTAGAWA: And if I could also add; so  
11 Commissioner Kennedy, I do want to just acknowledge that  
12 that was something, the ease of -- or the accessibility  
13 of smaller groups, and some of the groups that normally  
14 don't get access to this. That was a big concern of  
15 Commissioner Le Mons. I share that as well, too, but he  
16 was quite adamant, and wanted to make sure that we would  
17 not inadvertently eliminate some of those groups if we  
18 went to a larger entity.

19 I think what helped was when Deputy Director  
20 Hernandez and Ms. Kaplan both said we can write into the  
21 RFA the requirement that any third-party entity would  
22 need to be able to reach those specific kinds of  
23 organizations, so that then the concerns that we had  
24 would be addressed in those ways, because that was  
25 certainly a very prominent concern that we had. So that

1 is at least one intent.

2       The other intent that we thought we could do, too,  
3 is, once we do take action and start along the -- once  
4 the RFA becomes public, what we can also do is to start  
5 letting community-based organizations -- and I think we  
6 could do this through our zones -- start letting  
7 community-based organizations know that this is going to  
8 be coming, and if they want to apply, that they should be  
9 looking out for when the grant applications from the  
10 third party are going to come out. That's one of the  
11 other ways that we were thinking that we could ensure  
12 that even some of the smaller organizations would be  
13 given that opportunity.

14       One of the other things that I would say is -- one  
15 consideration we talked about is to give priority to  
16 certain kinds of organizations, so that we can make sure  
17 that those ones reaching the hard-to-reach communities  
18 will be considered. The other thing that I want to  
19 mention in terms of your question -- I'm sorry. I'm  
20 totally, like, blanking on your second question.

21       COMMISSIONER KENNEDY: Conflicts of interest.

22       COMMISSIONER AKUTAGAWA: Oh, yes. Okay. I remember  
23 now. It was the Black Census and Redistricting Hub that  
24 brought up the point that you mentioned, because that was  
25 what was in my mind when I was thinking about the

1 conflicts of interest, and I remembered one of the things  
2 that they said is -- their recommendation to us was that  
3 we do go third party because they said it would be a  
4 little awkward if they're lobbying us for the kind of  
5 things -- the district lines, and just really communities  
6 of interest, and at the same time, they're looking for  
7 money from us as well, too, if we're giving out the  
8 grants directly. So that was definitely something that  
9 we were also considering as well, too.

10 CHAIR TAYLOR: Commissioner Fernandez, I have you in  
11 the queue, but I want to see if Director Ceja wanted to  
12 speak directly to what Ms. Kaplan had to say.

13 MR. CEJA: Thank you so much. I had to log out and  
14 log in.

15 I think Commissioner Le Mons hit it on the head. He  
16 captured everything I wanted to say. Just that, as  
17 Commissioners or as a body, you will not be losing  
18 control over the guidelines for the grants if you do it  
19 externally versus internally. And so the RFA then  
20 becomes so important because you'll be able to dictate  
21 the parameters for those grants, and make sure that those  
22 dollars go to those smaller organizations that are hard  
23 to reach.

24 CHAIR TAYLOR: Thank you, Commissioner -- oh, I'm  
25 sorry.

1 COMMISSIONER AKUTAGAWA: You have a lot of hands up.

2 CHAIR TAYLOR: Yes, trying to get there. Did you  
3 have a response, Commissioner Akutagawa?

4 (No response.)

5 CHAIR TAYLOR: Commissioner Fernandez?

6 COMMISSIONER FERNANDEZ: Okay. Yes. Thank you very  
7 much for all the work that you put into it, and I guess  
8 it's obvious to me which option you would recommend, and  
9 unfortunately, it's opposite the option I wanted, but I  
10 understand how going with one does make sense. But I  
11 also don't understand -- or I don't feel comforted by,  
12 someone telling me that I don't lose my control over how  
13 the grants will be awarded. Because, once the award is  
14 made to the third party, I mean, how are we going to  
15 ensure that then they are making -- that their process is  
16 objective and fair, and not conflict.

17 I mean, I was sitting back going, well, there could  
18 be like a hybrid to this, where you have one third party  
19 that you give all the money to, but then also have one of  
20 our staff members involved in the process, so that they  
21 can ensure that it is a wide-reaching process, because,  
22 again, my fear is that those that aren't in the  
23 coalition, or whatever we want to call it, may be  
24 overlooked and not know about it.

25 So I think that was just my biggest concern, is I

1 really do want to make sure it gets out to as many as  
2 possible -- or at least as many as possible community  
3 organizations -- big or small -- find out about this, and  
4 do really have an equal chance or access to being awarded  
5 a grant. So that was it. Thank you.

6 COMMISSIONER AKUTAGAWA: Could we have, maybe, Ms.  
7 Kaplan or Deputy Director Hernandez speak about that?  
8 Because, Commissioner Fernandez, that was very much a  
9 concern that both Commissioner Le Mons and I had.

10 COMMISSIONER LE MONS: Yes. Before Ms. Kaplan  
11 speaks, I just want to say, in every -- and that concern  
12 remains, Commissioner Fernandez, and that was at the  
13 forefront of every meeting, for me, that we were in, and  
14 we had multiple meetings.

15 I do feel like the two -- Mr. Ceja's position is we  
16 do have quite a bit of -- well, we have the ability to  
17 set the parameters, and to set the expectations, and to  
18 enforce. We do have that ability. Now, whether or not  
19 the third-party breaches is a different story, right? So  
20 we wouldn't have -- that's where we lose control, if  
21 someone doesn't act in good faith and doesn't do the  
22 right thing, right?

23 But in terms of establishing a process and  
24 establishing the criteria, like, we will determine that,  
25 and we will outline that in the RFA, and then anyone who

1 is applying to be the recipient of the resources to  
2 distribute on our behalf -- or on behalf of the  
3 Commission -- the way we choose them is by them  
4 demonstrating, as they would in any of the other people  
5 that we're hiring, through an RFA or an RFP process, to  
6 be able to actually deliver on.

7       So I would imagine that we would want them to  
8 demonstrate, how would they reach these communities that  
9 are hard to reach? Like, how will they get the word out  
10 to them? How will that happen? So they have to have  
11 some kind of a marketing or outreach plan as a part of  
12 their response, and then, in our reviewing it, we may  
13 feel like this organization is well intended, but wholly  
14 inadequate in really doing what we want them to do. I  
15 think from that perspective is to the degree that we  
16 have -- for lack of a better term -- control over what  
17 ends up happening.

18       Ms. Kaplan.

19       COMMISSIONER FERNANDEZ: I'm just going to say  
20 you're much more trusting than me, Commissioner Le Mons.  
21 It must be my background.

22       COMMISSIONER AKUTAGAWA: I would also say, given our  
23 very, very public kind of meetings and our discussions  
24 that we would have if there was a breach of what our  
25 expectations are, I don't think that an entity of the

1 size that would most likely apply for this kind of grant  
2 would want that kind of danger to their public  
3 reputation, and I think that they would -- as best as  
4 they can -- honor what we're trying to do. And I think  
5 that's really part of our leverage that we'll have in  
6 terms of ensuring what we would like to see happen.

7 Ms. Kaplan or Deputy Director Hernandez?

8 MS. KAPLAN: Yes. And just echoing the methodology,  
9 including that in our (indiscernible).

10 COMMISSIONER AKUTAGAWA: Ms. Kaplan, your Internet  
11 is spotty. We can't hear you.

12 MS. KAPLAN: Can you hear me okay now? Okay. Now  
13 can you hear me? Okay.

14 Just echoing that methodology, but then also  
15 ensuring that we integrate the right amount of oversight  
16 into the RFA and the grant agreement, so that it's not  
17 like we're giving (indiscernible), talk to them until  
18 it's all done, setting up that process along the way. Is  
19 my Internet out again? Sorry. Setting up that process  
20 along the way that as they go through those steps,  
21 there's a check in with staff or potential, like, ongoing  
22 reporting.

23 So there's flexibility in how we want to look at  
24 that, and while also weighing that it's not overly  
25 burdensome, but to the degree in which we still have that



1 type of control of -- not necessarily control, but  
2 continuing --

3 COMMISSIONER LE MONS: Oversight.

4 MS. KAPLAN: -- to maintain oversight through that  
5 process, and it also allows for an opportunity for  
6 Commissioners to have updates along the way on the work  
7 that they're doing, and the partners on the ground as  
8 well.

9 CHAIR TAYLOR: Deputy Executive Director Hernandez,  
10 did you have something to add as a reply?

11 DEPUTY DIRECTOR HERNANDEZ: No, Marcy covered it  
12 all. Thank you.

13 CHAIR TAYLOR: Commissioner Sadhwani, then  
14 Commissioner Fornaciari, then Commissioner Turner.

15 COMMISSIONER SADHWANI: Thank you, and thank you so  
16 much to the subcommittee for all of your work on this,  
17 and for continuing to advance it.

18 You know, I think I've said before, and I'll  
19 reiterate again, that I'd prefer the third-party option,  
20 and of course, as laid out by this discussion setting  
21 those parameters in the RFA. My greatest concern has to  
22 do with process. As we heard this morning during our VRA  
23 training, process is what is considered by the courts if  
24 and when our maps are challenged. If we were to regrant  
25 these ourselves, we undoubtedly will have to deny some

1 grants. We have a finite amount of resources here. What  
2 message does it send when we deny those grants?

3 So at a certain point, when we reach our limit and  
4 have no more money to give, what does that then say to  
5 those communities who do not receive such a grant? I  
6 fear that it leaves open the door for litigation that we  
7 don't need. It could be fine. You know, potentially, it  
8 could be within the mission of our Commission to become a  
9 granting organization. Certainly community outreach is a  
10 part of our mission, but the law never says anything  
11 about us actually giving out those funds ourselves, or  
12 making determinations about which communities are worthy  
13 or deserving of those funds and which are not.

14 So I'm extraordinarily cautious in that regard. I  
15 think it could be challenged in the long run, once we  
16 have maps completed, and I'm just not sure that I want us  
17 to be the Commission to have to test that. I feel like  
18 this is a little bit of mission creep for us, moving into  
19 a new territory.

20 To me personally, I do not want oversight once we  
21 find a third-party organization. I would say let's set  
22 the parameters in the RFA, send the money off, and trust  
23 that we are selecting a regrantee organization that will  
24 do excellent outreach and regranteeing with these funds.  
25 So that continues to be my position.

1           COMMISSIONER LE MONS: I have a response to that.  
2 It's interesting because as I hear that, I think I  
3 understand the separation, but I think -- even as I heard  
4 you articulate those points -- I think we're going to be  
5 subject to it, either option. Maybe less so with one,  
6 but I think the case can be made because, number one,  
7 we're the first ones to do this, right?

8           So I just want to -- I'm kind of checking in with  
9 you on this, Commissioner Sadhwani, because I think that  
10 it's presented, potentially, as an argument for going for  
11 the third-party option, but at the same time, when I hear  
12 that, I go, I don't think just going third party,  
13 necessarily, is a full remedy, based upon what you laid  
14 out.

15           I'm not saying I'm in disagreement with you at all,  
16 because I am not, but I think it raises the bigger  
17 question that I don't think we've raised, is whether we  
18 should be doing it at all. And so in hearing you just  
19 now, I mean, everything we've talked about up until this  
20 moment has the presupposition that this is something we  
21 should do, and having just listened very open to what you  
22 just said, I go, well, this begs a different question.  
23 Now, I have a position on what I think -- how I feel  
24 about that question, but I think it's certainly a  
25 question worth begging to all of us.

1           COMMISSIONER SADHWANI: I agree with you on that,  
2 Commissioner Le Mons, and I invite the Commission to  
3 think about that. And that being said, I certainly  
4 support the community groups having access to funds, in  
5 general. I am concerned about the optics of what it  
6 means for the Commission to be giving those funds, and I  
7 agree.

8           CHAIR TAYLOR: Then we have Commissioner Fornaciari,  
9 Commissioner Turner, and then Chief Counsel Marshall.

10          COMMISSIONER FORNACIARI: Wow. That was a great  
11 conversation, excellent points that were brought up. I  
12 just want to take a second to thank the committee for the  
13 work they did on this, really thoughtful work, and  
14 especially the way that you presented it back to us, in a  
15 format that was just easy to read through and kind of get  
16 all of the highlighted points. So thank you for your  
17 hard work, and for the staff and their hard work.

18          CHAIR TAYLOR: Commissioner Turner.

19          COMMISSIONER TURNER: Yes. I wanted to just kind of  
20 ask a question and respond. I know for sure -- and if  
21 this isn't this part of the conversation, I've brought  
22 this same question up, I think, before, and for me, we  
23 have to include this in the conversation.

24          The last point, whether we should be doing it at  
25 all, is one that sticks with me, but prior to that, we've

1 talked about, of course, wanting a wide reach. We want  
2 to make sure that we are both working with coalitions  
3 that, I think, are coalitions based on their success  
4 level. We know that any time there is outreach to a  
5 community, that there are varied levels of effectiveness  
6 of the actual work, depending on what the outreach is.

7 We have statistics that tell us, if someone is  
8 touched directly through a conversation, that there may  
9 be up to a sixty-five percent actual response rate, as  
10 opposed to just dropping a flier, a leaflet, or something  
11 else, where it may only be a fifteen, twenty percent  
12 response rate, and beyond wanting it to be broad and  
13 inclusive of everyone, I think we want it also to be  
14 effective.

15 Having said that, we have to, at some point,  
16 determine, what are the deliverables? What are we asking  
17 people to do, to even know if what we're asking them to  
18 do -- individuals can be effective, not just receive the  
19 grant? There are tons of great folk out there, people  
20 that don't get an opportunity to be a part of coalitions,  
21 people that are, et cetera, but until we name what we're  
22 expecting the community partners to do, I think that  
23 we'll create something that we will not be able,  
24 necessarily, to track, or we've not necessarily built in  
25 a process to hold to whatever our expectations are.

1           So each time, I've asked, what will be the  
2 deliverables? What is the expectation? It was mentioned  
3 on this call, we should start now going to the community  
4 partners, and start saying, we may have money available  
5 that's coming up, start thinking about it. In the time  
6 I've broached that, it was like the answers that I knew  
7 would come, great, what's the deliverables? What is the  
8 expectation? What does success look like? And I've not  
9 heard us name that just yet.

10           COMMISSIONER LE MONS: So Commissioner Turner, we  
11 did talk about that. We talked about it in a couple  
12 different ways, and did not include that in the process,  
13 because we didn't want to get -- we didn't include it in  
14 this because we didn't want to get in front of the  
15 outreach strategy, which is forthcoming, but those  
16 deliverables would be pulled directly from the Commission  
17 approved outreach strategies, which have deliverables  
18 that community will be delivering upon, and these  
19 resources would be designed to support those  
20 deliverables.

21           So I mean, I could give some examples, but again,  
22 that's being designed with the overall outreach strategy.  
23 So if you think about it in terms of -- the outreach  
24 strategy will have the kind of detail that you're  
25 referencing, and then these resources would support those

1 outcomes that we're looking for from our outreach  
2 strategy that the community would be delivering for us --  
3 or supporting us in delivering as well, because I think  
4 it isn't just one or the other.

5 In some cases, it's an augmentation of a  
6 deliverable. It may be a deeper penetration of a  
7 particular deliverable. We've talked about even some of  
8 the overlap with the language access subcommittee, and  
9 the interpretation versus translation. Like, if one of  
10 the deliverables is translating into some of those  
11 languages, we know we won't be choosing to do as a broad  
12 Commission, but there's a small community somewhere who  
13 needs that kind of support, and needs the resource to do  
14 it, that would be an example as well. So I think the  
15 clue or the answers to your question really lie in the  
16 outreach plan.

17 COMMISSIONER TURNER: Thank you, and I want to  
18 follow up with that. I appreciate that. I think,  
19 though, for us to continue -- because it's closely  
20 related. In my mind, it's extremely closely related, and  
21 even if a deliverable -- thank you for giving the example  
22 as one of being providing interpretation services that a  
23 lot of us -- the list that we're going to go with or what  
24 have you -- and then what? Is it that now we've done the  
25 interpretation, and we're just expecting fliers to be

1 passed out?

2 All of that makes a difference even in our third  
3 party -- the person that's going to hold it -- as far as  
4 how much we (indiscernible) and how much administration,  
5 how much follow up confirming -- because, when you're  
6 giving out grant money, you're also following up --  
7 there's some evidence of, did you do what you say you're  
8 going to do?

9 I don't have the same distrust of whatever third  
10 party vendor we use. I think they do what they do  
11 because they desire to ensure that there is fairness in  
12 the process. I just think that if, as we're building it,  
13 we don't have a fence of knowing, is it just a matter of  
14 asking people to dial into our hearings X number of  
15 times, X number of meetings on their own, just passing  
16 out fliers, putting the information on a grocery bag?  
17 All of that looks like different sort of activity that  
18 has to be tracked, and it makes the difference in whether  
19 or not the saturation rate and the response rate is going  
20 to be back to our mission goals that we made, or if,  
21 indeed, it needs to be even broader, because what we are  
22 asking people to deliver won't get us the goals that  
23 we're asking for.

24 COMMISSIONER LE MONS: I understand.

25 CHAIR TAYLOR: I have Chief Counsel Marshall,



1 Commissioner Andersen, and then Commissioner Toledo.

2 MS. MARSHALL: Good afternoon, everybody. This is a  
3 quick comment in regards to Commissioner Le Mons' comment  
4 to Commissioner Sadhwani. He's definitely on point in  
5 regards to the Commission's liability. Whether we choose  
6 option 1 or 2, the Commission is not free of liability  
7 when it comes to anything that goes awry.

8 In addition, in regards to the intent of the  
9 Commission, I'm listening to the conversation going back  
10 and forth in regards to the Commission's involvement.  
11 Whether it's a contract, a grant, or whatever type of  
12 agreement that we have with a third party, ultimately,  
13 it's up to you all to make the decision how much you want  
14 to be involved. You set the parameters. You set the  
15 oversight.

16 So it's not an issue of we're just dumping this off  
17 to a third party, and we just walk away. If I'm  
18 correct -- I'm sorry -- if I'm incorrect about what I'm  
19 saying, then if Ms. Kaplan or Deputy Director Hernandez  
20 can help out with that, but I'm assuming -- and I'm sure  
21 that there's going to be some significant involvement and  
22 significant oversight, and that's it.

23 CHAIR TAYLOR: Commissioner Andersen.

24 COMMISSIONER ANDERSEN: Thank you. I sort of waited  
25 until the end here because, sure enough, most people said

1 many of the things I was going to say, like Mr.  
2 Fornaciari, how he said, I really -- the whole  
3 presentation has been put together very well. It's very  
4 well organized, and I was hoping that Commissioner Turner  
5 would bring up deliverables. Thank you very much. And  
6 the liability is an issue, also.

7 I'm coming around to the deliverables and the, when  
8 we want what. And from Commissioner Le Mons, I'm -- and  
9 please correct me on this if that's not what you were  
10 saying -- but I'm sort of interpreting this as that  
11 specific part basically dovetails with the outreach plan,  
12 and it's kind of like we can't actually, essentially,  
13 flesh out that the RFA is -- the scope of the RFA --  
14 particularly of the RFA -- until the outreach plan is put  
15 together.

16 COMMISSIONER LE MONS: Right, and that's  
17 forthcoming. There is a presentation on the outreach  
18 plan that's forthcoming, I believe, in this meeting.

19 In our conversations with staff, including Deputy  
20 Executive Hernandez, the expectation was, if we went that  
21 route -- the RFA route -- that a draft would be -- this  
22 period between this meeting and the subsequent meeting,  
23 from a process point of view, that draft would be put  
24 together, so that that kind of detail that you're looking  
25 for would be there. So we kept our focus on the grant

1 process, as opposed to the content, knowing that the  
2 content, no matter which option we went with, would be  
3 driven by the outreach plan.

4       COMMISSIONER ANDERSEN: Great. Thank you. And on  
5 that, as I see this, that's going to be a very tough RFA  
6 to write, because it depends on what timing all this  
7 fits. You know, is this time when we're looking around  
8 for our communities of interest's, really, participation?  
9 Does this hit -- and when -- how long does it take from  
10 the time we say, here is our proposal, here it is, until  
11 it actually gets posted? And that is a contract  
12 question, because, you know, we've all been,  
13 unfortunately, all too -- it's really involved with  
14 getting -- we think it's done, and it still hasn't gone  
15 all the way through legal, and all the way through DSA,  
16 and all the way until it's actually posted, and people  
17 can start bidding on it.

18       That time frame is what I'm very concerned about  
19 here, in terms of, by the time we get that done, where  
20 are we really going to be because, again, as to the line  
21 drawing, we proposed all sorts of schedules, and they  
22 keep on getting a little shifted back, a little shifted  
23 back, and so I'm concerned about that RFA in terms of, it  
24 really depends on when -- in the whole process of all  
25 this -- that we'll be able to actually get a proposal and

1 hence, money to the -- or the people will get contracts,  
2 and then be able to actually start working on  
3 deliverables.

4       So can you talk -- I think Commissioner -- not  
5 Commissioner -- Director Hernandez, I believe, has  
6 probably working the closest on this, but I don't know in  
7 terms of if he's had to go over the actual contract  
8 details and time frame of that. So I don't want to be a  
9 wet blanket, but I'm very concerned about putting those  
10 altogether, because it's something that we've talked  
11 about for a long time, we all have great intentions on.  
12 We've done a lot and lot and lot of work. I'm just sort  
13 of -- there are so many pieces involved. I'd like to  
14 kind of have a realistic look at our timing on  
15 everything, so if we can get that.

16       DEPUTY DIRECTOR HERNANDEZ: If I may, Chair, respond  
17 to that?

18       We have been working on the timeline, and you have a  
19 copy of that. We're starting with a template from  
20 another agency's RFA, similar to what we've done. In our  
21 research, we found a number of different agencies that  
22 issued grants, and so we're going to piggyback off of  
23 what they've done, and format them like that.

24       As far as the criteria, that is something that we  
25 have in our goals. Goals 2 and 3 really identify the

1 criteria that we want these grantees to follow. So in  
2 that sense, we have some of that information there, ready  
3 to go. We're hoping to have the terms and conditions  
4 follow the contracting guidelines, similar to our other  
5 contracts, and we will be working with legal. We've  
6 already reached out to other agencies that will be  
7 involved, whether it's DGS or state comptrollers, just to  
8 let them know this is what we're working on, to help the  
9 process along.

10       So we're trying to do as much due diligence ahead of  
11 time, but it is contingent on a decision being made on  
12 which route we go. I mean, the RFA will be one part of  
13 it. We'll get that going. But we need to know, is it  
14 going to be, one, a third party, or is it going to be in  
15 house? And that's really -- we didn't want to get ahead  
16 of ourselves, to be honest with you. We did a number of  
17 times, and we had to come back and say, are we going this  
18 route or that route? So many of those conversations have  
19 been had.

20       CHAIR TAYLOR: Commissioner Toledo, and Commissioner  
21 Yee.

22       VICE CHAIR TOLEDO: My question was similar to  
23 Commissioner Andersen, about clarity around the time  
24 frame, and whether -- because I see the next step is for  
25 the Commission to vote on the structure, which would be

1 on the February 8th and 9th meeting. I think this  
2 meeting we'd be voting on the outreach plan. But at some  
3 point, we need to bring the RFA to the public and get  
4 public input, and it's a tight time frame, is what I'm  
5 thinking.

6 So I'm just -- I mean, I -- and if we go one route,  
7 it's a very -- the two RFAs will be very, very different,  
8 depending on what route we take. And so I know it's --  
9 we have two very difficult decisions, I think, but we  
10 need one -- we need the decision on the structure before  
11 we can go on to the substance of that RFA and have the  
12 staff work on that RFA.

13 So I'm just wondering if the February 8th -- voting  
14 on the structure on February 8th pushes out our ability  
15 to work on the RFA, and I just wonder if that's --

16 COMMISSIONER LE MONS: May I speak to that, Chair?

17 CHAIR TAYLOR: Yes. Thank you.

18 COMMISSIONER LE MONS: So no, it doesn't, and we've  
19 tried to be very strategic. So when we met, we didn't  
20 just meet about all the content that we provided today in  
21 the form a table, but we also talked a lot about  
22 processes and timelines and feasibility, and part of our  
23 motivation for coming with what we hope to -- and it  
24 sounds like -- and we thank you for the positive feedback  
25 that we've gotten on the presentation.

1           That was our goal, is, being fellow Commissioners,  
2 we know what we want, and so we said, we've got to be  
3 succinct and clear. We don't have a lot of time. And so  
4 we had to anticipate what our fellow Commissioners need  
5 to see in order to feel comfortable making a decision,  
6 and so that is what informed how we approached the layout  
7 of what we presented today.

8           The second thing we considered was this ticking  
9 clock, and we knew that it was a very short time line.  
10 And so we came to this being strategic, in that we wanted  
11 to make sure we respect Bagley Keene, we wanted to make  
12 sure we respect the public's ability to give input, and  
13 we intentionally did not come today to ask for a vote,  
14 and we pro and coned that, and we decided that we  
15 wouldn't ask for a vote today, but we would start to set  
16 some things in motion. Depending on which way we went,  
17 we'd be ready come the 8th.

18           So the behind-the-scenes preparation for whichever  
19 one of those structures is already -- the ingredients are  
20 being laid out, so to speak, so that whatever decision we  
21 make, the trigger can be pulled, and we're not waiting  
22 until that decision, until the next step. So we really  
23 tried to be really thoughtful with the support of staff,  
24 and even if you recollect Executive Director Claypool's  
25 report earlier on the budget, you'll see that there's

1 some foreshadowing with future groups that need to look  
2 at certain things, that this could be coming down the  
3 pike. So there is sort of the foundational groundwork  
4 being laid, so that it wouldn't be sequential, per se.

5       Hopefully, that answers your question and concern  
6 there around timelines. So it doesn't change the fact  
7 that it is a tight timeline. That is real, and what it  
8 just simply says is we recognized that in the meetings  
9 that we've been having over the last couple weeks, and  
10 really tried to roll this out in a way that respected  
11 that ticking clock and would give us the opportunity to  
12 keep things moving.

13       COMMISSIONER AKUTAGAWA: If I could also quickly  
14 just add one more thing in terms of the timeline? I want  
15 to say my experience with certain kinds of grant type of  
16 opportunities -- I would even say with this whole COVID  
17 vaccine kind of appointment system, what we're being told  
18 is -- or what I've seen with, like, some of the COVID  
19 relief funds is, get signed up. When it opens, you'll be  
20 informed.

21       So I think our perspective also is, we know that  
22 there's going to be all these things that we're going to  
23 be needing to do, but we want to just start getting the  
24 word out so people are aware, so that they could be  
25 looking out for it. The detail is to come, but it's kind



1 of like when you put out a save the date, so people just  
2 kind of have it in their mind, and then they could be  
3 looking out for it. And I think that's what we're also  
4 trying to simultaneously do, and have all these different  
5 parts moving along.

6 I think what I'll also do is maybe ask Deputy  
7 Director Hernandez to also perhaps chime in on what you  
8 just asked Commissioner Toledo, because he's been really  
9 helpful to us in terms of understanding just kind of the  
10 pace at which it is going to be possible, and he and  
11 Marcy are the ones that I think we're looking at both  
12 best case and also being realistic about timeline as  
13 well, too.

14 CHAIR TAYLOR: Go ahead, Deputy.

15 DEPUTY DIRECTOR HERNANDEZ: Thank you. So in that  
16 regard, we are working behind the scenes on drafting that  
17 RFA that I mentioned a minute ago, and we have Plan A,  
18 and we have a Plan B. Plan A is a very aggressive plan.  
19 Should we need more time -- the Commission need more time  
20 to evaluate, review, we'll allocate the necessary time  
21 for that. We want to make sure we get it right, not that  
22 we do it fast.

23 So in that sense, we're trying to make sure that we  
24 have all the elements ready at the next meeting. We're  
25 hoping to have something for you to review, whether it's

1 a skeleton of an RFA or the actual first draft of the  
2 RFA. Either way, it's something for you to take a look  
3 at, something tangible, that we can then post for others  
4 to take a look at as well and provide public comment.

5 VICE CHAIR TOLEDO: A quick follow-up. Can I ask a  
6 follow up question on that?

7 CHAIR TAYLOR: Go ahead. Go ahead.

8 VICE CHAIR TOLEDO: Are you preparing a draft RFA,  
9 or a skeleton RFA, as you called it, for both the plan  
10 option 1 and option 2, or just one that -- because the  
11 two are so different. I'm just -- the scope of work is  
12 so different, I'm just curious as to whether your --

13 DEPUTY DIRECTOR HERNANDEZ: Yes. So to answer your  
14 question, yes, we are preparing the RFA. A lot of the  
15 elements, regardless of which route we go, will be the  
16 same. The criteria that we're looking for, the time  
17 frames that we're looking at, all that information will  
18 be very similar whether it's a third party or we do it in  
19 house.

20 Now, there might be some differences with the in  
21 house on the timing of it, because we'll need to extend  
22 the time frame for that, but we'll make those  
23 considerations at the time when the Commission decides  
24 whether we go third party or in house. But again, the  
25 majority of the content will be similar in format, so it

1 shouldn't delay it whether we go one way or the other.

2 CHAIR TAYLOR: I have you, Commissioners Yee, Sinay,  
3 and Andersen, but we have a decision to make. We're  
4 right at our mandatory break. It looks like there's  
5 still some life in this conversation, with Commissioners  
6 Yee, Sinay, and Andersen wanting to make a comment, but  
7 we need to take that break, or we have to be allowed by  
8 staff to go beyond that.

9 So Kristian, do you guys need a break? It looks  
10 like we're going to need to come back for about 15, 30  
11 more minutes.

12 MR. MANOFF: That's fine, Chair. Yes, that's fine.

13 CHAIR TAYLOR: Okay. So we're going to be able to  
14 continue, and we're also going to have to allow for  
15 public comment.

16 Commissioner Yee, Commissioner Sinay, Commissioner  
17 Andersen.

18 COMMISSIONER YEE: Thank you, Chair.

19 COMMISSIONER LE MONS: I think counsel is trying to  
20 say something. I'm sorry, Commissioner Yee.

21 COMMISSIONER YEE: Go ahead.

22 COMMISSIONER LE MONS: I think counsel might be  
23 trying to chime in on a process issue.

24 COMMISSIONER YEE: Sure, sure.

25 MS. MARSHALL: Thank you, Commissioner Le Mons.

1           Actually, I have to leave at 4:30, and so I don't  
2 know if that assists with making a decision on whether or  
3 not you guys want to continue, but if you do decide to  
4 continue, any questions that you may have I can address  
5 tomorrow.

6           CHAIR TAYLOR: It's a great question. Out of  
7 process, are we obligated to conclude a meeting without  
8 our counsel present? Do we have to conclude? Can we go  
9 forward?

10          MS. MARSHALL: We still have Ms. Johnston, but  
11 ultimately, it's a prerogative. It's not a requirement.  
12 But Ms. Johnston is available. However, there are some  
13 issues that I actually want to make sure I chime in on.

14          CHAIR TAYLOR: Would you be able to address those  
15 issues tomorrow? Because I think this still would be  
16 related to Deputy Executive Director Hernandez' report.

17          MS. MARSHALL: Yes, tomorrow.

18          CHAIR TAYLOR: Okay. Then I think that we should  
19 continue, for the sake of continuity.

20          MS. MARSHALL: All right. Thank you.

21          CHAIR TAYLOR: Commissioner Yee.

22          COMMISSIONER YEE: Thank you. Just to weigh in  
23 quickly. So in the decision between in house and third  
24 party, I keep thinking of the experience that we learned  
25 that the censuses had with third party work, and this is

1 the first time I've had an inside baseball look at the  
2 census, and I was just stunned by how much they depended  
3 on outside contractors and regrating organizations.  
4 Also, just pleased by how well that seemed to go, and as  
5 we've made contact with various regional groups and  
6 nonprofits, wow, it's been heartwarming to me to meet up  
7 with and hear from just wonderful people and  
8 organizations so fully and positively motivated to  
9 advance all the same things we care about.

10       So I'm very optimistic if we do go with the third-  
11 party route. I'm very optimistic that that will go well.  
12 I also think it does insulate us, hopefully, from a  
13 certain level of decision making, back and forth. I  
14 mean, ultimately, yes, we are absolutely responsible for  
15 everything that happens, whether we do it directly or  
16 through a third party, but I think having a third party  
17 in that loop does serve us well. I also can easily  
18 imagine, if we go in house, the additional overhead and  
19 effort that will lead us to, that will not serve us well.  
20 So for those reasons, I am certainly leaning towards  
21 third party.

22       CHAIR TAYLOR: Commissioner Sinay.

23       COMMISSIONER SINAY: Sorry. I couldn't find my  
24 mouse. Thank you. Just a couple of things. As you all  
25 know, these are my colleagues who will probably be the

1 third party. I've worked in the grant making world for  
2 twenty-five plus years, and I think they will -- the  
3 outreach committee, back in December, talked to a lot of  
4 the potential third parties, and it will take them some  
5 time, but they have those relationships. It depends on  
6 which one of the groups we go with, and the census and  
7 the fires and COVID have all given a lot of the local  
8 organizations experience on doing regrating.

9       So I think, if we go the route of going to a third  
10 party, that's the type of experience we're going to be  
11 wanting to look at is, have you regranted quickly based  
12 on the fires, COVID, and the census? And if we did it  
13 ourselves, then the criteria would be a different one.

14       I did want to say, one of the thoughts is, the  
15 small -- there's always going to be a group or something  
16 we do where, all of a sudden, we need an interpreter, or  
17 we need a group to do something, and so I would encourage  
18 us to think about, when you're looking at the regrating  
19 budget, to pull out -- make a recommendation to pull out  
20 a couple hundred thousand so that we can make grants or  
21 that we can -- they're not called grants -- I forgot what  
22 the under 10,000 ones were -- but looking at it as an  
23 opportunity to help support -- if we keep that commitment  
24 that all organizations that help us, we'll pay them the  
25 cost of doing the work.

1 I do think that one of the other pieces we might  
2 want to put in the RFA is for them to share with us how  
3 they may be able to leverage the funding. I know, in the  
4 conversations, several of the groups said, oh, we could  
5 easily leverage this money, and get additional money from  
6 the community, but you know, two million dollars is  
7 not -- not two million -- one million isn't going to go  
8 very far. Two million is not going to go very far, in  
9 the state of California for outreach -- especially when  
10 you look at what the census did -- but a lot of entities,  
11 if we go third party, could leverage additional funds.

12 But I agree with Commissioner Yee. I have no qualms  
13 with the groups that we would probably partner with.  
14 They are going to do -- they're going to go above and  
15 beyond what our expectations are, and so I think we can  
16 have confidence in that. Thank you for all your hard  
17 work.

18 CHAIR TAYLOR: Commissioner Andersen.

19 COMMISSIONER ANDERSEN: In what I said before, I  
20 totally missed over a very important part. Commissioner  
21 Sadhwani, again very eloquently, as she usually does,  
22 brought the issue to a full light shining on it, the  
23 liability. This is a big issue, and yes, I would so

24 there's a great need for it. Thank God for the crew  
25 who did it for the 2010. I really wish this was someone

1 else doing it, and not us, because I would hate to get to  
2 the point where we've done all the work, we've done our  
3 maps, and then someone says, yeah, but you know what,  
4 look at the way they did that money, and it was all  
5 tainted, it only went one way, and throw it all out.

6 I would really be anxious to hear what Chief Counsel  
7 Marshall has to say about this, because third party  
8 certainly is a different liability, and then that all  
9 depends on how that RFA is written, and it's a very deep  
10 concern, and I don't think we should just discount it. I  
11 know we'd like to have -- and I'm trying to think. Is  
12 there another way we could do this?

13 It's kind of the same with the COI tool, which is  
14 very important and going to make our lives so much  
15 easier, but think of the liability that would be if we  
16 were having to develop that tool, versus the legislature  
17 is having the Statewide Database develop that tool.

18 I certainly wish there was another way that this  
19 grant could be done not by us, and I don't know if that's  
20 been considered and kicked around. I know all this work  
21 has been happening, and I think we could do this. I'm  
22 just very concerned about that liability. So I wanted to  
23 bring that up.

24 CHAIR TAYLOR: Thank you, Commissioner Andersen.

25 Any other Commissioners with a question or



1 statement? All right. Seeing none, it's my suggestion,  
2 then, that we take public -- before we go there, so  
3 Commissioner Akutagawa and Commissioner Le Mons, am I to  
4 understand that you want us to take this information,  
5 process it, and be prepared to make a vote or to have an  
6 action item at our next meeting on the 8th?

7 COMMISSIONER AKUTAGAWA: Yes.

8 COMMISSIONER LE MONS: It would be -- yes. That  
9 would be our official move. I'd like us -- we could  
10 either do it before or after public comment, but I would  
11 like us to do a little -- where people are kind of  
12 leaning --

13 CHAIR TAYLOR: Okay.

14 COMMISSIONER LE MONS: -- and we'll tell you our  
15 recommendation, too.

16 CHAIR TAYLOR: That's what I -- so then since it is  
17 your baby, you want to take public comment before your  
18 recommendation, and before we feel the temperature of the  
19 room, or do you want to give that to us now?

20 COMMISSIONER LE MONS: Commissioner Akutagawa?

21 COMMISSIONER AKUTAGAWA: I'm fine either way. I  
22 think one of the Commissioners has already commented that  
23 they think they already know where we're leaning.

24 COMMISSIONER LE MONS: Let's hear from the public.  
25 Let's hear from the public.

1 CHAIR TAYLOR: Thank you. Thank you.

2 Jesse, if you can invite in the public regarding  
3 Agenda Item 9-J.

4 PUBLIC COMMENT MODERATOR: In order to maximize  
5 transparency and public participation in our process, the  
6 Commissioners will be taking public comment by phone. To  
7 call in, dial the telephone number provided on the  
8 livestream feed. The telephone number is (877) 853-5247.  
9 When prompted, enter the meeting ID number provided on  
10 the livestream feed. It is 976 7934 9222 for this week's  
11 meeting. When prompted to enter a participant ID, simply  
12 press pound.

13 Once you have dialed in, you'll be placed in a  
14 queue, from which a moderator will begin unmuting callers  
15 to submit their comments. You will also hear an  
16 automated message to press star nine. Please do this to  
17 raise your hand indicating that you wish to comment.  
18 When it is your turn to speak, the moderator will unmute  
19 you, and you will hear an automated message that says,  
20 the host would like you to talk, and to press star six to  
21 speak.

22 Providing your name is not required, But if you  
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2 when it is your turn to speak, and again, please turn  
3 down the livestream volume. These instructions are also  
4 located on the website.

5 The Commission is taking public comment on Item 9-J  
6 at this time.

7 CHAIR TAYLOR: Thank you, Jesse. If we get a  
8 caller, please invite them in, and we'll be asking your  
9 services shortly one more time, for general comment.

10 (Pause.)

11 COMMISSIONER SADHWANI: I thought the phones were  
12 going to be ringing off the phone on this one, but I  
13 guess we can do whatever we want.

14 CHAIR TAYLOR: Commissioner Sadhwani, I didn't want  
15 to, but I expected -- I didn't want to feel like we  
16 couldn't keep our commitment to staff, but I had  
17 anticipated a few. But our timer is not up yet.

18 COMMISSIONER YEE: They're cooking dinner.

19 COMMISSIONER AKUTAGAWA: Chair Taylor I'm expecting  
20 that we're probably going to get some comments in the  
21 interim between this meeting and the next meeting, and  
22 that is something that Commissioner Le Mons and I had  
23 anticipated, and that's why we went with this particular  
24 cadence, so that we would also allow community members to  
25 also comment and weigh in on what we're proposing -- or

1 what we've presented because we figured that it was going  
2 to be of great interest to a lot of people.

3 CHAIR TAYLOR: Commissioner Akutagawa, I think that  
4 this is a proper cadence. I would be all for this format  
5 again. It gives people an opportunity to digest that  
6 information and to come back, and I also think they'll be  
7 able to address it during Deputy Executive Director  
8 Hernandez' report as well. So there's a few touchpoints  
9 that they can address this issue, and so we can get a  
10 robust response.

11 So for the moment, seeing no one in the queue, we  
12 can sort of move towards your recommendation and a straw  
13 poll.

14 COMMISSIONER LE MONS: Awesome. Well, we're  
15 recommending a third-party approach. I was slow to adopt  
16 to that model. I was very adamant about an in-house  
17 approach from the very beginning, and I had a ton of  
18 questions, of course, in the first -- probably too much,  
19 to Ms. Kaplan's chagrin -- but they were patient with me,  
20 and very, very responsive. Both Ms. Kaplan and Deputy  
21 Executive Director Hernandez were awesome in our  
22 meetings, and in their thoroughness, and really wanting  
23 to understand our concerns, and really get us the  
24 information that we felt we needed. So again, I can't  
25 speak highly enough of the process itself.

1           So after looking at everything, Commissioner  
2 Akutagawa and myself felt like the third party -- also  
3 took into consideration many of the things that we had  
4 heard from many of you. So it wasn't that the  
5 subcommittee felt it was our decision, but we really  
6 wanted to make sure that we were not just looking at the  
7 information provided to us, but thinking about what we've  
8 heard, et cetera, and taking all that together, we were  
9 prepared to recommend that we go with the third-party  
10 option.

11           Commissioner Akutagawa, I don't know if you'd like  
12 to add anything.

13           COMMISSIONER AKUTAGAWA: I just want to say this was  
14 actually really a quite enjoyable process. I think one  
15 of the things that Commissioner Le Mons did is really  
16 challenged all of us to think really differently about  
17 it, and I would say, not unlike what Commissioner  
18 Sadhwani just did, in terms of what she said about kind  
19 of the liabilities. I think this is what makes these  
20 conversations so interesting, and really exploring both  
21 options.

22           So I also want to note that, once Commissioner Le  
23 Mons made a decision that the third-party option would be  
24 the way to go, he was all in, and the questions that he  
25 asked were quite pointed in terms of ensuring that we

1 had -- in being able to communicate that we had clearly  
2 thought through all of the details.

3 I also want to just say that I think Deputy Director  
4 Hernandez and Ms. Kaplan -- I do want to say that I  
5 think, at one point, they probably were ready to kill us,  
6 only because there were times when we just said, do you  
7 think you could have information for us by tomorrow? We  
8 were like, you know, we really want this for next week,  
9 so how quickly can you turn this around?

10 So I just wanted to say that they were really great  
11 in terms of answering all of the things that we had asked  
12 about, the what ifs. We asked a lot of what if  
13 questions, and they went and researched everything to  
14 anticipate these questions that you also had as well,  
15 too. So we just wanted to make sure that, when we were  
16 able to answer, we would be able to do so as thoroughly  
17 as we could.

18 CHAIR TAYLOR: Thank you. Thank you for your  
19 thoroughness.

20 We do have one caller. Jesse, can you invite our  
21 caller in, before we move to our informal poll.

22 PUBLIC COMMENT MODERATOR: Caller, if you could  
23 please press star -- good afternoon, caller. If you  
24 would like to share your name, please state and spell it.

25 MS. WESTA-LUSK: Renee Westa Lusk, R E N E E, W E S

1 T A, there's a hyphen, and then it's L U S K. I just  
2 have one question regarding the grant funds. Will they  
3 be distributed throughout all different types of  
4 communities, or will it just all be urban areas?

5 CHAIR TAYLOR: I think we're getting -- they will be  
6 distributed throughout.

7 COMMISSIONER AKUTAGAWA: Yes.

8 CHAIR TAYLOR: It would be not limited to just one  
9 community or area. Our thought is to service all of  
10 California.

11 MS. WESTA-LUSK: Okay.

12 CHAIR TAYLOR: Thank you.

13 MS. WESTA-LUSK: Thank you.

14 CHAIR TAYLOR: Thank you.

15 All right. So say, Commissioners, maybe with a  
16 thumbs-up or a head nod, who is in favor of in-house  
17 administration of a grant process? A lot of excitement  
18 about an in-house process.

19 All right. Commissioners, with a thumb raise or a  
20 head nod, who would be in favor of a third-party  
21 administration of a grant process? So we sort of see our  
22 leanings, and where our deliberations might be over the  
23 coming weeks, based on the materials we have, and we're  
24 still open to input from public comment and from the  
25 community.

1 With that said, we'll move towards recess.

2 Jesse, if you can read general comments for  
3 public comment for general items.

4 PUBLIC COMMENT MODERATOR: In order to maximize  
5 transparency and public participation in our process, the  
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18 your turn to speak, the moderator will unmute you, and  
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25 call. Once you are waiting in the queue, be alert for



1 when it is your turn to speak, and again, please turn  
2 down the livestream volume. These instructions are also  
3 located on the website.

4 The Commission is taking opening public comment at  
5 this time.

6 CHAIR TAYLOR: Thank you, Jesse, and if we get a  
7 caller, please invite them in.

8 (Pause)

9 All right, Jesse, it looks like we have a caller.  
10 Can you invite them in, please?

11 MS. HUTCHISON: Hi. This is Helen Hutchison, H E L  
12 E N, H U T C H I S O N, with the League of Women Voters  
13 of California, and I just had a really quick comment.

14 I just wanted to make sure that, if you're going to  
15 act on this at the February 8 meeting, on your grant  
16 program, that the RFP is posted for -- I would hope it's  
17 a week before that, so that we all have time to review it  
18 and give you substantive comment. Thanks very much.

19 CHAIR TAYLOR: Thank you.

20 All right. Another minute or so to give everyone an  
21 opportunity to call in.

22 (Pause.)

23 Commissioner Sinay.

24 COMMISSIONER SINAY: I just wanted to let you all  
25 know that Dr. Shirley Weber has been confirmed as

1 Secretary of State.

2 CHAIR TAYLOR: Thank you.

3 All right. Seeing no one else is in the queue, and  
4 no other Commissioners' comments, from a very cool and  
5 brisk Southern California, I'll see you guys tomorrow at  
6 9:30, January 27th, where we will resume our meeting.

7 You guys have a good evening.

8 (Whereupon the CRC Business meeting adjourned at  
9 5:44 p.m.)

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CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.



\_\_\_\_\_  
SUSAN PATTERSON, CDLT-174

June 16, 2022  
DATE

