STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

FRIDAY, FEBRUARY 18, 2022
9:36 a.m.

Reported by:
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Russell Yee, Chair
Angela Vázquez, Vice-Chair
Isra Ahmad, Commissioner
Linda Akutagawa, Commissioner
Alicia Fernández, Commissioner
Neal Fornaciari, Commissioner
J. Kennedy, Commissioner
Patricia Sinay, Commissioner
Derric Taylor, Commissioner
Trena Turner, Commissioner

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Alvaro Hernandez, Executive Director
Anthony Pane, Chief Counsel
Ravindar Singh, Administrative Assistant
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Marcy Kaplan, Director of Outreach

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Kristian Manoff, AV Technical Director/Comment Moderator

PUBLIC COMMENT
Renee Westa-Lusk
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Call to Order and Roll Call 4
Friday, February 18, 2022 9:36 a.m.

CHAIR YEE: I'm Russell Yee, the February chair, here at my home in Oakland.

If we could have roll call, Ravi?

MR. SINGH: Yes, Chair. Thank you.

Commissioner Ahmad?

COMMISSIONER AHMAD: Here.

MR. SINGH: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Here.

MR. SINGH: Commissioner Andersen? Commissioner Fernández?

COMMISSIONER FERNÁNDEZ: (Spanish spoken).

MR. SINGH: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Here.

MR. SINGH: Commissioner Kennedy?

COMMISSIONER KENNEDY: Here.

MR. SINGH: Commissioner Le Mons? Commissioner Sadhwani? Commissioner Sinay?

COMMISSIONER SINAY: Here.

MR. SINGH: Commissioner Taylor?

COMMISSIONER TAYLOR: Present.

MR. SINGH: Commissioner Toledo? Commissioner Turner?

COMMISSIONER TURNER: Here.
MR. SINGH: Commissioner Vazquez? And Commissioner Yee?

CHAIR YEE: Here.

MR. SINGH: You have a quorum, Chair.

CHAIR YEE: Thank you, Ravi. Barely.

Well, welcome, everyone. Today is a business meeting. We have the agenda and the run of show. Looking at the calendar, there's another business meeting scheduled for next week on Wednesday. And by the end of this meeting, we'll have a sense of whether that meeting will be necessary. The next meeting after that won't be until March. That will be the lessons learned exercise set of meetings that we'll have some business meeting time inserted into, so that's the scope of our available time coming up.

Let's go ahead and ask for any announcements anyone has today.

Go ahead, Commissioner Sinay.

COMMISSIONER SINAY: Just because it's unique, I will be meeting with the Finnish press. So a reporter is coming to San Diego, and he wants to do it face-to-face, and he's also going to Texas -- San Diego and Texas. So I just thought I would share that because it'll be interesting to see what his questions are. And this came through Fredy. So it'll be interesting to see what his
questions are and what comes out of it, so I thought I would share that.

CHAIR YEE: Um-hum. Thank you, Commissioner Sinay. Also, I want to mention the CalMatters recent article on our not getting sued was, I thought, particularly well-done, even though I have a family connection there, full disclosure. And I like the emphasis on saving the state money, you know. There were complaints about us spending too much, so it's nice to be recognized for not having to spend all those legal fees on defending our maps.

Any other announcements? If not, we can go to director's report, and we'll start with our executive director, Alvaro.

MR. HERNANDEZ: Thank you, Chair. And good morning, Commissioners. So I'm going to start by sharing some information on personnel. As you know, we reported out that last week, Fredy Ceja, our communications director, has taken a new job and is going to be working part-time basis with the Commission through March.

He's going to continue to assist the Commission with media contacts, press releases. As you've already heard, he's continuing to funnel those to the commissioners to participate in media or contacts with the media, so work as usual. He will be working with website updates and has been working with Martin Pinera to transition these
activities over to him by the end of March.

Fredy has also been working with Martin and planning for the archiving of the files and the web content, too, as we start migrating into our Microsoft Cloud.

Martin will also take on website activities as well as our social media presence in our post-map phase and report to the outreach director, Marcy Kaplan.

Marcy will take on oversight of the external communications and other communications activities, including the website, coordination, and moving forward as we transition from Fredy in March.

Our data manager also has taken a job and will continue on with the Commission, like Fredy, on a part-time basis to ensure that our database is set up to archive. Toni continues to work with the data management team to tag record and the planning to transition the data files beyond the Airtable.

Paul Mitchell will continue with the Commission and take on the task of helping in the transition of the files to archives, including the shape files. Paul has been one of the primary contacts with the state archives to explain what we will be sending them, including the shape files and GIS-type files, and how best to make those available to the public since they are very unique in how they are handled. So that's the information I
Chair Yee: Director Hernandez, could you remind us of Martin's current title? And is that changing with the change in responsibilities?

Mr. Hernandez: The title is not going to be changing, no. He is the communications coordinator.

Chair Yee: Okay. Very good. Thank you.

Mr. Hernandez: Any other questions?

Unidentified Speaker: Yes.

Chair Yee: Commissioner Sinay?

Commissioner Sinay: Did we -- we were we able to do evaluations for all of the team members who transitioned out? And if we didn't, is there a way, since a lot of them are trying -- you know, are applying for state jobs to make sure that that is in their state files?

Mr. Hernandez: We did do that before all the staff were released.

Okay. I'll move onto our additional information.

As I mentioned at the last Commission meeting, we are going to be migrating over to Microsoft from the Google Suite. Corina has been working with Microsoft and the Google transition teams regarding the migration and will be sending out some communication very soon.

Our Google is going to stop having the free legacy accounts that we're currently on beginning in June, so
that's why we're moving over to the Microsoft platform, which is part of the state contract. This is the other part of it. And so we'll have support and additional features not previously available on this Microsoft platform.

An email will be sent out Tuesday, February 22nd to give everyone until Friday, February 25th to copy your files to your hard drive for backup. If you need assistance, Corina will be available during that time frame. We're planning on performing the migration on February 26th, 27, and then do system testing on Monday, February 28th, and anticipate the launch of the Microsoft platform for everyone to access and be able to work on on February 28th in the afternoon, so it's a short time frame.

We've been working closely -- or Corina has been working closely with the Microsoft and Google folks to make sure the transition is as seamless as possible. But what's going to be key for redundancy purposes is to make sure that you copy your files and have a backup of your hard drive. And Corina will be available and will be sending out instructions on how to do so.

Any questions? Yes?

CHAIR YEE: Commissioner Sinay, and then Commissioner Turner.
COMMISSIONER SINAY: I just wanted to check if this sounded as big as I just heard it. When you say "our hard drive" -- we've been told to put everything on the Google Drive, you know, on the cloud. So now we're saying take everything off the cloud and put it onto our hard drive and do it by next week?

MR. HERNANDEZ: No, not everything on the hard drive. So more instructions are going to follow. That is not -- because everything is on the Google Drive, but you still have to back it up. So put it in a file that can transfer over. So that is what is going to be required for you to do, so that that way, Corina can take that information and put it into the new platform.

CHAIR YEE: Commissioner Turner?

COMMISSIONER TURNER: Thank you, Chair Yee. And Alvaro -- Director Alvaro. Just trying to get clarity on what might be -- because everything is, I think, on the -- what -- can you give me an example of what might be on a hard drive that I would want to -- I'm -- because I'm thinking, wipe it, change it. What, is there anything -- tell me more about what I would need off of this computer.

MR. HERNANDEZ: Any files that you've been working on, working documents that you referenced, PDFs that you've saved, things of that nature that are not saved
within the Google Drive.

COMMISSIONER TURNER: Um-hum.

MR. HERNANDEZ: I mean, your computer -- you will still have your computer. But if you want it transitioned over to the Microsoft Cloud, you'll have to have that available, to transfer it over.

COMMISSIONER TURNER: So if we put stuff on the cloud, then we need to transfer it over? It's not like it's on the cloud so you have access to it and everything's going to be transferred over?

MR. HERNANDEZ: My understanding is, if it's in the Google Drive, it's going to be transferred over.

COMMISSIONER TURNER: Okay.

CHAIR YEE: Yeah. Hopefully, we'll get more details on all of that.

Director Ceja?

MR. CEJA: Yeah. So this is a good example. So yeah. Everything is in the cloud should transfer over automatically because all they're doing is copying and pasting from the cloud to the other cloud. I think what we're referring to is things that you might have on your desktop. I started, instead of using my cloud because we only had a limited amount of storage and I was running out towards the end.

I actually bought an external drive where I was
saving all my flyers, everything that I was creating, all my content. So I have, like, thirty files or folders. But I have them -- instead of putting them on my desktop, I put them in an external drive. If you have any files like that, you can dump them in your shared file, and that will get transferred over automatically. So that way, you're not wasting your memory on your computer and it doesn't slow down.

CHAIR YEE: Okay. Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: I think, just additional clarification. So what I'm hearing is that the reason to move it onto -- whether it's our hard drives on our laptops or onto an external drive is to have a backup in case that transfer from one cloud account to another cloud account doesn't quite work out the way we want it to. I think that's what I'm hearing in terms of what you said about redundancy and having a backup.

MR. CEJA: If the backup -- to the backup, yes.

COMMISSIONER AKUTAGAWA: Yup. I am a believer in that.

MR. CEJA: 2010 crashed, and we lost a lot of stuff, so let's not repeat that again.

CHAIR YEE: Okay. Thank you. Director Hernandez, you can continue. Continue, please.

MR. HERNANDEZ: Okay. Thank you. So in regards to
the database, Paul and Toni are working on archiving the
large volume of data and the files in the database. This
exercise is -- as Fredy just mentioned, the 2010 website
crashed, and so we're making sure that this doesn't
happen. And if, for whatever reason, something does
happen, we have those files and records available as we
transition as well to the new website.

So we wanted to make sure. Redundancy is a -- the
way we do business to make sure that we don't lose any
information like the 2010 Commission had done. And we
are going to be transitioning to a new website or moving
the website, whatever the case may be, and we want to
make sure that we have those files available and that
they are indexed correctly as well, which leads me to my
next report out, which is in regards to a meeting that
Raul had with the state archives -- the record management
team this last week.

He discussed preliminary approach to indexing, which
is basically the naming convention of the files so that
they're easily identifiable. We have a number of files
that we have, and they are not consistent in the way that
they are named. So we're trying to make it as easy as
possible so that if we do transition to a new website,
people can easily access those files and pull them in.
They know what those files contain.
So there's different ways to transfer the different types of files, how to show the spatial files, and spatial files are the shape files, GIS files for public access; and also discuss the general time line for the transfer to occur.

As Commissioner Kennedy has communicated before as well as I have, the state archives indicated they are not able to house a CRC website, but are primarily interested in the following records: the 2010 website files; the 2020 meeting agendas, transcripts, videos, and meeting handouts; 2020 outreach materials in English and in the translated languages; the 2020 social media files, preferable in their original format -- and we're still working on it; Martin is working on that exercise as we speak -- and then also the 2020 COI submissions. That's the database information. So that's the primary information that they're interested in at this time.

We're going to continue meeting with them and discussing this as part of our efforts to make sure we archive all of the information, and we'll be working with the subcommittee, including Commissioner Kennedy, on this effort, as he has also reached out to them to discuss the website in other matters.

Raul also met with the State Auditor's Office last week, as was shared with Commissioner Kennedy at our last
meeting. The State Auditor's Office is in a transitional period waiting for a new state auditor to be appointed.

With that said, they are looking forward to hearing the Commission's ideas for how they can work together to facilitate the launch of the 2030 Commission. After the lessons learned next month, I do recommend that we do put together somewhat of a proposal to begin those conversations with them. I'm sure Commissioner Kennedy had some thoughts or has some thoughts on how we can do that moving forward, as well.

Any questions? Russell -- Commissioner -- Chair Yee, you're muted.

CHAIR YEE: Sorry, Commissioner Kennedy.

COMMISSIONER KENNEDY: Yeah. Just also to reiterate that in my discussions with the state archives, one of the things that they have promised to provide us is a listing of the materials that they have on redistricting, particularly from the 2010 Commission and the 2020 Commission, as well as instructions on how the public can access those materials. And we will then turn around and put those instructions on our website so that anyone who is looking for something that may only be found in the state archives will have easy access to the instructions on how to obtain that information. Thank you.

CHAIR YEE: I have a question. So in fact, you
know, the archive that the public most likely will find and depend on, then -- will it be that, the state archive's version of our data? Or will we still need to maintain a full set of our own data, our own website, and that's what people would find?

MR. HERNANDEZ: I believe it's a matter of the 2010 information being accessible. Our website, in theory, is going to be available through the 2029-2030 year until the new Commission has their website. And then our information will then become archived.

CHAIR YEE: Um-hum.

MR. HERNANDEZ: But having it there already makes it a lot easier than --

CHAIR YEE: Right.

MR. HERNANDEZ: -- having the 2030 Commission trying to --

CHAIR YEE: Right.

MR. HERNANDEZ: -- do that at that point when they're still trying to do all of the other things that they're required to do.

CHAIR YEE: All right. That makes sense.

MR. HERNANDEZ: So the effort is to try to get as much in place now as we're transitioning over so that it is there. And should anything happen, again, like the 2010 Commission -- 2010 Commission's website crashed.
There, I believe, are still some files that we're not able to retrieve or were not available. So with that said, we want to make sure that we have the files available through the archives and -- as long as we have them on our website, as well.

CHAIR YEE: Very good.

MR. HERNANDEZ: Okay. I just wanted to share regarding the budget. We are still gathering information for our expenditures to date. Still waiting for a few invoices from some of our vendors to update our expenditures, and we'll share more information at a future meeting. I am happy to report that we received approval from both the Department of Finance and the Joint Legislative Budget Committee on our request for the release of the 1.5 million post-map operational funds.

The JLBC letter -- they did note that these funds will not count toward the minimum calculation for the 2030 redistricting process and that we will provide both the DOF and the JLBC with detailed reports on actual expenditures that they will then use to accurately calculate the base budget for the next redistricting commission. So staff and I will continue to work with the Finance and Administration Subcommittee on this effort.

And then finally, I wanted to report that we have
submitted the Commission's budget change proposal. I'll reference that from this point forward as a BCP. It's a summary that we submitted to the Department of Finance by the due date of February 8th with our projections of 3.3 million over the next eight years. The projections were a result of the Long-Term Planning Subcommittee's spreadsheet that was shared at the last meeting, and we'll be sharing that out again with the details.

Our budget officer, Terri Isedeh, is working closely with the Department of Finance to complete the more detailed next step of the BCP process to be completed by the first week of March, and we'll continue to work with the Long-Term Planning Subcommittee to review and make sure that information is correct.


CHAIR YEE: Okay. Thank you, Director Hernandez. Maybe this is a good time to check in on that whole question of post-maps consulting help that our line-drawer had alerted to us, counties asking for help resolving and anomalies where our lines don't exactly match parcel lines. And so it's been -- you know, it's gone round and around. It's like a hot potato nobody wants to hang onto.

Chief Counsel Pane did meet with a couple of
legislative liaisons to make sure that if we were to help that that was okay with the legislature, and they said that's fine. However, it's really a Catch-22 because, you know, we could not contract for that work in time for it to be done. It would take months for us to get a whole new contract together to do it. And nobody else seems to be forthcoming with that help, the Secretary of State's office, the legislature.

So I'm really at a loss of what to do. You know, we don't have any leverage over the legislature and the Secretary of State, and yet we seem to be the one closest to the work. So I'm kind of out of ideas. As chair, I've pursued it just because I think, you know, it needs to be done. Somebody needs to do it, you know. Arguably, we may not have final responsibility for it, but we -- you know, we could be in that loop. So I don't know what else to do.

Commissioners Kennedy and Fernández?

COMMISSIONER KENNEDY: Thank you, Chair. My sense is that, yes, we are probably closest conceptually. It might be the Secretary of State's office that should be the first instance for the counties to go to. But if the Secretary of State's office is not able to provide that assistance, you know, I would not have a problem with us providing it.
I guess my question would be, is this something that we could achieve through a change order on an existing contract with Q2 and Haystaq so that it would not so long? Thanks.

CHAIR YEE: Yeah. That was a thought. And our current contract with the line-drawer is through Haystaq and not Q2. So that seemed like a dead end.

Director Hernandez, I don't know if you've got any other information from Raul about ways to contract because that would be quicker.

MR. HERNANDEZ: Well, there may be some options. But I think the Commission has to decide if that's something that they want to do and pursue. Then the other piece of it is the funding of it.

CHAIR YEE: Right.

MR. HERNANDEZ: You know, I don't think we would have the funding that we would need to cover the costs, so we would have to make a request for that additional funding for that purpose. And so that may take a while as well.

CHAIR YEE: Right. And Commissioner Fernández?

COMMISSIONER FERNÁNDEZ: Thank you, Chair. Yes. Regarding this, I did do some research on it as I communicated to you. And Elections Code section 21001 --
it does pretty much specify that committees of the legislature are the ones that are responsible for this, and it also mentions the Secretary of State.

I am not in favor of having a contract where we're being the middle person of communications between counties and potentially line-drawers. I don't want anything to jeopardize even the optics of us drawing lines or any part of drawing lines, so I am completely opposed to us getting involved. I believe the Elections Code section is pretty clear as to whose responsibility is, and I don't want this to set a precedent for future commissions to be involved.

However, I do think we need to include this in our lessons learned so that it's not dropped at the 2030. It's something that needs to be addressed early on, not necessarily by the Commission, but that somebody picks it up, not after the fact. Again, I don't believe, as a Commission, we should be entering into an agreement that potentially could have some sort of semblance of moving the lines. We built our lines based on the census blocks, not on parcels, and we really don't need to insert ourselves into that process. Thank you.

CHAIR YEE: Um-hum. Thank you.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair.
Unfortunately, Elections Code 21001 is one of those sections that was last adopted -- or last amended before the creation of the Commission. So you know, yes, I would tend to have some reservations about us diving head-long into this.

And perhaps as part of the lessons learned exercise, one of one the recommendations would be to update some of those sections of the Elections Code relating to state and local redistricting that were last amended before the creation of the Commission. It seems to me that that was something that was an oversight. People forgot that there was a chapter in the Elections Code dealing with this or sections in the Election Code that mentioned redistricting that make no mention of the Commission because the Commission didn't exist the last time they were changed. So yeah. This definitely needs to be addressed, you know.

And yes, I think Commissioner Fernández has a good point. Our charge was to come up with maps based on census blocks. And to the extent that counties are wanting to do something that's not based on census blocks, you know, what help could we be to them?

That said, you know, if -- and as I said before, I think it would primarily fall on the Office of the Secretary of State to assist the counties. But if the
Secretary of State's office needs to call on us as a technical resource, then, you know, I'd be interested in looking at how we could respond to a request from the Secretary of State's office to be a technical resource on this issue. Thank you.

CHAIR YEE: Thank you, Commissioner Kennedy.

Yeah. You know, Commissioner Fernández is right. Whoever may work on this -- you know, they should not even give the appearance of any moving of lines. Nobody is moving lines. Lines do not move. You know, the lines are the lines we drew. It's simply a question of interpreting the lines in small cases where they go through parcels, you know, and somebody has to decide which side of a line that parcel falls on.

Yeah. So you know, I think the Election Code that refers to the Secretary of State and to the legislature -- it describes who prepares the maps to deliver to the counties, and that's fine. The maps that are delivered are delivered with the lines we drew.

But that doesn't solve these questions of these -- involving these parcels, and that's the problem. That work -- that ambiguity is not imagined in the code and no provisions are made to help with them. But if nothing is done, it is just left to the individual counties, then, to figure out what they're going to do on their own,
which is -- it kind of looks like how this is heading.

Commissioner Sinay?

COMMISSIONER SINAY: I feel like I dropped into a conversation that started before I arrived. Can we take a step back? And where did this conversation from and how -- you know, how did this issue get brought to us? Because it seems like some of you have thought about it and have had the conv -- had information about it, versus others of us are kind of hearing it for the first time. So I'm just trying to catch up to those in the know.

CHAIR YEE: Sure. So the conversation started with our line-drawers, Q2 -- Karin informing us that she's been getting calls from counties asking for assistance interpreting lines because of lines not matching perfectly with parcels. And so a line may go right through a parcel, and then it's not clear which side of the line that parcel belongs to.

This, ultimately, is a problem with the Census Bureau, of course, which theoretically should draw perfect lines, you know, that do not have any of these ambiguities. But in the real world, of course, there are these imperfections.

And so she gets calls from the county -- the Secretary of State's office gets calls, which they have been referring to her. And you know, while she's capable
of doing this work, of course, she would want to be paid for it, you know, if it -- especially since -- for instance, Santa Cruz County, she reports, is actually at least somewhere between 1 and 200 such anomalies. I have no idea whether that's an outlier or not.

So then she reached out to us. And in the back-and-forth with Secretary of State and the legislature, the argument for us is that we're not elected, so we're the one nonpolitical entity in the mix that could address these without having a partisan angle on it. But as Commissioner Fernández mentioned, you know, in theory, the language about the Secretary of State's role in all of this could be interpreted to include such help because it assists the counties in implementing the maps, so that's where we are. And I know it will be a question again for 2030, presumably, as we talk about lessons learned.

Commissioner Sinay?

COMMISSIONER SINAY: Two questions. So how come some people know about this already and there has been some research, and then -- and others of us -- this is the first time we heard it? Or how did I not hear it?

And second, what did 2010 do?

CHAIR YEE: Yeah. You know, I've asked that question about 2010 and not gotten a clear answer of how
much of an issue it was. For 2020, I think it's come up. It came up last time in the last business meeting, maybe. Perhaps that was a point in the conversation you weren't present.

So at this point, I'm out of ideas. So I will try to close the loop with Q2 and Secretary of State and the legislature. But otherwise, I don't know what else we can do.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Chair, do we have correspondence that we need to reply to, or -- I mean, has all of this been informal?

CHAIR YEE: It's been informal. Yeah.

COMMISSIONER KENNEDY: It would probably be easier for us, at this point, if we had something in writing to respond to.

CHAIR YEE: Yeah.

COMMISSIONER KENNEDY: Thanks.

CHAIR YEE: Commissioner Sinay?

COMMISSIONER SINAY: I was interested in hearing what our legal counsel had to say on all of this.

MR. PANE: So good morning. There was a question about what I think about which piece of this? The whole thing or the (indiscernible), or which piece are you referring to?
COMMISSIONER SINAY: What guidance would you give us on this question that's keeping the Chair up at night?

MR. PANE: So this is largely a policy problem for the Commission to decide. It's not so much a legal question. My understanding, from what I've gathered, is that the Secretary of State is the primary --

COMMISSIONER TURNER: Excuse me. I can't hear you very well.

MR. PANE: Can you hear me now? Is this better? Is this any better? Let me see if I can --

CHAIR YEE: Marginal.

MR. PANE: One second.

COMMISSIONER TURNER: Well, that's no way to be. He just hung up. No.

CHAIR YEE: It's something we said.

MR. PANE: How about now? Is that better?

CHAIR YEE: Better.

MR. PANE: Okay. So the Secretary of State's office is the main conduit to work with the counties. As Commissioner Kennedy mentioned, the statute was inactive prior to the creation of the Commission or the (indiscernible) the legislature is referenced and so forth. On the one hand, it's the legislature, because of the protected site. On the other hand, you could argue there were six commissions that have now passed where
that statute hasn't changed. So there is an intent of
the legislature that it stay that way because there has
been no change. You still can't hear me?
How about now?
CHAIR YEE: Oh, much better.
MR. PANÉ: Okay. Great. So I will --
COMMISSIONER SINAY: Start over.
MR. PANÉ: Start over? Okay. We're good. Thank
you. So I'll start over.
The Secretary of State is the primary conduit for
counties. And as such, normally, I think we would look
to them to work out issues with the county because, as
Commissioner Kennedy mentions, the statute is correct and
it -- referring to the legislature. But that, as he
mentioned, was created prior to the existence of the
Commission.
And so I think that's what -- you know, why we
wanted to make sure if the Commission were to take this
on as a policy call, that they wouldn't be stepping on
anybody's toes over at the legislature. And that is
true; we wouldn't be stepping on any toes. So it's very
much a policy call here; it's not a legal question.
As the chair mentioned, if the Commission did decide
to pursue this, we would have to do and engage in a
separate contract because Q2 would have to be the
contracting party, and they are a subcontractor to an existing contract. So we would have to create its own contract for this.

    With that said, we did do some preliminary jumping through some hoops, and we do think there is a way to not make it go for as long as a contract normally takes given the circumstances here. So there is -- I don't want to use the word "fast-track" because that sounds like it's going to be next week. But there may be some options through the State Contracting Manual to not have to take as long.

    With that said, I think the chair is correct that it is going to -- by the time we are able to get the information to the counties, it may be well past the time that they need it. But it is still very much a policy call for the Commission to undertake if they so choose.

    CHAIR YEE: Thank you. Commissioner Kennedy?

    COMMISSIONER KENNEDY: Again, it would be much easier for us to reply to this if we had something specific and official to reply to. Given Chief Counsel Pane's statement just now, I would say that, you know, unfortunately, circumstances are such that, you know, it's not something that we can address as much as we might like to. And you know, leave the burden of this where it should be currently, which is with the Secretary
of State's office. Thank you.

CHAIR YEE: Thank you, Commissioner Kennedy.

Director Hernandez reminds me there was an initial email from Karin, you know, just reporting the requests that she was getting, you know, which got this all started. But otherwise, no other correspondence.

Commissioner Ahmad?

COMMISSIONER AHMAD: Thank you, Chair. I just wanted to share that I'm also in agreement with what Commissioner Kennedy just stated.

CHAIR YEE: Thank you. This seems to be the consensus. And regretfully, I think that's our only option at this point.

Commissioner Fernández?

COMMISSIONER FERNÁNDEZ: Thank you, Chair. Yes. And if you'd like, I could work with you as well. I was trying to -- if the legislature was supportive of it, then maybe get Secretary of State on board. But again, I agree that we should not involve ourself in a contract, but maybe get the two to talk or maybe see the importance of this or express the importance of it to the Secretary of State. But other than that, I agree with the rest, so thanks.

CHAIR YEE: Okay. Thank you. Okay. Unless there's any objections, that will be the plan of action.
Okay. Let's move on, then. We're still taking directors' reports. And next up, our communications director, Fredy.

MR. CEJA: Thank you, Chair. Hello, Commissioners.

I miss you guys --

CHAIR YEE: I miss you.

MR. CEJA: -- a lot. I wanted to start off by thanking those that participated in the survey that Mia from CalMatters sent. It did turn into a great story about what we're hoping to fix for the next go-around for the Commission and leading into the activities that you all will partake in next month when you do the lessons learned get-together. And I'm sure there will be a following story after that. So thank you, CalMatters, for following my work and continuing to spread information about what we're doing with the next steps.

As Alvaro did mention, the comms team is pulling files for state archives from our website, and they've identified the files that would be useful for them to categorize in their database. So we're about twenty-percent done. We should be done with that next week.

We're still reviewing options to keep our website alive for the next decade and beyond.

More than anything, the issue right now is payment. How do we pay for the website once our administrator and
all the rest of the staff are off-boarded? So we're looking at options, and I'm sure Raul will give us a few of those in the next following weeks.

So we are migrating from Google Drive to Microsoft OneDrive. What that means for our website documents is that we will have to look at all files and determine which ones are linked via Google Drive, because those links will now be broken or dead, and relink them under Microsoft OneDrive. So anything that we linked from myself or Martin, which were the primary accounts that were linking Google Drive documents, will have to use those Microsoft OneDrive links and replace them on the website, so that's going to take a while.

Raul said that we should add an "under construction" note on the front page to let people know that we're doing this. And in case they're looking for information and there's dead link, they'll know why. But that should not deter them from asking for those documents from us via email or something, so we'll put together a clause on the home page that indicates that.

We're also downloading all documents on the website and storing them to transfer to, like I said, the state archives and just for own purposes in case we need to recreate the website. If one of the options is to no longer use NationBuilder because of the payment factor
and we need to recreate a website, we will actually have a road map of what the current website looks like, so we'll be able to recreate it, including all the text on every single page.

So what Martin is doing right now currently is going through every page, taking a snapshot of all the content on every page, and then downloading every single file that's on the page and creating a folder for them. And we will have those available, like I said, for archival purposes and to recreate the website if we need to.

Martin's also leading our national op-ed work. I'm sure Commissioner Sinay and Commissioner Yee will be reporting on that later. I have stepped away from that, trying not to take on additional responsibilities because my time will be ending some time in the next few weeks, so I just wanted to make that announcement. I plan to end my time sometime in March, hopefully the beginning of March. So I will not be taking on additional responsibilities, including the op-ed work. I'm leaving that solely to Martin. And if you need assistance from me, of course, I'm always here until I depart.

But I also wanted to mention that in the hand-outs, the list of legislative and other fixes that you're planning to do I thought was amazing. I would love to send out a press release indicating once you approve it
that that's what you're going to be focusing on for. Not just legislative, but it's other administrative changes in the code to make sure that it cuts red tape for our work and makes what we're doing a whole lot easier for the next go-around.

That's all I have for my report. Do you have any questions?

CHAIR YEE: Any questions? Commissioner Sinay, I'm wondering whether now might be a good time, since Director Ceja, mentioned it to report on the op-ed effort. Would you like to do that?

COMMISSIONER SINAY: Sure. I thought you were going to do it, but I can do it. So as you know, we've been asked by the National Common Cause and League of Women Voters, who are -- you know, who are working in specific states and have chapters throughout the country, to help. You know, it's really to help inspire and give folks hope about democracy.

It's not about saying, hey, we, California -- we're awesome and you should all be like us and have a redistricting commission. But it's really about those who are feeling a little bit like, what do we do now? How do we do this? Because the redistricting processes throughout the country -- a lot of them are at stalemate. A lot of them are in court. There's a lot of
gerrymandering, and so we just want to give some hope
that, hey, there are other ways of doing it.

Commissioner Yee and I each separately have written
two different types of op-eds, and I know others have.
And Commissioner Yee's will be -- they're looking right
now to place it in Ohio because there was a -- what
Common Cause and League of Women Voters is doing is --
they've got their fingers in the different states, and so
they'll let us know. Hey, this is a good time. And
they'll help, and really, at the local-level newspapers.
And again, it's about getting help.

Martin sent out an email kind of saying, here are
some thoughts. Who wants to participate? Who doesn't?
Not everybody was included on this round, even though
there was a lot of states (indiscernible), you know,
because there just wasn't enough. But anyone can say,
hey, you know, we guessed on some of the relationships
based on what we had heard. I had forgotten -- I didn't
even think I had any relationship with any of the states.
And then I was like, wait. Pennsylvania was the first
state my family moved to when we came to the United
States. And so that's kind of how I ended up there.

But the goal is -- really, if you're interested,
we're trying to create templates so that you all can cut
and paste and then make it personal. Tell your personal
stories. In my case, I just cut a piece of my actual
application when I applied to be on the Commission for my
personal story. So we've written a lot of this already.
We just forget to reuse our own writing sometimes.
And so Martin has reached out, and he -- you know,
he will let you all -- let him know if you are interested
in the one that he's shared. Thank you to those who
said, I'm interested, you know, when the opportunity
comes up if you're not on the list. And it may be a
quick turnaround because we don't know how courts are
moving and legislature are moving in some of these
places.
But again, this is just an opportunity, and it's not
the only effort we can do. It's just something that we
were asked to help, and this is a way we're partnering
with some of the nat -- the two national groups who are
leading these efforts.

CHAIR YEE: Thank you, Commissioner Sinay.
Commissioner Kennedy?
COMMISSIONER KENNEDY: Thank you, Chair. And thank
you, Commissioner Sinay. Just a couple of things.
One is -- I think we -- to some extent, we've
already missed some very good opportunities. I mean, the
timing last week once we passed the litigation time frame
was a really good opportunity to get this word out and to
say, you know, it may be that states could save a lot of

time, effort, anguish, money by having a citizen's

commission rather than having things jammed in the courts

for weeks and months and costing a lot of money and time

and so forth. You know, we can still make that case, but

it's not going to be as timely as it would have been last

week.

Second of all, you know, I certainly agree that

having, you know, duos of us write these in cases where

there's not necessarily a personal connection is

definitely the way to go. The problem when you try to

have two people coauthor something when one has a very

particular personal connection and the other doesn't is

that personal connection would tend to get lost, you

know.

And so I think in cases where there is a very strong

personal connection that, you know, we shouldn't

necessarily shy away from individually-authored pieces,

but certainly try for team-written pieces where there's

not such a strong personal tie. I'll leave it there.

Thanks.

CHAIR YEE: Thank you. Commissioner Sinay?

COMMISSIONER SINAY: I think it will depend on the

personal connection and how much does it matter? I mean,

I think what we've been told is that the most impactful
part of us is that we're multi-partisan and that we were able to work together, and that that's what people are going to be looking at as well. This was written by two -- you know, two different folks.

Having the personal connection allows kind of, hey, I'm not just a Californian, because a lot of people are like, oh, those Californians -- you know, they're way over there and they do things, you know, out on a limb. So it's kind of both ways to do it.

I think that as the opportunities come up, there will be some that will be solo and some that will be duo, and we're just going to have to be quick and flexible. For instance, I know Commissioner Yee, because Ohio was around the corner, the decision was, let's go with -- and he wrote a really, you know, good piece of his personal story. And so I think it's going to be flexible.

I mean, I think we all need to be flexible and be honest. And if you want to submit something by yourself or you feel more comfortable, that's fine. But we're just going based on what we have been told, that the strength of our stories come first in the multi-partisanship, and then second in our personal -- you know, our personal stories are important and our personal connections.

CHAIR YEE: Thank you. Commissioner Akutagawa?
COMMISSIONER AKUTAGAWA: Yeah. I think on that note about multi-partisanship -- you know, I've seen op-eds that have more than two people on it. And frankly, I think it would be nice if it were a representation of each of the parties, I guess -- I don't know if that's the right word -- you know, on this commission.

You know, having a Democrat, a Republican, and someone who is a no-party preference and having three be on the stories especially -- I think, as was said, you know, not all of us have personal connections or even tenuous connections to some of the other states. And so I think if we try to highlight the multi-partisanship of the -- or make-up of the commission, I think there's a strength in that so that anyone who is reading the op-eds in these other states will see, you know, that our unanimity in terms of the way we pass the maps and everything like that is actually real.

And I think that as people are reading what we're -- you know, what we're saying about the importance of independent redistricting and it coming from somebody that they feel that they can identify with, even if that person doesn't have a personal connection to the state, so they may identify by a party. I feel like it would just make our case and what we're talking about stronger. So anyways, thank you.
CHAIR YEE: Thank you. Commissioner Kennedy, and then Commissioner Turner.

COMMISSIONER KENNEDY: Thanks, Chair. Yeah. I think, you know, we have to look at both elements of this. One is, as someone else said a few minutes ago, getting their attention by being someone that they can identify with. And sometimes, as Commissioner Akutagawa says, that may be through identification with party. But I would think that in this case, you know, it would -- where there is a deep personal connection -- it's going to be that that personal story that grabs the -- or that lends credibility to the story.

And then the story itself is going to be the story of how we reached this, you know, unanimous decision and avoided legal challenges to the maps, et cetera. I think, you know, that part really needs to be the meat of the story more than the grab. The grab where there is a personal -- a deep personal connection, I think, needs to be that deep personal connection.

Where there's not, you know -- and particularly, where we're putting something into a national forum, then yes, by all means, let's have three of us, and one from each sub-pool. And yes, I think that would, you know, add to the value of the piece. But I think that the meat of the pieces, no matter which approach we're taking,
needs to be the unanimity and the fact that the maps weren't challenged. Thanks.

CHAIR YEE: Thank you. Commissioner Turner, and then Commissioner Taylor.

COMMISSIONER TURNER: Thank you. And I'm certain it'll be powerful however it shakes out. I'm curious as to, you know, how are we selected? What were the connections? I'm looking at the area that I was selected for, and I'm thinking, [hmm], I don't know. I'm not quite sure why that was.

CHAIR YEE: Commissioner Sinay, do you want to speak to that?

COMMISSIONER SINAY: I knew you were going to put that put that on me. Honestly, it was -- some of it had nothing to do with the state. Some of it just had to do with -- we've started with who has those personal connections with the states, and we had to go based -- very few of you responded. Some did, and so we had to go through our memories of different stories folks had told us. And so it's like, Michigan -- oh, Commissioner Le Mons was from Michigan. Oh, wait. Commissioner, you know, Sadhwani grew up in New York. And then some people -- like, Commissioner Toledo told us he went to school in New York.

And then from there, we wanted -- we built up mixes,
mixed party, mixed ethnicity, mixed stories. It went from everything -- you know, it's really -- there was not a lot of rhyme or reason, so you can move around if you want if there's another one that makes more sense. It was really a draft to get it out there so people could have something to respond to because we know we might need to move really, really quickly.

And so we just wanted to get things going. So anyone, feel free to move around and go to another one. Let Martin know. Or I guess we're in a public meeting, so you can let us know here too. But as I said, there was no rhyme or reason. It was just kind of mixing what we knew, and "we" being Commissioner Yee, Martin, Fredy, and I kind of like, okay, what kind of makes sense here? And that's how we went with that.

CHAIR YEE: Thank you. Commissioner Taylor?

COMMISSIONER TAYLOR: Yeah. I don't want to belabor that, what we were discussing. But I do think it's a component of both. So I think a personal story always captures the essence of your point. But I do think that the cooperation of what we did would work well if we had those teams of individuals that were the coauthors.

So it can lead with the personal story; that's a component. But I do think we also want to highlight what we were able to do as different parties. And I think,
then, the nation where we're at right now -- we do see through that lens. So that would add credibility to those particular stories as well. Thank you.

CHAIR YEE: Right. And Commissioner Sinay and I have discussed -- you know, put together a document or an archive of all the pieces that have been written so far, and then maybe just piece -- you know, loose paragraphs, a set of those that might inspire you or even a cut-and-paste archive that you can use when you're building the thing that you're working on.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah. On that note, besides what I just said, I also want to just name that I did not see Commissioner Fernández and Commissioner Taylor on the list. And I don't know if, for various reasons, they had chosen not to be on. But I think it would be important that all of us be represented on at least one of the op-eds.

Particularly, I know -- I think, with what Commissioner Sinay said, that in some cases, you know, there wasn't always a direct connection to it. And I know, for me, I don't have a direct connection to the state that I was assigned to. I'm happy to participate, but I think it's important that we include everybody, you know, as part of the op-eds that are being written.
Thank you.

CHAIR YEE: Commissioner Sinay?

COMMISSIONER SINAY: Definitely. And we definitely -- you know, this is the first round. And we were also looking at creatively -- well, we want to write a Spanish op-ed with the three -- with Commissioner Fernández, Commissioner Toledo, and I.

I'll be honest. Commissioner Taylor, you were on Pennsylvania, and then I remembered I had a Pennsylvania commissioner. So please keep moving, and I do think we can do three. And I agree with Commissioner Akutagawa. We looked at setting it all up in three, but then that became more people that we had to get together for a quick turnaround.

But definitely, Commissioner Fernández and Commissioner Taylor, you are critical. And jump on any of the ones that have two that you -- you know, Commissioner Taylor, Commissioner Akutagawa, and I would definitely appreciate your contribution to Pennsylvania because that would make it the three different parties.

And so we didn't want to go -- be too prescriptive. We wanted to have enough so that we could move and then also give enough for creativity.

CHAIR YEE: Definitely. I mean, we definitely want everyone to write who wants to write. And you know,
putting together this brainstorm list -- maybe we should
have just been a little more thoughtful about making sure
everybody's names showed up once.

Chief Counsel Pane, I'm wondering if you might
comment on authoring things with three commissioners
together and whether that's a Bagley-Keene risk.

MR. PANE: No, it was -- yeah.

CHAIR YEE: It is?

MR. PANE: Thank you, Chair. No, that's not a
Bagley-Keene risk. It's a one-way communication that's
no different than all fourteen commissioners sending a
letter to a recipient for whatever reason we would -- you
know, it's a one-way communication. It's perfectly
acceptable.

CHAIR YEE: Excellent. Thank you so much. I'm
wondering -- you know, Commissioner Sinay and I, you
might recall, got started on all of this because of a
thought of, maybe, working with Common Cause and League
of Women Voters to get a national gathering of
independent redistricting commissions together just to
share ideas and encourage each other. That's how this
got started, and then it morphed into this. And that's
still actually on the table, but it morphed into this op-
ed-writing campaign.

I'm wondering if she and I ought to be constituted
as a subcommittee, actually, so that we can continue this work and not just piggyback on, you know, the communications director's reports or whatever. I'm trying to think of a snappy name. The best name I have thought was Storytelling Subcommittee. I don't know if that's really serious enough. National Promotion, maybe? I'm not -- it's something so that she and I can meet and report, you know, formally.

Commissioner Kennedy?

COMMISSIONER KENNEDY: I would go with something more along the lines of Out-of-State Engagements.

CHAIR YEE: That's a possibility, yeah. Of course, there is also the -- yeah, the parallel effort to help and encourage local redistricting in California in state. Yeah, she and I have not been working on that. But that is something we may also get involved in. Perhaps, that would be something -- out-of-state engagement subcommittee? My daughter just recently got engaged, so I'm thinking engagements in the greatest context.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, I guess, maybe, part of it may be a question for Anthony, because I don't know if calling it out of state would raise questions about what are -- what are we really doing, when we're supposed to be California, and also, it seems limiting if you're
going to be doing work, you know, in terms of writing
some of the offense in -- in state as well, too.

I, kind of, like -- well, I don't know --
storytelling may not be the appropriate name -- but I do,
kind of, like going in that direction. Maybe, it's not
really quite storytelling, but you know, I did, kind of,
like that better.

CHAIR YEE: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I was more of trying to
keep it as generic as possible, because -- so it can
encompass other areas if possible. Just like --

CHAIR YEE: Sure.

COMMISSIONER FERNANDEZ: -- continued redistricting
engagement, 'cause that would encompass in state, out of
state, and we're not specifying out of state.

CHAIR YEE: Okay. Thank you. Commissioner Sinay?

COMMISSIONER SINAY: Commissioner Fernandez, kind
of, took my thought. You know, did -- I have two ways of
looking at this. One is, we may want two different
committees. One that works on the in-state -- 'cause
that can end up being really big -- and one that looks at
the national. But we can start with just, you know, post
redistricting engagement or promotion. Whatever
Commissioner Fernandez said made sense. Sorry. My mind
is a whole sift ever since we finished the maps.
CHAIR YEE: Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. I guess I'm seeing the op-ed effort as something that may be a little -- I don't know -- shorter term. I mean, it's not that we won't do it from time to time, but to me, the greater need for a subcommittee is precisely on this idea of engaging with other redistricting efforts, whether they be already in place where individuals could be in state or out of state who are interested in implementing something similar -- just, kind of, proponents of citizen redistricting, wherever they are, and that, to me, is something that would be a more of a long-term commitment, a long-term need for a subcommittee, where -- you know, we have an Outreach subcommittee, right? That can deal with the op-ed aspect of it. But the engaging with other bodies, whether they are already formed citizens redistricting bodies or groups of citizens who are interested in establishing such a body, that, to me, is what really would be deserving of the establishment of a subcommittee. Thank you.

CHAIR YEE: Um-hum. Yeah. I mean it could certainly morph into that over time. I'm thinking redistricting engagements subcommittee? It sounds like it would cover the bases and the -- both specific enough and nonspecific enough to cover the work that needs to be
Commissioner Sinay?

COMMISSIONER SINAY: Sorry. I raised my hand, lowered it, raised it again. But I think something along the lines of -- I like that. I would include, though, independent or citizen. I don't -- usually, I don't like the word citizen, but I think in this case, it could work, just because we don't want to get involved in all types of redistricting. It's really the independent -- you know, the citizen part that's been what we were, kind of, looking at. But I leave it up to you, Chair.

CHAIR YEE: I think I can be left ambiguous. You know, for instance, the Ohio situation, and they did not have a citizens and commission right now, so the fact that we're owning our story there -- so maybe, the most generic, redistricting engagements subcommittee.

COMMISSIONER SINAY: All right.

CHAIR YEE: You want to go with that? Okay. So I am appointing Commissioner Sinay and myself to the new redistricting engagements subcommittee. Thank you.

Any other comments? Okay. If not -- let's see. We have about seventeen minutes. We can move on to the Outreach --

COMMISSIONER SINAY: Sorry.

CHAIR YEE: Oh, I'm sorry. Commissioner Sinay?
COMMISSIONER SINAY: That was my fault. I didn't say it sooner. Just on deadline, we've been trying to get time lines, but it's actually impossible to get exact time lines, because legislature and supreme courts and stuff like that -- courts work on their own time line -- but we will -- as we get information, we'll definitely get it to you as quickly as possible. And we are looking, as we said, to set up a place where you all can have -- you know, you can look at different ones. But if you can start working with your team on creating a draft and working with Martin, that would be great and -- so just that when we get the call, we don't freak out.

FEMALE SPEAKER: Thank you so much.

CHAIR YEE: And Chief Counsel Pane, maybe, you could remind us on -- you know, as we create drafts, pass them to each other, share examples, do those need to be posted publicly, or how does that work?

MR. PANE: Yeah. What I would recommend for a process is, we have a particular draft -- and maybe, we work through legal office first just to make sure that they go where they need to go -- and if we can post them, we can post them -- just so that we're very deliberate.

CHAIR YEE: Okay. Very good.

MR. PANE: Thank you.

CHAIR YEE: So for instance, you know, things that
have already been written, things that have already been
drafted, do those need to be -- but do those need to,
ultimately, be posted publicly?

MR. PANE: Well, those have been posted publicly
already, right?

CHAIR YEE: Not all of the -- not all things, no.
So for instance, what I wrote for the Ohio media, that
was just me and Common Cause working together.

MR. PANE: But that article has been posted?

CHAIR YEE: No, it's still seeking -- it's still
looking --

MR. PANE: Oh --

CHAIR YEE: -- to get into the -- yeah.

MR. PANE: -- it's a draft? Okay. But it's going
to be publicly posted. That's what we want to make sure
happens.

CHAIR YEE: Okay.

MR. PANE: So as long as it's publicly posted,
that's what we want to make sure that happens.

CHAIR YEE: Publicly posted by us, or just by
anybody?

MR. PANE: So as long as it's publicly posted, that
what we want to make sure that --

MR. PANE: Publicly posted. That way, if anybody
needs access to it, they have it.
CHAIR YEE: I see. Okay. Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. Chief Counsel Pane, are we -- are you, then, also the clearing house if I were to draft something and want to circulate it to see who else wanted to sign onto it and be listed as a co-author? That would go to you. And you would send it out to colleagues and say, hey, you know, this has been drafted. Anybody else want to put their name on it?

MR. PANE: Yes, I'm the clearing house.

CHAIR YEE: Such power. Okay. Thank you for those clarifications. Let's see. We have fourteen minutes. Director Kaplan, if you want to get -- at least, get started on your report?

DIRECTOR KAPLAN: Okay. Hi, Commissioners. Thank you. So I wanted to highlight, I did meet with Frank Pisi who is with the Sacramento County Office of Education. He also runs their CLIC network, which is the Content Literacy, Inquiry, and Citizenship Project. He, along with teachers, had drafted the redistricting curriculum that we helped to distribute across the states, so -- we met just to discuss a little bit more about how it was used across the state, and also, ideas on going forward -- whether there's, like, a revamp of the lesson plan -- so we did talk about two options that
I wanted to share with you to hear feedback from the Commission that this is something you want to pursue.

One was -- so he had also been critical in creating the census curriculum that the state census office had used with county offices of ed across the state -- so he really sees this as the census curriculum was, kind of, phase one, redistricting was phase two, and looking at a potential phase three lesson plan. And this would entail looking at the outcomes of redistricting. Again, similar to the redistricting curriculum that they had created -- starting with the national lens -- like what happened across the country -- and then zoning down specifically to California and also expanding beyond just the state commission, but also looking at the local level.

I think he really highlighted a lot of their youth engagement work and ways to engage youth in local issues, including school boards, and looking at even school board redistricting. And so highlighting, you know, the different efforts that went on and then what were the outcomes, and really having an opportunity for students to, kind of, dive deep into what the new maps are, what are the demographics, their political landscape of those -- of those districts, and how was there a shift over the ten years. And he also had -- we also talked about, you know, tying this to the election and the
broader civic lens, so this could be something that they
would implement in the fall -- tying it to the elections
and then looking at the outcomes -- and you know, maybe,
this first year -- but then looking at it in other years
what is, you know -- what do these new districts change
in terms of other turnout, or the demographics of those
who are voting as well.

So that was one idea that I wanted to bring back
with you all to see if this is something you want to move
forward with to really discuss further with Frank, and
kind of, lay out options. I think there could be a cost
associated this -- with this, but it was pretty
nominal -- in terms of what we discussed -- and so
whether or not that's something the Commission would be
able to do, or explore other avenues for that.

And then secondly, we also discussed a little bit
about the census curriculum. And he really emphasized
the need to continue to further tie the census curriculum
with redistricting, also, and that there's opportunities
when the timing is right, in terms of that broader
curriculum, to look at how there could be more
information around redistricting within that curriculum.

And we also discussed the ACS data and how that was
also used in terms of CVAP data that was used with the
redistricting curriculum, too, and so other -- other --
the other census surveys that the U.S. and Sphere (ph.) utilizes, like the ACS or the economic census, and ways to increase some information around that.

So that was a little bit out of scope, but I think just the time together of redistricting, and at some point, I think, in your longer term plan when you're hoping to connect with the census for 2030, that that would also be an opportunity to tie that together with this.

And then also, I think, just highlighting with this lesson plan around the new maps, I know you all had mentioned what are ways that you could have brought in education around the new maps, and this seemed like an opportunity to do that with not a heavy lift on terms of the Commission, and so I had shared with Commissioner Fernandez -- also who was critical in helping to get this initial redistricting curriculum created -- and so she wanted me to bring it to the full Commission for discussion.

So I could pause there. And we could talk about this. And then I'll go through the rest of the May report as well. Oh --

CHAIR YEE: Thank you, Director Kaplan. Yeah.

COMMISSIONER SINAY: How exciting. I think this is
great. And I think one other thing -- I was actually just thinking about this yesterday or this morning, or at some point -- is that it would be ideal if this type of education didn't just happen once every ten years, and so tying it all together -- but also how do we make sure that the census -- you know, that it -- that the census redistricting and post redistricting is discussed and there's exercises and stuff that can take place all year, you know, just so that folks -- you know, as those kids grow up and they hear about redistricting, they're -- they know how to give a community to -- you know, they're ready to give their communities of interest or submit a map, or you know -- you know -- so that would be, kind of, the ideal vision.

I do feel that if there's a cost -- I mean, we should look at what they should -- you know, kind of, parcel this all out and make it look that it's something that's going to be permanent versus temporary -- you know, part of the curriculum -- and I -- there's a lot of -- that -- I don't think that that necessarily would be funded by us, but looking at who are some of the regional funders who are -- you know, state funders who are interested in specific engagement right now and building civic engagement in youth. But I think this is really exciting. Thank you for sharing.
CHAIR YEE: Thank you. Commissioner Kennedy, then Commissioner Fernandez.

COMMISSIONER KENNEDY: Thank you, Chair. Yeah, this is very exciting. I'm strongly supportive. Every class of students that graduates from California schools should, you know, encounter this curriculum before they graduate, so that we don't have gaps in the population that somehow missed it. You know, if it's only given once every ten years, or two years out of every ten years, we've got, you know, hundreds of thousands, if not millions, of students who are missing out on this. And I don't want that to happen. And I would very much support this being a high priority for us throughout the remainder of our term. Thank you.

CHAIR YEE: Thank you.

DIRECTOR KAPLAN: And just to --

CHAIR YEE: Commissioner Fernandez?

DIRECTOR KAPLAN: -- to highlight that. So census and redistricting are part of, like, the CORE curriculum, so these -- the redistricting curriculum is really more of a lesson plan, so for teachers who want to go beyond what -- you know, what is in the textbooks -- that's where these lesson plans are really ways -- you know, whether it's, like, a week-long activity or ways to have sparse it out over time -- and so exactly, kind of, just
where you're highlighting this, how to use the -- how to
use the curriculum ongoing throughout the ten years, and
not just during the cycle. Go ahead.

CHAIR YEE: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you, Chair. Yes, I
just wanted to differentiate between the two -- and I
think Marcy did a great job -- that curriculum is more
of, yes, that will be taught. A lesson plan would be
something to supplement that conversation. And when
Marcy was talking to me about it, it actually was
something that I thought could be part of, like, a
master's project or a thesis, or someone that's in that
field could actually take a look at the effects of
redrawing the lines every ten years. And I did want to
ask Marcy -- I didn't bring my notes from our
conversation -- but was this effort going to be for this
fiscal year? I thought it was. And I know we -- he had,
kind of, talked about some funding -- you know, nominal
funding -- I think, was, maybe ten thousand dollars or
something like that -- which I do feel it's very specific
to redistricting. I would support if it's nominal like
that.

For future years, I don't know if we have it in the
BCP, so we'd have to discuss that further. Thank you.

DIRECTOR KAPLAN: Yeah, so I think the timing would
really depend on further conversation with him, but it was nominal. It was, like, around five thousand. It's really a stipends for a couple of teachers to put together, the curriculum, so I think there's, obviously -- like, if you want to do trainings and that, kind of, way bigger thing, there's always ways to expand something, but I think in order to just get it written and on their website and pushed out through their network, it was pretty nominal, so I think if that's something that you want to explore further, too, and -- and I do also want to highlight if -- you know, through the Lessons Learned -- if you want him to come and speak, or just any other information -- he was going to take a look at the downloads rate of the curriculum, so -- I mean, I'll follow up with him to see if he's able to pull that, so we can get a sense of how often it was used as well.

CHAIR YEE: And Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. Two things. One is -- you know, in conjunction with this -- I know that we all have different demands on our time -- but to the extent that we are ready, willing, and able to, I would like to think that we could be useful as guest speakers in some contexts -- and I don't know how we would want to handle that administratively -- but
going forward -- particularly once we're down to, you
know, minimal staffing -- but you know, I would certainly
be willing to if I'm -- if I'm around and able to -- and
in that regard, I would appreciate it if Director Kaplan
could, again, just send out a reminder of where we can
access the content to take a look at it. Thanks.

CHAIR YEE: Thank you. So Director Kaplan -- let's
see we have about two minutes right now -- are you
seeking just a consensus from us that -- to continue
pursuing this, or you need more than that?

DIRECTOR KAPLAN: Yeah.

CHAIR YEE: I'm hearing general enthusiasm. Anyone
object or have any concerns? Commissioner Fernandez?

COMMISSIONER FERNANDEZ: No, I was just going to see
if I could partner with Marcy to continue on this --

DIRECTOR KAPLAN: Yeah.

COMMISSIONER FERNANDEZ: -- effort. And also,
Commissioner Vazquez was also part of the education
panel -- I think that was what it was called at that
time.

CHAIR YEE: Right.

COMMISSIONER FERNANDEZ: Thanks.

DIRECTOR KAPLAN: Yeah. And just --

CHAIR YEE: Okay.

DIRECTOR KAPLAN: -- to highlight. The curriculum
has been on our website. It's in the outreach materials, and it's under redistricting curriculum. And we did push it out through -- to county offices of ed throughout the process, and some other statewide networks as well.

CHAIR YEE: Right. Okay. It seems like we have that consensus. So we thank you for --

DIRECTOR KAPLAN: Okay.

CHAIR YEE: -- this initiative. Director Kaplan and -- right now, we will be going to break. And when we come back, we'll continue with your report.

DIRECTOR KAPLAN: Okay. Great.

CHAIR YEE: So we're on break until 11:15.

(Whereupon, a recess was held from 10:59 a.m. until 11:15 a.m.)

CHAIR YEE: We continue with our Outreach Director's report and Director Kaplan.

DIRECTOR KAPLAN: Thank you, Commissioner Yee. So I also wanted to highlight that we posted and distributed our FAQ document about the new maps in thirteen additional languages, so that's on our website now, and also was posted on social media and sent out in an email blast yesterday with the meeting announcement for this weekend -- upcoming meetings as well -- and I think what was covered already, just working with the comps team on items, including pulling the documents for state
archives.

I did work with the Outreach and Engagement subcommittee on the survey responses, so I don't know if you wanted me to go over that during this report or during the subcommittee report?

CHAIR YEE: Anybody have a preference? Maybe now, since we're now on the subject.

DIRECTOR KAPLAN: Okay. So let me share my screen and then -- okay -- and then I think I can do the slideshow. Okay. Does that -- does that work?

CHAIR YEE: Perfect.

DIRECTOR KAPLAN: Okay. Cool. So as you all know, the Commission sent out a feedback survey -- I'm going to go over a little bit more just about who we sent it to and the responses -- and this was to -- just a list of some initial feedback as you go into your Lessons Learned process. It's not the only way that the public can provide feedback to the Commission on the process, but was one avenue that the Commission directed staff to distribute.

So as I mentioned in the previous Commission meeting, we did get 334 responses. This is a breakdown of who responded. The majority was individuals, but there were those that were affiliated with an organization, and then some that didn't respond to that
question identifying their affiliation.

So just to recap. We did send the survey out to our email list, which was over 14,000. These are the dates that were sent at the end of January, beginning of February, reminders, and the open rates for that, which were, I think, pretty consistent with how the Commission open rates have been for other email blasts that we've sent.

We did also distribute and promote the email before the Outreach staff rolled off. They helped send those out as well as Commissioners. And then it was also posted on social media, so we pulled a little bit of the analytics for those posts just to get a bit of an idea of, you know -- we did -- we did, you know, spend some time to really try to get this out as much as possible -- and I believe it was picked up. I think I remember seeing it in some of the media clippings, also.

So I'm just going to go through some of the responses and really just, kind of, give some high-level recap of those -- you know, to help -- not to go into too much detail.

So this was one of the first questions on what county the respondents were from. I think it's just interesting to highlight that we did hear really broadly across the state. We heard back from forty-four out of
the fifty-eight counties, so this is the number of responses from each county -- you know, with larger response -- responses from those counties with larger population, also, so I think that was also a little bit, you know, representative of the population of those as well.

Again, "empty" -- when you see empty throughout this, it means that someone didn't respond to the question, because they were not all required. So this was the question on, "How did you first hear about the Commission?" So again, this document is posted. If you need to zoom in -- I know I used as much of my skills as I could with Airtable, I used charts and tried with Excel, but if you need to zoom in, the PDF is on the website, also -- so just really highlighting some of these larger -- you know, the ones that folks checked off the most. So one key thing to note about this question is that the respondents were limited to a single response.

We wanted to hear about how they first heard about it versus, like, how they heard about it ongoing -- and so we'll go into that in the next question -- so really just -- really emphasizing the importance of, you know, CBOs and other trusted messengers to really get the word out about this effort, as well as the internet, given
COVID, and just highlighting others. And I noted some of the other responses. And there were throughout the -- throughout the survey, folks who had applied for the Commission, and had noted that -- that, you know, really continued to stay on in this process as well.

So this question is, "How did you stay informed?"

And this is a little bit different, because respondents could check off as many as they wanted. So these numbers are the number of records of the response, but also, again, really highlighting our communications and how effective that was in getting the word out, and highlighting some of the other -- other ways that -- that from the respondents we heard from, they continued to stay informed on the process.

And then we also asked how the public participated in the process, and just highlighting, you know, the two or -- or really the three highest were providing public input, helping to spread the word, and watching Commission meetings as well as some of the other activities that are noted below that were written in under the other question -- and again, they had applied to be a commissioner was one -- the common theme that we saw throughout a lot of the answers -- and this was also a multiple select question.

And then -- so then we included some open-ended
questions. And I went through and tagged -- so I'm not, like, a statistician or anything, but I went through and tried to get a sense of some of the common themes that I saw in the responses and tagged those, and kind of, ran this to see -- so it really, kind of like, spread, you know, one side of the spectrum to the other and like, this response, there was stuff people would write in what worked well, but someone would write the same exact thing in what didn't work well. But I do think -- I do think really helpful to emphasize that the themes around transparency and accessibility, and how that really worked that -- you know, a big thing was, like, you got it done. And you met the criteria. And you met the deadline. And that was something that people really felt worked well.

There was also folks who just noted it didn't work well. And so that was their response to the question. And so that was whether it was one specific thing or another. I just, kind of, tried to capture them into this broader theme. And this is a little bit more of the detail of some of these questions.

So just to give you some examples of what was grouped under these broader themes -- and so I don't know if you want me to walk through these, or you know, you can take a look at the handouts to see some -- just some
more of the examples that I think brings it down a little bit more to a granular level for these themes -- and then another question is, "What could've worked better?" And recommendations for 2030. This also was an open-ended question. And again, I went through to try and find some of the common themes. And you know, even though earlier on in the survey response, being informed was a really high -- was something that a lot of people responded to here. There was a lot of recommendations on really how to improve and broaden education -- public education, even allowing for more time. I think -- you know, a lot of these are things you all have touched on in the past, but.

Another for you to highlight is really, you know -- really improving options to submit and review -- and review the public input. And so I'll go into that a little bit more in these slides. Also, whether it's really broadening Outreach to different sectors, or focusing more on equity in marginalized communities, or you know, input looking at the meeting times, and -- or the amount of time focused on for public input -- just more information for the public when they're in the queue, on their wait times, and so I think just ways to really look at leveraging technology for 2030. We were -- you know, and ways to -- other ways that the
public had input on these improvements as well as reviewing the input.

And then there was a lot of input on the map viewer and the PDFs, and how to improve readability, different suggestions on how the Commission could be more representative of Californians -- type management was an interesting one -- and really, like, at the broader time lines of some meeting times -- and I do want to point out, also, there were some that were N/A. And those were really like comments that weren't related to statewide redistricting. And they had to do with the local level, or just something not even related to redistricting.

And then the last question that we had was, "What else would you like to share with the Commission?" And so these were, like, pretty -- they weren't so spread out around different themes. I really just clumped them together more. I think Commissioner Sinay had the suggestion on, kind of, the -- you know, positive and negative -- and put around this, so there was about thirty percent, you know, really thanking the Commission for the work, and a job well done.

This was, like, the last question, "Anything else you want to share with the Commission?" There were a lot of people who used this -- the question as a way to be, like, I didn't like how my district was -- and lots of
other interesting notes -- which was, you know, a place for them to be able to share that feedback -- and then, also, just, like, additional feedback or unrelated comments. And so these were some of the additional comments that weren't really addressed in some of the previous slides that I went over -- you know, expanding the Commission to more members, really highlighting the accessibility, ways that the Commission made the process accessible and how to expand on that, and that -- just more opportunity for public input as well -- and that was also an open-ended question. So that was it.

And I don't know if -- I think I saw a hand up. Do you guys have questions?

CHAIR YEE: Thank you, Director Kaplan. A really excellent survey. And very well presented. Thank you so much for preparing these slides. Discussion? Any questions or responses?

DIRECTOR KAPLAN: No, I can stop sharing.

CHAIR YEE: And certainly, I included some of these findings in the Lessons Learned exercise.

DIRECTOR KAPLAN: I did -- if there aren't -- oh, okay. Go ahead.

CHAIR YEE: Commission Fernandez?

COMMISSIONER FERNANDEZ: No, thank you. I just wanted to thank Marcy and the team for putting this
together. This definitely will be helpful for our Lessons Learned, so -- and thank you for putting it in a document that is easy to follow. Thanks.

DIRECTOR KAPLAN: And then, I think -- just highlighting Commissioner Sinay -- I think, was wanting to explore a potential report on this, so I don't know, Commissioner Sinay, if you wanted to share your thoughts with the Commission what you were thinking in terms of --

FEMALE SPEAKER: Are you finished in here?

DIRECTOR KAPLAN: -- the initial report to companion --

FEMALE SPEAKER: Are you finished?

DIRECTOR KAPLAN: No.

CHAIR YEE: Commissioner Sinay, and then Commissioner Turner. I think -- yeah -- Commissioner Sinay?

COMMISSIONER SINAY: And the idea was just to take the -- just -- there's been some requests from the media and others for this report, and just how to take -- you know, instead of it being a PowerPoint, really, just making it a more official document-lookings for others. But there can also be the argument that that's not needed, because it'll be part of the Lessons Learned. But we were going to discuss it a little bit more.

CHAIR YEE: Okay. Any other thoughts? Okay. Well,
thank you so much, Director Kaplan, for that excellent work. And it's always interesting as we get feedback -- and both encouraging and helpful to think of what we can improve. Commissioner, thank you.

Okay. Director Kaplan, anything else for Outreach?

DIRECTOR KAPLAN: No, that's it. Thank you.

CHAIR YEE: Thank you so much. Okay. We'll move on then to Chief Counsel for Chief Counsel's report.

MR. PANE: Thank you, Chair. I don't have any legal updates to share with you at this time. But I'll be happy to answer any questions, should anyone ask.

CHAIR YEE: You promised lawsuits. Why have you broke that promise? Any questions for Chief Counsel?

Ah, he gets off easy. Okay. Very good. That concludes agenda item 2. And we'll go to public comment for the Director's reports.

COMMENT MODERATOR: Yes, Chair. In order to maximize transparency and public participation in our process, the Commissioners will be taking public comment by phone. To call in, dial the telephone number provided on the livestream feed. It is 877-853-5247. When prompted to enter the meeting ID number provided on the livestream feed, it is 85675153409 for this meeting.

When prompted to enter a participant ID, simply press the pound key. Once you've dialed in, you'll be
placed in a queue. To indicate you wish to comment, please press star 9. This will raise your hand for the moderator.

When it is your turn to speak, you will hear a message that says, the host would like you to talk, and to press star 6 to speak.

If you would like to give your name, please state and spell it for the record. You are not required to provide your name to give public comment.

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

And we do not have anyone in the queue at this time, Chair. And we'll let you know when the instructions are complete.

CHAIR YEE: Okay. Thank you so much, Katy. After public comment, we'll be moving into subcommittee updates. I will start with Outreach and Engagement. And then after that, we'll be back with Jean (ph.).

COMMENT MODERATOR: And the instructions are complete, Chair. And we do not have anyone in the queue.

CHAIR YEE: Thank you, Katy. Okay. Let's move to agenda item 3, subcommittee updates. And we'll start
with Outreach and Engagement, staying on the topic.

COMMISSIONER SINAY: I think Director Kaplan covered most of it. For right now, we haven't made the survey results public, because people have their names, and all that, associated with it. We would have to strip it all. But I think, honestly, the report that Director Kaplan created is really a good overview. And it gives a lot of the details needed.

CHAIR YEE: Okay. Very good. Any discussion for Outreach and Engagement? If not, let's move to Bagley-Keene. After Bagley-Keene, it will be long-term planning. So Bagley-Keene subcommittee?

COMMISSIONER KENNEDY: Commissioner Vazquez?

CHAIR YEE: You're being called out.

VICE-CHAIR VAZQUEZ: Yes. So we have had -- Commissioner Kennedy and I have had a few conservations with some key folks about Bagley-Keene reform in play. And now, I'm blanking on the bill number. I believe it's AB 137 --

MR. PANES: I think it's -- I think it's --

VICE-CHAIR VAZQUEZ: Yes, is that right?

MR. PANES: -- AB 1733.

VICE-CHAIR VAZQUEZ: 1733. I was right with the numbers. AB 1733, that has been introduced to try to extend some of the Bagley-Keene exemptions around virtual
meetings and having to make each remote location physically accessible to the public -- or publicly accessible-- and so we have been in conversation -- largely with the Little Hoover Commission -- their executive director who has been, sort of, facilitating, I think, some conversation with the legislature about this particular issue, and so -- I'm trying to think of what else is important. There is -- there does seem, sort of, support for this particular issue within the legislature. There are some community-based organizations' concerns around these reforms with regard to transparency.

I think some folks, maybe, are not as familiar with the accessibility argument for why these exemptions actually, sort of, improve access to government business, both for folks serving on the Commission -- so for disabled folks, like myself, who can't travel, but also for the public, right? The online meetings in of itself are just, frankly, way more accessible to folks who don't have, you know, transportation or the time, or childcare to travel to attend business meetings in person.

So I think -- in terms of, sort of, political strategy, I think there are some conversations that need to be had with some of the folks who have concerns about why we, and the folks who are supporting this effort, feel that, you know, we're actually improving access to
government, rather than limiting transparency.

I'll pause there. Commissioner Kennedy, anything to add?

COMMISSIONER KENNEDY: Thank you, Commissioner Vazquez. I guess, at this point, the only thing that I would like to put on the table is a question for Chief Counsel Pane. And this regards my approach to this, which is, you know, how do we ensure that reasonable accommodations can be made for individuals with disabilities, even if the legal reforms are not yet in place?

In other words, what scope do we have to not publicize Commissioner Vazquez's location after the executive order expires under a reasonable accommodation for an individual with a disability? Because, I think, you know, we're not going to have a lot of opportunity to discuss this between now and the end of the executive order. And I want to have this conversation and not just let it happen and say, oops, time caught up with us.

Thank you.

MR.Pane: So to answer your question, Commissioner Kennedy, I don't see an exemption that would, otherwise, not require us, under Bagley-Keene as currently written, to avoid having to publish addresses.

If the executive order were to expire, and if this
bill were not passed -- you may note that it is trying to pass it through two-thirds, so that it's effective immediately as opposed to it being effective January 1 of the following year, so -- but currently, the answer isn't as much an accommodation question as much as it's what -- sort of a privacy discussion, and whether disclosing someone's home address is a privacy issue and it's -- that has its own issues. But as far as an ADA accommodation -- but what you would do is, we would try to make any and all accommodations, so that any Commissioner is able to attend in a public setting. And that's going to have to depend on the particular circumstances as to how we would make that accommodation.

It might have to be in a separate room within the same location, that could be a possibility. So I think we'd have to work out the details as to exactly how that happens. But if you're asking right now, with the law currently drafted and no executive order -- sort of in the hypothetical loop -- let's fast forward to March -- after March 31st and no bill passes, it reverts back to what we currently have under Bagley-Keene, which is we have to publish addresses for any location of any member that is going to participate.

The alternative, then, is to participate as a member of the public, which doesn't require publishing an
address, but then, of course, any commissioner that does
that, isn't going to be able to vote, because they aren't
attending as a commissioner, they're attending as a
member of the public.

CHAIR YEE: Commissioner Fornaciari?

COMMISSIONER KENNEDY: Okay.

CHAIR YEE: I'm sorry.

COMMISSIONER KENNEDY: If I can --

CHAIR YEE: Sure.

COMMISSIONER KENNEDY: If I can follow up, Chair?

You know, I understand that Bagley-Keene is there. And
we have all committed to, you know, complying with
Bagley-Keene. But there are other laws on the books and
I guess, my sense, having advocated for the political
participation of people with disabilities for fifteen
years now, is that, you know, there is a solid case for
making a reasonable accommodation. I believe that not
publicizing the address would be a reasonable
accommodation.

I think the disability precluding travel is
something that needs to be, you know, taken seriously and
accommodated. And you know, for one commissioner with a
proven disability not to have to provide their physical
address, to me, that's a reasonable accommodation. And
you know, do we have to be sued in order to determine
whether ADA applies in this case? I don't know. But to me, it's a reasonable accommodation, and I would press for making that reasonable accommodation. Thank you.

CHAIR YEE: Commissioner Kennedy? I meant, Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yeah, I'm hundred percent supportive of what Commissioner Kennedy said, and his position.

To the extent that, even if it's a violation of Bagley-Keene, I do -- I would not support sharing Commissioner Vazquez's address. I don't care. I mean, she's got a legitimate disability and a legitimate reason, and it's just absurd that we would be required to expose her to an environment that would do her harm. I mean, it's beyond ridiculous. So I'm hundred percent supportive in not sharing Commissioner Vazquez's address, however the chips may fall.

CHAIR YEE: Okay. So then the question would be, you know, as the end of -- as March approaches, and then the end of March approaches, would we agree that that's our intention as a Commission if, you know -- if AB 1733 falls apart, and it does look like it will be reverting to the old Bagley-Keene, then will it be our intention to test -- to make ourselves a test case for this?

Commissioner Fernandez?
COMMISSIONER FERNANDEZ: Thank you, Chair. Chief Counsel Pane, what are the ramifications of this, if we do move forward and we don't, you know -- I totally support not having to disclose something that is a health issue, right? A health concern in making something worse. So what are the ramifications for not adhering to the -- all of the Bagley-Keene? I mean, we'd be -- whatever -- ninety percent there, but -- and just one instance. So thanks.

MR. PANE: Yeah, I'm happy to -- so to answer your question, Commissioner Fernandez, any time there is a Bagley-Keene violation that's ruled, any action that takes place during that meeting is null and void. And there are, of course, associated court costs and -- that are usually associated with that. But that's usually the main reaction.

There's also -- and I can certainly talk about this in closed session, or elsewhere as well, about litigation exposure. I'd be happy to do that as well.

CHAIR YEE: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: So just for clarification. If we take no action during the meeting, would there be anything else? 'Cause there -- we've had some meetings where we don't have action taken, so -- just, you know, I wanted to make sure I know what my boundaries are.
MR. PANE: I can certainly get you the statute that talks about Bagley-Keene and the violations, and everything that comes along with that. I can certainly get that to you.

CHAIR YEE: Okay. You know, and the clock is ticking. We do not have that many business meeting slots before the end of March, so this is something, certainly, not to lose track of.

Is there a desire from Commissioners to discuss this further at a closed session today? I'm seeing some yes nods.

FEMALE SPEAKER: Yes.

CHAIR YEE: Yes. See, Kristian, I'm sorry we didn't anticipate this, but can that be arranged? And let us know the time frame when that can be arranged.

MR. MANOFF: Sure thing, Chair. Do you want to go into closed session in say, ten minutes?

CHAIR YEE: Does that sound good, Chief Counsel?

Okay. Meanwhile, Commissioner Vazquez?

VICE-CHAIR VAZQUEZ: Yeah. Just on the broader issue about Bagley-Keene, I think at our next business meeting, Commissioner Kennedy and I will bring forward a motion to support AB 1733 as just a -- so that we as the Commission can take a stand on this bill and continue to advocate for its adoption, barring the time line -- the
specific executive order expiration time line.

CHAIR YEE: Right. And I think the general consensus is we're definitely all for it, for sure.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Should we do that now? Because we don't have another business meeting before then.

VICE-CHAIR VAZQUEZ: Do you folks feel ready? I mean, I -- the bill text is available, AB 1733 -- it's publicly available, so I -- I mean, if folks feel ready for it, I'm happy to make a motion to have the Commission support AB 1733, and continue advocating for its passage.

CHAIR YEE: Yeah. You know, I have not actually read the text of the bill. I do not know if Commissioners feel like you really would need to before. I'm actually taking a vote.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, I think I would support it as well, too. And I think we've gotten, at least, a briefing -- a high level briefing, at least, from Commissioner Vazquez and Kennedy. And I think, you know, the heart of it is around, you know, accessibility and you know, ensuring that, you know, all Californians would have the opportunity to be able to participate on commissions like this and -- and also in giving their
public input as well, too, without having to physically
tavel to a location that a meeting would held. So I
would be in support of it.

And I think what Commissioner Fornaciari is right.
You know, at this point, pushing it off, I don't think is
really going to make -- change our minds any more or any
less. And who knows, you know, if we will have a
meeting -- you know, when our next business meeting will
be, so I think let's do it while we can.

CHAIR YEE: Okay. Commissioner Turner?

COMMISSIONER TURNER: Thank you, yes. I stand in
agreement. And we have the text now to read in its
entirety. And perhaps, we can do that as we're on our
way to closed session, for those that needed more time.

I want to second the motion.

CHAIR YEE: Okay. I don't believe we've actually
had a motion yet.

COMMISSIONER TURNER: Oh, I thought I did hear one.

CHAIR YEE: We heard the --

VICE-CHAIR VAZQUEZ: I did put forward a motion.

COMMISSIONER TURNER: Yes.

CHAIR YEE: Oh, I'm sorry. Okay. I thought that
was the intention -- or the offer to make a motion.

Okay. So we have a motion on the floor for the
Commission to support AB 1733. And a second from
Commissioner Turner. Further discussion?

VICE-CHAIR VAZQUEZ: I think the idea was, maybe, we would discuss -- or I was thinking, in my head, maybe some folks wanted to have a closed-session discussion first, and then we can reconvene, finish out public discussion, take a vote. Is that okay --

CHAIR YEE: Sure. Yeah.

VICE-CHAIR VAZQUEZ: -- Counsel Pane?

CHAIR YEE: Sure. That makes sense, yeah.

VICE-CHAIR VAZQUEZ: Okay.

MR. PANE: So Chair, we are -- if I understand you correctly, we are tabling this motion; is that your understanding, until we return in open session?

CHAIR YEE: Yeah, if -- yeah, if that's the correct procedure. Yes, that's fine. Commissioner Kennedy?

MR. PANE: Commissioner Kennedy has a thought, I think.

CHAIR YEE: Yeah.

COMMISSIONER KENNEDY: Yeah. So I'm wondering if we're, perhaps, conflating a couple of things here. My sense was that the purpose of a closed session would be to discuss exposure to litigation, if we decided to withhold Commissioner Vazquez's home address from agendas after the expiration of the executive order.

The motion is on whether or not to endorse AB 1733,
which, to me, is a very different question. And I don't think we need the closed session in order to discuss and decide on whether or not to endorse AB 1733. Thank you.

CHAIR YEE: Okay. They do seem related, though.

And there may be thoughts that people want to share in closed session.

By the way, you know, this would not apply just to Commissioner Vazquez. If it all expires and goes worse, I mean, this will apply to all of us. We will all need to be in a public setting, so it's -- yeah, it's not just one of us.

Commissioner Turner?

COMMISSIONER TURNER: Thank you. I totally agree with what Commissioner Kennedy says. I do think they've been conflated. My purpose of mentioning the closed session, and taking some time on it, is for those that mentioned they did not have an opportunity to read the fullness of the text. And I do think we still need a closed session to discuss the other issue. And just wanted to make that clear. Thank you.

CHAIR YEE: Okay. I'm wondering what to do -- whether what the plan should be is to, perhaps, table the motion and then recess until let's say, noon -- give ourselves, you know, five or ten minutes to read the text -- and then convene in closed session to discuss,
possibly, both matters. And then come back out of closed
session to reconsider the motion.

Commissioner Kennedy?

COMMISSIONER KENNEDY: I was with you for the first
part, but I still don't think we can consider our support
for the bill before the closed session.

CHAIR YEE: Except that some of us want to -- want a
few minutes to read it. So why not?

COMMISSIONER KENNEDY: Yes, yes. That's what I --
that's where I was with you.

CHAIR YEE: Yeah, yeah.

COMMISSIONER KENNEDY: So yes, let's recess, or
stand down, until noon to give us all a chance to go
through it -- or go through it again -- and then come
back, finish any discussion on the support for the bill,
take public comment on potential support for bill, and
then vote. And then we can figure out the timing of the
closed session after we take this vote. I don't think
the closed session is necessary for the vote.

CHAIR YEE: Okay. I'm still thinking the -- there's
a possibility that the matter is overlapping us at,
Commissioners may want to discuss them together, so I'd
like to start with -- stay with my plan A, then.

Well, let's recess right now, reconvene in closed
session at noon, and see where that closed session takes
us. And then go from there. Okay?

So Kristian, we'll have a closed session starting at noon.

MR. MANOFF: Sounds good.

CHAIR YEE: Okay. Thank you, everyone. See you then.

(Whereupon, a recess was held from 11:53 a.m. until 1:30 p.m.)

CHAIR YEE: Welcome back. We are returning from closed session under the pending litigation exception. And no action was taken.

We continue with a discussion of AB 1733 and whether -- and returning to the motion on the table, which is whether to endorse that bill, officially, as a Commission. So I open the floor to further discussion of AB 1733.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yeah, I guess, what -- I guess my question is, we didn't talk about what our actions are going to be. Are we going to send letters to the legislature? Are we going to advocate to the governor to extend the order -- the executive order? Are we -- do we have actions, or are we just expressing support?

CHAIR YEE: BK subcommittee, maybe -- do you have
ideas? Commissioner Kennedy?

MR. PANE: Chair -- chair --

CHAIR YEE: Um-hum.

MR. PANE: -- if I could just chime in here? I believe --

CHAIR YEE: Please.

MR. PANE: -- the motion that we had on the floor -- if we're returning back to that motion -- is to support -- so the Commission is taking a public show of support of a particular bill that was first and seconded, and that was tabled.

So the question is, are we bringing that back right now, or are we, maybe -- or are we discussing a different and possible action?

CHAIR YEE: Right. Thank you for that precision. And yes, we are bring it back right now. So the motion is simply to support. And of course, that could involve any number of, you know, actions, but taking the position, so -- but I don't know. BK subcommittee, do you want to just enlighten us to some ways you might be thinking of -- in washing out that support?

COMMISSIONER KENNEDY: At this point, you know, what we're looking for is a letter of support, generally. My understanding is the bill has not yet even been referred to a committee, so we don't necessarily even have an
addressee, other than the sponsor, Assemblyman Quirk.
I'm sure that, you know, something to Assemblyman Quirk
would be welcome, but eventually, once it's referred to a
committee, I would think that we would also need to write
to the committee to express our support.

CHAIR YEE: Dr. Ceja.

DR. CEJA: Thank you, Chair. Yeah, so normally what
you do is you submit the letter to the author, and they
get it on the record as a supporting organization. So
they'll have that on the record and on the website, when
people look up the bill.

But in addition to that, it would be a great
opportunity to have a commissioner testify at every
committee when it moves through the process, particularly
explaining why the Commission is pushing for it with
regards to having certain commissioners who are not able
to host meetings at their home, and how inappropriate
that would be.

CHAIR YEE: Okay, very good. It sounds like that
could all fall under the rubric of support, so. I'm not
seeing nine commissioners, so I don't think we can move
to a vote yet; two, four, six. So further discussion?

So the language refers to you do have to publicize a
place, and so I assume that's typically always just the
CRC office; that's the place where people can give
testimony? Director Hernandez, is that correct; the
place referred to that's always publicized; that's the
CRC office, that's where people would come to give
testimony?

   DIRECTOR HERNANDEZ: It depends. If you're having a
body of commissioners in Southern California, they have a
location.

   CHAIR YEE: True, okay, yeah.
   DIRECTOR HERNANDEZ: They would be there.
   CHAIR YEE: Um-hum, great.
   DIRECTOR HERNANDEZ: Otherwise, at this point, it is
here in the office. Now moving forward, let's say, a
year from now, the place can be something completely
different --
   CHAIR YEE: Right.
   DIRECTOR HERNANDEZ: -- given that we may or may not
have the office.
   CHAIR YEE: Right, right. Okay.

Commissioner Fernandez?

   COMMISSIONER FERNANDEZ: Yes, thank you. I wasn't
sure if you were referring to the current language or the
proposed language, but also if we don't have enough to
take a vote, we could all -- we could always table it
again and then move on to the next item.
   CHAIR YEE: Right. It looks like we may have to do
that. Thank you. Learning on the job.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, sorry. I think, is it possible to just table this? I mean, do we have to keep talking about it if we're at a place where we're ready to vote, but we don't have quorums, you just table it?

CHAIR YEE: I think that's what we'll have to do. We have -- there's seven of us by my count, so okay. If there's no further discussion, then we may table the motion and we will move on to long-term planning. And I believe there's a handout you can refer to potential legislative changes. And so I'll hand it over to Long-Term Planning Subcommittee for that, and other discussion.

COMMISSIONER FERNANDEZ: Okay. It's Commissioner Akutagawa and myself. So we did -- there is a handout. It's called Potential Legislative Changes. And I can't remember if we talked about this last time or not, and the reason we're bringing this up now is that there was a reach-out to the Commission.

There is an author that is willing to sponsor a bill, and we feel that right now might be a good time regardless because it's fresh in everybody's minds, we just finished our maps. It of course does not prevent us
from potentially going forward in future years for additional legislative change -- proposed changes, and again, or I'm not sure how many are familiar with legislation once it's authored and entered. It changes many times; it goes through many iterations before it's actually finalized, so what Commissioner Akutagawa and I tried to do was capture those items that have been talked about in the past, and so what we did is put together a spreadsheet of the specific potential changes. Some will be grouped under government code sections that can go through the legislature, and then some you have that will be constitutional code language changes, which ultimately have to go back to the voters of California for a change to be made.

And I'm not sure, Commissioner Akutagawa, did we want to go through each item, or if -- hopefully, everybody's had a chance to review it and they can -- if there's any comments to the different items or if there's something that we probably missed, you know, just two commissioners trying to remember everything -- and provide feedback on that.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, I think if possible, yeah, just getting questions, any feedback, anything that's missed, if you disagree with any of our
recommendations, I think that that would be easiest, instead of trying to go line by line through each one.

COMMISSIONER FERNANDEZ: Okay. So we'll start with Commissioner Kennedy.

COMMISSIONER KENNEDY: I just wanted to say I'm not clear on how this is coming out of this subcommittee because recommendations, legislative, regulatory, and procedural, are the last item of the lessons learned exercise outline, and my expectation has always been that this is going to be a product of the lessons learned exercise. Thanks.

COMMISSIONER FERNANDEZ: Right. And I think the reason this was brought forward is because the legislature did come forward; I'd probably have to defer to either Chief Counsel Pane or Executive Director Hernandez.

They reached out, wanting to know if there were any areas right now because, like, as I mentioned, there is an author that is willing to sponsor this, and there will be -- we do have opportunities to make changes to that language after our lessons learned, because as I said, the bills go through many changes before it actually is finalized and then brought forward to a vote. But since we do have someone willing to author the changes and again, it's right off of census, right off of
redistricting, right off of our efforts. Again, we could
go forward in the future with potential changes as well,
but at this point, since we're not having to knock on
someone's door, and they came knocking at our door, we'd
like to take advantage of that.

CHAIR YEE: Right. So this is assembly member Isaac
Bryan, I believe, who initiated this conversation and I
as Chair assigned the task to long-term planning, just
because it was a good fit and they had already done some
thinking about this.

This absolutely does not preclude revisiting the
whole question at the end of the long-term -- of the
lessons learned exercise. And of course we do have eight
years to bring up any other matters, so that's how we got
to this current spot.

Commissioner?

COMMISSIONER FERNANDEZ: One last -- I just want to
correct this. I believe the language reads that we
cannot bring forward changes. I think years ending in 9,
0, and 1.

CHAIR YEE: Okay, yeah.

COMMISSIONER FERNANDEZ: Something like that, so
it's not necessarily eight years left, but we do have
quite a few years left.

CHAIR YEE: Yeah, very good.
Commissioner Sinay, and then Akutagawa.

COMMISSIONER SINAY: Thanks. So I appreciate this coming, and I would like us to discuss some of the recommendations that were made here because -- well, there's two that I'm not sure that we would want the legislature to clarify, or we want to have clarified. And that's number 5, clarifying the definition of redistricting matters, as well as clarifying what public input means.

In -- I personally think that having it a little broad is done on purpose, and that allows for flexibility and allows for the community to share their thoughts. I can understand why we would want to clarify it just so that it's black and white, but sometimes I think gray is better, especially on the parts that are about engaging the community and how we engage the community. You know, don't ever ask for a -- don't ever ask a question if you don't want to hear the answer. And so those were the two that kind of struck me as I'm not sure if we really do want that clarified for us.

Then the other one, number 3, you know, we've gone -- we've kind of gone back and forth on the whole grant making end, if we think that commissions should be that -- be part of giving money to organizations that then later are coming back.
There's -- because they're advocacy organizations in most cases, it's not just outreach dollars, but it is groups coming back and advocating to the Commission. And my thought is, it would be much more efficient, coming from the nonprofit perspective, if when you receive a grant from the census, you knew that it was census plus redistricting, and so they could plan a much better campaign and hire staff for a longer period of time, and more qualified, and it would be just a much more robust program than it is now, where it stops, starts, stops, starts, and so my thought was, if we wanted to have a little bit of conversation about first, is that the right place or not. But you know, there are other options.

And my final one, and this goes to the constitutional code, but I do think we should talk if we should increase from fourteen to fifteen. I'm not -- I haven't been convinced of that, and I know in talking to people from other states that have smaller commissions, or have worked with smaller commissions, a smaller number is easier during the line drawing phase; a larger number is easier during the outreach phase. And so I think we have to have a more robust conversation before we say yes, let's try to make those changes.

So I know those were general, but I would feel rushed to tell the legislature we want these changes.
without robust conversations.

CHAIR YEE: Thank you, Commissioner Sinay.

Commissioner Akutagawa, if you could just pause for a minute, maybe we can let Chief Counsel Pane weigh in, and I'm wondering if he's going to tell us we actually need a motion to discuss this -- such a motion.

MR. PANE: Well, actually I was going to do a little bit more of a background in answering Commissioner Sinay's point.

CHAIR YEE: Okay.

MR. PANE: So and this is just for everyone's refreshing of recollection. The Government Code 8251(c) restricts the legislature from making changes. They can't just come up with a bill however they want. It's two parties here; it's the legislature and it's the Commission.

So to Commissioner Sinay's, I think, concern of did we want to clarify something or do we want to leave it more ambiguous, we had a -- the Commission has a seat at the table in deciding what that looks like. Now, if the Commission, as a matter of policy, nevertheless wants to not clarify it, that's fine, but I did want to make clear that the legislature can't write up its own definition of redistricting matters and we're stuck with it. That is not the -- what's in the law.
If any changes are made to the Commission statutes, it takes both the legislature and two-thirds, by the way, of the legislature, and the Commission, a supermajority, to say this is the language. And if both parties agree on that language, and that's what's enacted, then we can have -- we can look at those changes and changes be made. I just wanted to clarify that point.

CHAIR YEE: Okay. And then further, maybe you can advise us, you know, in general, what might be the best way to go forward with this document. Should we have a motion first?

MR. PANE: So I don't know that we need -- Chair, I don't think we necessarily need a motion right now. What would be helpful, I think, is if we got at least a general understanding, a general agreement, of all of the topics, at least at this point, to Commissioner Kennedy's point, we -- there's lessons learned still that might sort of bubble up some additional ideas, but at least at this sort of snapshot in time, point in time, if that list looks good or if we have -- there's some on there that doesn't look good to the Commission, or there are additional ones that aren't on the list, that we're aware of, like I said, at this time, I think it would be helpful to get this conversation going, because as Commissioner Fernandez mentioned, and as I briefly
mentioned, it takes both the Commission and the legislature, and the legislature is going to change language, and then the Commission needs to see if they're okay with that language or if they think language should be different.

And so doing a motion at this point probably doesn't -- isn't the best use of the Commission's time because it's likely to change.

CHAIR YEE: Very good. And just to put a needful fine point on it, then, are -- you know, if we have a consensus for this list, does that mean we really are behind every one of these proposals, or is it that we wish to at least explore some of them that might still be a difference of opinion on?

MR.Pane: I think you can explore them at this point. The more clarity, the better; I understand that right now, the Commission, you know, we had this as a handout for today. It may not have -- we don't have enough time yet to have fleshed-out language or that sort of level of detail.

So I think as much detail at this point that the Commission is comfortable with, I think would be helpful. I don't think we necessarily need a motion on each individual one at this point, but it would be helpful to know what does our list look like, at least, again, at
this point in time.

CHAIR YEE: Right, okay.

So Commissioner Akutagawa, and then Fernandez.

COMMISSIONER AKUTAGAWA: Yeah, so as one of the two
members of this committee, I wanted to -- I was hoping to
give clarification earlier, and maybe this would've
cleared up some of the questions that followed.

So to Commissioner Kennedy's point, this wasn't just
something that just came out of nowhere. This actually
is an outgrowth of the long-term planning document that
we circulated earlier, and there were things that did
come out as part of those long-term planning activities
that were clearly in need of either legislative or
constitutional changes.

And so as Commissioner Fernandez were just, you
know, going through line by line every item, we started
collecting all the things that we were hearing from
everybody. I think our intent wasn't to say this is the
final list, but there is this kind of strike while the
iron is hot moment, where we have this opportunity to
start this conversation, just like with the budget, where
we had to give the ten-year look at what we're
anticipating.

We realize that not everything is going to be exact
and that, you know, there is going to likely be changes
because, I mean, you know, we had such a long, long kind of roadmap look at all of the potential, you know, expenses, and expenditures, and the activities that we'll be doing. Same with this, too. We wanted to put something together that at least gets the conversation started, and that also indicates to the legislature that these are generally where we're going with it, and we want to start the conversation. And we do realize that, you know, we hadn't really had it in this way, so this is just the first pass.

So Commissioner Kennedy, it's not meant to say, you know, what we're going to do with lessons learned is going to be completely null and void because we've already moved on it, but it's really just to say we do need to start it because the request is there, and while we have the opportunity, you know, rather than let it pass, we just needed to just jump on some of the things that we've already heard multiple times from different commissioners about certain things that we know are going to come up again.

And then, as we do the lessons learned, we also realize that, you know, that brainstorming is also going to bring up other things. But we felt that this is what we needed to do, to at least get the conversation started, especially because we don't have a lot of
meetings. And so, you know, we weren't expecting that we were going to have a vote on any of these, but these are just kind of like what we're hearing, and the recommendations were based on what we were hearing. And it's not to say that it has to be what it is, but you know, it's just, again, a conversation starter. Thank you.

CHAIR YEE: So just to follow that up, so at this point, let's say we agree that all of these are at least worth discussing. Then we would discuss these with assembly member Bryan's office, back and forth, back and forth, but there would still need to be final language that we would agree on to any of the points that we were going to forward. So this is certainly not the last stop before agreeing to support any of these, yeah. Okay.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes, thank you, Chair.

You're absolutely correct. The language, the Government Code section, is very specific as to any education. Any legislation language changes have to be approved by supermajority. So one, we can't do that today regardless; we don't have enough to do the supermajority.

And so what I've been doing is I noted down the ones that so far would require further discussion. So I'm
wondering if maybe we could go that route, like, get a
list of those that require further discussion and if
there's anything additional, I'm just trying to think of
what would be the more efficient way to go. Thanks.

CHAIR YEE:  Vice Chair Vazquez?

VICE CHAIR VAZQUEZ:  Thank you. Yes. I'm actually
of similar mind with Commissioner Fernandez. I -- my
recommendation is that we sort of pull out the ones that
need more discussion, and push forward with this
particular opportunity on the low-hanging fruit, things
that we have, you know, good consensus on, we have a good
idea of what we want to see; maybe not exact language,
but, like, we're all in agreement that -- about what the
change is that we want to pursue.

And then, these sort of, I think, bigger
conversations, we should make sure to address them as
part of the long-term planning conversations in March,
with an eye toward the next legislative opportunity to
make the bigger adjustments.

CHAIR YEE:  Okay.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI:  So I just want to
understand the process here. You -- the idea is that we
just come up with these notional ideas and we sit down
with the legislature and begin to hash out language or
something, and then come back to the Commission with that language, or I mean -- how are going to get there from here is what I don't understand. I mean, I think all of these topics need some deep discussion by the Commission. So help me understand; help me get there from here.

COMMISSIONER FERNANDEZ: So I just want to -- the legislature, Bryan, reached out, and he would like an idea of the areas that we are looking at, in terms of proposing legislation. And so yes, this would be the conversation starter, in terms of these are the areas.

Again, he's reached out to us; I don't -- we don't to wait too long before we respond, because we want to make sure that he knows we're still interested in revising some of this language. So yes, I mean, so far I've only heard from one commissioner in terms of different areas that could be further discussed, and if there's additional items, too, we can take those as well.

But again, some of it may be -- may come from lessons learned. Maybe we go forward with some of this, and then at lessons learned, we decide nope, we're going to take it back; we don't want to amend these areas. So again, just because we go forward and we talk, and we might submit something, doesn't mean that's what it's going to look like at the end.

CHAIR YEE: Okay. Commiss -- Vice Chair Vazquez?
VICE CHAIR VAZQUEZ: Yeah, I was just going to say my experience with this has been that, you know, if we put forward these topics like Commissioner Fernandez says, then really one of the next major steps is that the legislature, the lawyers, go and pick out the relevant sections that we could amend, and then we would likely have an opportunity to look through and see how exactly we would want to change the language, if we want to add anything, you know, propose new wording to make things more amenable to our processes, you know, basically we start the drafting process and we would, you know, likely have assistance from, you know, legal minds about what pieces of the Government Code we would need to change in order to accomplish our goals.

So for me, it seems like the first step is to make sure that we have consensus about the goal, so not specific language, but that we all have a general consensus about we want this thing to change, or this was the issue that we met up with; let's see specifically what in the Code created this situation that we could change to prevent it in the future. That's -- that would be my recommendation.

CHAIR YEE: Okay. Why don't I turn it over at this point to Commissioners Fernandez and Akutagawa, and you can take us through this list in any way you wish to get
to the point you want us to get to.

COMMISSIONER FERNANDEZ: Okay, great.

So I guess we were trying to not go through the list, but I guess we'll go through the list, but like on a high level.

What do you think, Commissioner Akutagawa, is that okay?

COMMISSIONER AKUTAGAWA: Yeah, yeah.

COMMISSIONER FERNANDEZ: And so the process --

COMMISSIONER AKUTAGAWA: And perhaps --

COMMISSIONER FERNANDEZ: -- go ahead.

COMMISSIONER AKUTAGAWA: Maybe I could just start by just saying the first two is based on the conversations that we've been having, and we put them in because we know that we have a subcommittee that's working on it, and so it was in support of that subcommittee's work.

COMMISSIONER FERNANDEZ: Yeah, and we did, for the second one that is for the federal incarcerated population, for that one, we added "if provided" because right now, we're in limbo; we don't know if the Federal Bureau of Prisons is going to provide that information for us, so it's kind of like a placeholder. We know we want to do something with it, but it'll depend on the outcome of the subcommittee and that communication.

So are there any concerns with going forward
conceptually with both of those, in terms of reallocating the state and federal incarcerated population to their last known address? Okay.

Let me check those off there.

And then on number 3, that one is empowering the Commission to make grants for prospective work. And I understand what Commissioner Sinay was saying, that it would be great if the census could take over that process. And just because the Commission has the authority to make grants would not mean that they would have to make grants, if that makes sense. It was more of if going forward, how we are now, it would've been great to have that authority, and it kind of ties a little bit into number 4, in terms of exempting the Commission from state procurement and contracting regulations. We put them separate just because they are two different avenues.

And so on this one, Commissioner Sinay is the one that brought this one up, in terms of hopefully working with census to see if they can conduct some of this outreach work for us.

And any other comments on that Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yeah, I mean, so either way, that's, I guess, going to require some legislative
changes, right? I mean, if we believe that we ought to have the Census Bureau or the organization that does the census outreach take on the response -- some of the responsibility for redistricting outreach, then that's going to be a different set of legislation that will be required.

COMMISSIONER FERNANDEZ: Yes. Commissioner Turner?

COMMISSIONER TURNER: Yeah, I was thinking in terms of the challenge, even in shifting it with some of the conflict of interest, and how it perhaps could limit or prevent different ones from either serving on the Commission, or we're still going to fall back into an issue of how we kind of select individuals to receive grants, and probably inadvertently keep others from being able to apply. So this is -- it's -- I guess it for sure will require a lot more conversation.

COMMISSIONER FERNANDEZ: Thank you.

Chief Counsel Pane?

MR. PANE: Thank you, Commissioner. I just want to make one quick clarification. As I mentioned a little bit earlier around this discussion, 8251 says any changes to the Commission statute sort of require both the Commission with the exact language to be what's adopted by two-thirds of the -- of both houses of the legislature.
If we're talking about statutory changes not to the
Commission statutes, those -- the Commission certainly
could make recommendations, but there is no restriction
on those that the Commission needs to have the exact
language is what's actually adopted.

So I just wanted to make that point. If we're
making -- proposing changes to the elections code, for
example, that is not part of the Commission statutes
under the Government Code, under 8251, under this
chapter, Chapter 3.2.

So there is probably a little bit less of a
restriction on the legislature because what has to be
agreed for Chapter 3.2 is both the exact language the
Commission needs to make and the legislature needs to
adopt that same language. If we're outside Chapter 3.2,
that restriction is not there. So I just wanted to make
that point of clarification.

COMMISSIONER FERNANDEZ: Thank you, that helps. And
just to clarify even further, in the election code
sections that do mention the Commission, we are -- we can
still go forward with proposed language changes, correct?
Okay.

MR. PANÉ: That's correct.

COMMISSIONER FERNANDEZ: Okay, so number 3 we will
leave as for future discussion.
Number 4 is exempting Commission from state procurement and contracting regulations. So that would be having -- being exempt from having to go through the whole bidding process and RFP process.

Any concerns moving forward with that? Commissioner Kennedy -- and before Commissioner Kennedy, I did want to -- I didn't really go over the spreadsheet, but the first one obviously is the topic or the area. And the second -- or actually, I guess, the third column, it says code section to amend, we're trying our best to see which area would be amended. And then the notes would be any other information that we may have.

So Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you. I mean I've been involved in procurement actions related to time-bound processes for many years, and so my sense is that we're not looking so much to be completely exempted, as perhaps having a special regime of requirements that are more sensitive to the time-bound nature of our work.

I mean, we want to ensure fiscal responsibility and accountability, and you know, saying exempting us from all of these requirements sounds like, you know, complete freedom, and I don't think that's what we want; I don't think that's what the people of California want.

So if we could phrase it more in terms of developing
a special regime applicable to redistricting and perhaps other, you know, time-bound processes, I think that would be helpful. Thank you.

COMMISSIONER FERNANDEZ: I'm not going to call on you, Linda. You can just go for it.

COMMISSIONER AKUTAGAWA: Yeah. I was just going to say, I think part of it -- part of the reason why that came up was, we were thinking about some of the delays, I guess we'll say, around some of the contracting with, like, the media, you know, those kinds of things. So we just -- yeah, we weren't just looking for a free for all, but my understanding, if I recall correctly, and maybe Director Kaplan can speak to this, but my -- or our understanding, or my understanding, is that I think the California census was -- had some of that flexibility so that they can enter into contracts quickly to, you know, do the media buys and things. I mean, I think it took Fredy, like, four or five months, and then we missed part of a window because of the recall, and you know, we're just trying to alleviate some of that and not, yeah, be -- not not be accountable, though.

COMMISSIONER FERNANDEZ: Marcy?

MS. KAPLAN: Yeah, and I -- you know, I can just add, the California Complete Count, Census 2020 office had that. They did not use that for all of their
contracts, so for, like, the majority of the funding, it was still done through a competitive bid, and it was utilized in some of the -- like the funding I oversaw, which was sectors, which was more flexible, it was utilized later on when they didn't get bids for certain RFPs, and also when they needed a quicker turnaround.

And my more limited understanding of it is, it's not that it necessarily speeds up time, it just reduces the time of going to a competitive bid, which then overall reduces time, but you still have to go through the, like, channels of once you have a contract, then getting it executed through the state. So there's still that piece of it, but there's the, I guess, the first half, and Raul would probably have more background on all the details of that, so. You could still have it and not necessarily use it for everything.

COMMISSIONER FERNANDEZ: Right, yes, thank you. And that's -- and interestingly enough, we are exempt from the personnel, the hiring practices, and we didn't always use it. We still went out to, you know, recruitment. We had flyers, we had all that. So it's just having the ability to do it, if we -- the ability to be able to do it if we need to. And especially this year, or this time around when we had that flexibility extra spending that we'd like to talk about, and being able to get those
contracts into place quicker than we were, as Commissioner Akutagawa mentioned.

Any other conversations regarding that one? Okay, so this one we'll go ahead and move forward, and then we'll also make sure we take Commissioner Kennedy's comments.

The next one is number 5, and that one is clarify, provide definition of what redistricting matters means. This was something that was brought up by a couple of commissioners prior. I can go either way with it. It was something that kind of -- we had to define at some point.

So any comments on that; and I know Commissioner Sinay could talk about that. Commissioner Yee?

CHAIR YEE: Thank you. You know, so yeah, I think this argument goes both ways. One way is to leave it vague so that we have flexibility, and that you know, it doesn't give people a roadmap to challenge us.

The other view is that if we don't define it, then somebody else will define it in some way. And I'm wondering, Chief Counsel Pane, I mean, of course no one else can change the statutory language without us being involved. But what are some other ways that we might get constrained on the definition says this, and you know, receiving redistricting input language by others?
MR. PANE: So I think, as best as I can tell, just thinking right now out loud what the options are, I think one option is to provide the statutory changes and have that work through the process that is available.

I think the only other option is to have the Supreme Court, in a subsequent litigation, tell everyone what these topics mean. One involves Commission input and one doesn't, or very less of it. I mean, we'd be through pleading versus, you know, adoption from the Commission.

So those are the only two ways to change this terminology. Either the statute is very clear -- is clear enough where no court involves itself; or the courts get involved and they say you don't have it quite right; here's how you need to be thinking about it.

So I think there's really two avenues, either the judicial branch or the legislative branch.

CHAIR YEE: Very good, thanks. Yeah, I'm inclined to take the initiative and to define things, because if you don't, you know, 2030 will be back in the same situation we're in, and you know, spending time trying to define things again, so that's my inclination. Thanks.

COMMISSIONER FERNANDEZ: Commission Vazquez?

VICE CHAIR VAZQUEZ: I'm not wholly opposed to coming up with language or addressing this particular issue in clarifying what redistricting matters are. That
being said, I think -- I personally feel like I would
only feel comfortable doing that after a much lengthier
discussion than what is being pitched today.

I also am not convinced that us clarifying it means
that it's any less likely that someone will take us to
court about it. So I don't know, you know, we can
clarify it, but someone could take us to court and say
well, this isn't, you know, in line with transparency or
what have you, right? Like, people could still have beef
with it and take us to court.

So I'm not -- if we feel like it will improve the
work of this Commission and future Commissions to further
define redistricting matters statutorily, then that's
one -- that's, like, one reason to do it. But for me,
it's not a reason to say well, you know, we think future
Commissions could get sued over this because future
Commissions could get sued over each piece of the law.
And so I'm not convinced that we are, like, magically
endowed with the wisdom to create the perfect language
that will keep us from getting sued, so those are my
thoughts.

COMMISSIONER FERNANDEZ: Thank you.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Sure, yeah. So I'll just
share, my reaction to this is we spent a an awful lot of
time talking about what we thought these things were, what we thought public input was, what we thought redistricting matters is. And I would be really super hesitant to define what that is for the 2030 Commission and Commission beyond, because I think that the act of that conversation is important and the act of thinking about that is important for each Commission, and you know, how they go forward. You know, and we're not going to understand the context of future Commissions, and for us to -- I -- my initial reaction would be, I'd be really hesitant to define these any further, and just allow future Commissions to define it themselves. But either way, I think we need a much, much deeper conversation about those two topics.

COMMISSIONER FERNANDEZ: Thank you.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you. I just wanted to check with Chief Counsel again on something that I've raised in this regard, which is don't we have one more option on this, which would be going to the opinion unit in the Office of the Attorney General? Thanks.

MR. PANE: So Commissioner Kennedy, your point about going to the opinion unit of the Attorney General, a state department is certainly free to go to the Attorney General's office to seek an opinion. That doesn't mean
you'll get one. And there may be constraints within the existing structure as to why a body may not receive an opinion. The Attorney General's opinions unit distinguishes an informal opinion versus a formal opinion.

And so I would say, I mean, the -- there's a footnote in one of the Attorney General opinions that say, you know, this isn't exactly the force of law, an opinions unit, but it is cited in cases. So it's -- truthfully, it's somewhere in between authoritative case law, which was the first instance I mentioned, and stat -- so I would put -- I hate to use this term, but I would put the Attorney General opinion in a lesser authoritative role than either of the two avenues I mentioned, which is a statutory change, which obviously has the force of law, and a court case, which has the force of law unequivocally.

I think an Attorney General opinion is helpful and is certainly cited, but doesn't carry the kind of weight that the other two avenues do. So I think it's a little ambiguous to whether or not that's -- it's certainly an option, but I don't know how much weight that really is going to serve a future Commission, if we even did get one, which again, is not a guarantee.

COMMISSIONER KENNEDY: And if I can follow-up, you
know, maybe, you know, in some ways, I wish we had submitted this to them a year or more ago, but you know, maybe this addresses some of the concerns if we were to submit something to the opinion unit.

It's not necessarily, you know, binding with the force of law on the 2030 Commission, but it does provide them with some additional guidance that we didn't have. Alternatively, we could just recommend to them that they approach the opinion unit and do the same at, you know, in due course. Thanks.

COMMISSIONER FERNANDEZ: Thank you. And I think on this one, obviously we're going to need more conversation on it, so it'll go to lessons learned.

And again, this is -- these are topics that not necessarily Commissioner Akutagawa and I put together. Actually, both of us felt that we agree with Commissioner Fornaciari. We were like, well, it should be up to each Commission to decide what those definitions are, so we completely -- we agreed with that.

So any other comments on this topic, on number 5? Marcy?

MS. KAPLAN: Hi. I'm just wondering, I guess somewhat related to this, if another approach is to perhaps look at bolstering the language around the Commission's requirement to conduct outreach, and if
maybe that's a different change that you look at to really broaden and expand that for future Commissions? I don't know how that plays into this and what that requires, in terms of change, but.

COMMISSIONER FERNANDEZ: Okay, thank you. We will add that for lessons learned. I think that's Commissioners Yee and Kennedy, but I will add it to the list for lessons learned.

Okay, and then we will move on to number 6. So number 6 is allow no party preference to be considered a party for purposes of considering commissioner membership categories. Are there any comments or concerns regarding this topic? Because right now, no party preference would be lumped with all of the other parties that are not either number 1 or number 2 in the state. And right now, I think it was the other day, I looked it up and I think Republican -- it was like a .2 percent difference between the no party preference and Republicans.

And this really comes into play because you're talking about the five versus the four commissioners on the -- currently on the Commission.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Okay, I think you explained the -- just make sure I understand what you're considering no party preference, a party for purposes of
counting, you know, who -- what are the two biggest parties; is that what you're saying?

COMMISSIONER FERNANDEZ: Yes. Right. So necessarily the makeup of the Commission, right, the membership, the Commission membership.

COMMISSIONER FORNACIARI: Right, right, right.

COMMISSIONER FERNANDEZ: So let's say that, for example --

COMMISSIONER FORNACIARI: Yeah.

COMMISSIONER FERNANDEZ: -- no party preference was more than Republicans, but because they're not considered a party.

So this would probably -- this will affect two areas. I believe one would be a constitutional change, and one would be a Government Code change, so it'd actually have to be in two separate -- it'd have to go through two separate processes.

Commissioner Sinay?

COMMISSIONER SINAY: Currently, isn't the way it's written, Democrat, Republican, and those who aren't from one of the two parties, so that would include Green, Libertarian, and everybody else? Or are Libertarians and everybody else just kind of thrown out, and it's just no party preference, Republicans, and Democrats?

COMMISSIONER FERNANDEZ: No, what it says now is,
let's see, I'm going back -- that it's two -- it's five from the largest party, second from the second largest party, and then -- five from the largest, five from the second. It doesn't say Democrat or Republican.

COMMISSIONER SINAY: Right.

COMMISSIONER FERNANDEZ: It just says largest party.

COMMISSIONER SINAY: Right, right.

COMMISSIONER FERNANDEZ: Right.

COMMISSIONER SINAY: But I'm saying how is no party preference being defined; is that --

COMMISSIONER FERNANDEZ: Oh, yeah.

COMMISSIONER SINAY: -- including Libertarians, Green Party, and all others, or not?

COMMISSIONER FERNANDEZ: Right, so it would -- no, it would be -- no, it would be separate, because when you -- we actually went to an elections form to see how that came up. And so that would be separate; that would be no party preference is the box that you're checking. So that's separate from the Libertarian, and Green, and all the other parties. But because they're not called a party, right, we want to make sure that they're considered as a party, in terms of determining the commissioner membership. Does that make sense?

COMMISSIONER AKUTAGAWA: I was thinking the same thing as you, Commissioner Sinay. So what Commissioner
Fernandez is saying is that we actually did go onto the actual Secretary of State site --

COMMISSIONER SINAY: Yeah, I --

COMMISSIONER AKUTAGAWA: -- as if we were going to register. And the language is clear that it is party. So for example, so in the State of California, those who check off no party preference is actually higher in percentage than, let's say, some of the other --

COMMISSIONER SINAY: Right.

COMMISSIONER AKUTAGAWA: -- the Green Party, the, you know, all -- and so we realized that we have to make a clarification that even though those who check off no party preference, for the purposes of a category, that they're the -- that if they are one of the top three, then if their registra -- those who check off no party preference is higher than, say, Republican -- those who check off Republican, then they should be considered the second largest party or category, I guess.

COMMISSIONER SINAY: So I get what you're all saying. I think I would actually look at this a little -- so okay. I'm going to bring up something that's probably different.

So yes, I agree with that; I know that that's become a big issue in California that there are more people who identify as no party preference. I still feel, though,
that there's a disenfranchisement of those who don't fall in one of those three categories. So I would like us to consider the third category those who don't fit in 1 or 2, and not no party preference. So that would be two different changes. So one change would be that no party preference is considered a party, and therefore it may be one of the two biggest parties, but that the third pool of people end up being from all others, meaning --

COMMISSIONER FERNANDEZ: But that's what it is now. That is what -- so let's say, for example, the second party was no party preference, which bumped the Republicans. So the Republicans would be with the Green and Libertarian parties. So all of those would be lumped together.

COMMISSIONER SINAY: Right, but that's not how we talk about it all the way through. So I just want us to be clear, you know, because in redistricting world, everybody talks about that third part -- that third category as no party preference when there is a party preference for some of them. And so we need to be careful -- I just want to make sure that we're not disenfranchising those who don't pick one of those three.

COMMISSIONER FERNANDEZ: Well, and the language is very specific. It does specify it that way. And the reason I think the Commission has been referring to it as
no party preference is because the four commissioners in
that category are all no party preference. They don't
have a different desig -- they didn't have a different
designation.

COMMISSIONER SINAY: Right, but I don't want to --
what I'm asking us is to be more open in the future when
we're thinking about other commissioners and letting
people think that they can apply.

COMMISSIONER FERNANDEZ: Okay, thank you.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Commissioner
Fernandez, and thank you, you know, for highlighting that
if the numbers did change slightly, you know, Democratic
party would be the largest, no party preference would be
the second largest grouping, and Republican and others
would be that third category, and that is important for
all of us to understand.

That being said, I still believe that for the
credibility of the Commission and the process, the
cleanest way to address this is simply to, as we've said,
or as you've said, propose a constitutional change to
increase the size of the Commission to fifteen and make
it five, five, and five, independent of the numbers. And
you know, I think that would do a good bit for the long-
term credibility of the body and the process, and resolve
this question of which is bigger, which is not bigger. That would just go away; that wouldn't come if the Commission size were expanded to fifteen. Thank you.

COMMISSIONER FERNANDEZ: I would disagree a little bit with you. I rarely disagree with you, Commissioner Kennedy, but if we don't -- if no party preference isn't identified as a party, then they would always be lumped with that third group, so potentially you could have less than four or five that are no party preference. Does that make sense? Am I confusing my brain right now? So if --

COMMISSIONER KENNEDY: If you're saying that -- sorry, if you're saying that if you had a Libertarian, or a Green, or a Peace and Freedom as one of the five, that that would reduce the number of no party preference below five, then yes, I understand that.

COMMISSIONER FERNANDEZ: Um-hum, yeah. That's what I was saying, yes.

COMMISSIONER KENNEDY: But I -- yeah, I mean, but I still think that five, five, and five is a better way to go for the long-term health of the body in the process.

COMMISSIONER FERNANDEZ: Yes, and we do have that one on the chart on the second page under the constitutional code language. Thank you.

Commissioner Yee?
CHAIR YEE: Yeah, very interesting discussion. And just to point out, I mean, one argument for lumping together no party preference and small parties is otherwise the small parties basically have zero chance of ever having representation because, you know, unless Peace and Freedom becomes at least the third largest party, or yeah, you know, it just has no chance whatsoever. So that would be one argument for lumping together no party preference and small parties as one category, whether four or five.

COMMISSIONER FERNANDEZ: Okay.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, we did talk about things like that. I think part of it, though, is that there is a distinct grouping of those who choose to not affiliate with any party whatsoever, and so if they do become, and they have actually -- the latest data is showing that they are now the second largest registration in the State of California.

So then, to what I think Commissioner Fernandez was saying earlier is then the third grouping would be whatever the third in size of registration, plus all others, would become that third grouping. And so it would be Republicans plus, you know, all of the other smaller parties, would be the pool from which then
potential commissioners would then be chosen from in the future, instead of saying it would be always those who state or choose no party affiliation plus all others.

COMMISSIONER FERNANDEZ: Yes, thanks. Yeah, similar to how it was done this time was no party was grouped with all of the other parties.

Commissioner Sinay?

COMMISSIONER SINAY: So my understanding, from reading a lot of the data, you know, reading a lot on this topic, is that some of the no -- a lot of the no party preference folks are Republicans who have moved over to no party preference. And that includes people in the legislature who were Republicans and now are saying no party preference. Some are moving to Democrat, but a lot are staying at no party preference.

So in theory, if this is true, I mean, I think we need to do a lot of research on this; wouldn't we be giving more opportunity for Republicans to be reflected on the Commission is they are individuals who have chosen in recent years to move -- I know you have to have the five years of voting and all that, but I want us to be really careful about this because it's not -- just to really look at the research and be really careful. I don't think that just looking at the data without understanding where the changes have come is enough right
COMMISSIONER FERNANDEZ: I'm not sure where to go with that comment because I don't think it's only Republicans that have gone to no party preference, I'm just going to go on the record to say that.

But I think either way, you're discriminating against one party or another, and just because no party preference doesn't have a title of a party, you're somewhat discriminating against them.

COMMISSIONER SINAY: I think the other way to look at is, I don't think that we are a two-party -- I think we're discriminating because we constantly try to focus on the strength of two parties, when in reality, it could be far more of it. So I understand what you're saying.

I do understand that some will leave, but I'm going from the data over the last ten years of who's kind of moved in that direction.

So maybe this is just one area that we really need to -- we can't move forward right now, but we have to have longer conversations, and maybe bring some experts in to have those conversations with us.

COMMISSIONER FERNANDEZ: Okay. And I just want to rebuttal to that, where because a Republican has changed their mind, they're not -- they're going to be considered Republicans always, regardless of where they -- and
that's what I'm hearing, anyway.

Commissioner Vazquez?

VICE CHAIR VAZQUEZ: I do think there is data.

There are people who unpack these political demographic shifts and correlate, you know, can help us draw some correlations and potentially some informed conclusions about how party preference has been reflected in a variety of ways.

I will say that there was a -- there is some political analysis that was done even when formulating our Commission and our ballot initiative. And I think there was some wisdom, whether you agree with it or not, in terms of requiring, you know, a certain length of time of civic engagement in a particular party.

And so I also don't want -- for me personally, I do think there's some wisdom in preserving some of that because again, I think there is a benefit that we could lose around political consistency. And I think that also has to do with trust building. We're a multi-partisan commission, and I think as you step into a new group, the only way -- starting point you have to build trust is someone's track record. And I think it can help inform some important political trust building across the Commission to have a general sense of someone's consistent political beliefs.
I'm not -- again, same as the other prior conversation about redistricting matters; I'm not wholly opposed to this idea, but I don't think we have it fully baked within -- amongst the fourteen of us for us to start working on statutory language to adopt it.

COMMISSIONER FERNANDEZ: Thank you.

COMMISSIONER AKUTAGAWA: Yeah, I guess -- okay, two things. One, I think Commissioner Fernandez and I, we understand that there's going to definitely need to be more conversation on most, if not all, of these things unless there's, you know, a fairly clear consensus. I don't think we're just trying to get to the, like, end result today, where we're all going to be in agreement. I think, you know, we're cognizant that there's still a lot to be done. I think we just wanted to generally know, you know, is this a move forward.

So I think from this conversation, I feel like, you know, it does require more conversation, but we can move forward on it. And I think we also -- I think, you know, we all need to be thinking about it. I mean, for -- we've just seen this and you can look at the code and everything like that. I think there's a lot of other, kind of, our own research and analysis and consideration that we need to do.
Secondly, I'm a little uncomfortable with what we're (audio interference) those who choose to check off, you know, no party preference or decline to state on their registration. You know, I don't want to just assume things about people just because they choose not to identify with one major party or another. I think there are different reasons why different people will choose what they choose, and I think we just need to respect that. You know, I think as much as there are Republicans, I think there are also Democrats, and then there are other people from all of the other parties that choose to do that as well, too, for various reasons.

And so I think I just want to just, you know, be mindful of that and just respect those choices, too, and you know, not make someone feel like, okay, if you're this, then you must be this really in disguise. I don't think it's anything like that. So I just would like us to be careful about, you know, about that and as we've always done, I think we'll continue to have very thoughtful and reasoned conversations. I think we're not -- as I said, I think there's still more to be discussed on this point.

I think if we can, you know, we can -- I think Commissioner Fernandez has noted that we'll just keep moving forward on this one, and we'll move on to the
next. I also do see that Commissioner Vazquez has her hand up, too.

VICE CHAIR VAZQUEZ: Thank you. Can I get some more clarification on what you mean by move forward, because I just -- I'm not personally comfortable with us labeling this particular issue as a move forward, if move forward means we're going to hand this to the list of issues that we'd like to incorporate in this spot bill.

COMMISSIONER AKUTAGAWA: I think I just define it as, I think there's still further conversation. I mean, I don't think, you know, we're asking for everybody to vote, but just maybe taking a pulse, unless there's -- I mean, I don't know. I mean, is there, like, a very -- you know, strong opposition to it? I mean -- I feel like this warrants out these continued conversation. And --

COMMISSIONER FERNANDEZ: Right. I think she was talking about -- again, these were just topics that we were going to inform the author about. Doesn't mean we're going to, you know, submit the language. But this would be one that we would further discuss in lessons learned. And that's what we're -- what I put it down as. I think we -- are we going to switch over, Chair, to go back to the motion?

CHAIR YEE: Yes. Thank you --

COMMISSIONER FERNANDEZ: Okay.
CHAIR YEE: -- Commissioner Fernandez. So break in the action. We're going to reconsider the motion on the table, because Commissioner Turner will need to be leaving at 3. So if we get a vote before that. So the motion on the table is whether or not to visually support AB-17-33. And we'll need any further discussion and in public comic and then a vote. So any further discussion on the motion? And Director Hernandez is bringing it up. Let's see. Katie drew there -- oh. I see. Okay. Yeah. We can go ahead and call for -- ask for public comment, once the worksheet is up.

MR. MANOFF: And I'll be helping you with that, Chair.

CHAIR YEE: Okay. Thank you, Kristian.

MR. MANOFF: All right. The commissioner will now take public comment on the motion on the table. To give comment, please call 877-853-5247, and enter meeting ID number 85675153409. Once you've dialed in, please press star nine to enter the comment queue. The full call-in instructions are right at the beginning of the meeting, and are provided on the livestream landing page. And there is no -- there are no callers at this time, Chair.

CHAIR YEE: Thank you, Kristian. Commissioners Vazquez and Turner, is the language acceptable to you?

COMMISSIONER TURNER: Yes. It is.
CHAIR YEE: Mr. (sic) Vazquez?

VICE CHAIR VAZQUEZ: Sorry. I thought you heard me.

Yes.

CHAIR YEE: No. Very good. Okay. Any discussion?

Kristian, any public comment?

MR. MANOFF: The instructions are complete on the livestream, and there is no one in the queue to give commentary.

CHAIR YEE: Okay. Let's go ahead to take a vote.

MR. HERNANDEZ: Very well. We'll begin at the top here. Commissioner Ahmad?

CHAIR YEE: She had to leave.

MR. HERNANDEZ: Thank you, Chair. Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yes.

MR. HERNANDEZ: Commissioner Anderson?

CHAIR YEE: She's absent.

MR. HERNANDEZ: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.

MR. HERNANDEZ: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yes.

MR. HERNANDEZ: Commissioner Kennedy?

COMMISSIONER KENNEDY: Yes.

MR. HERNANDEZ: Commissioner Lamons (ph.)?

CHAIR YEE: Absent.
MR. HERNANDEZ: Commissioner Sadhwani (ph.)?
CHAIR YEE: Also absent.
MR. HERNANDEZ: Commissioner Sinay?
COMMISSIONER SINAY: Yes.
MR. HERNANDEZ: Commissioner Taylor?
MR. TAYLOR: Affirmative.
MR. HERNANDEZ: Commissioner Toledo (ph.)?
Commissioner Turner?
COMMISSIONER TURNER: Yes.
MR. HERNANDEZ: Commissioner Vasquez?
VICE CHAIR VAZQUEZ: Yes.
MR. HERNANDEZ: Commissioner Yee?
CHAIR YEE: Yes. I think Commissioner Akutagawa needs a 1 rather X.
MR. HERNANDEZ: Yeah, I have to change those. Sorry, I apologize for that. Otherwise it doesn't recognize it. Okay. So you have nine. Motion passes.
COMMISSIONER FERNANDEZ: It's been so much fun, so far, that I'm going to pass it onto Commissioner Akutagawa.
CHAIR YEE: All good.
COMMISSIONER AKUTAGAWA: All right. We're going to
go onto number seven. And I do have to -- full
disclosure to everybody, I do have to drop out -- off at
3 o'clock. My apologies. But we're on to number seven,
which is define fully functional. We do have this on
here because there has been conversations over the
past -- even before we had submitted the maps about this.
Occasionally, you know, it's come up.

So we thought we would add this to it in terms of
perhaps, you know, trying to get some definition to it.
However, if -- as with some of the others, if leaving it
a little bit more flexible is preferable, then this is
what we're here to do, is to find out what you all think.
And also, I'll just note that, we do realize that any --
any changes -- and again, it's just bringing up the
topic, but any changes to any language would be done so
in conjunction with the State Auditor's Office as well,
too.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yeah. I'm definitely on
board on having a in-depth conversation about -- and
about what fully functional means, and in what that would
look like. There -- a number of ideas have been floated
around, but I support it. But I think it's a deeper --
much deeper conversation for our lessons learned. But I
support floating the idea with the legislature at this
COMMISSIONER AKUTAGAWA: Thank you, Commissioner Fornaciari. Commissioner Kennedy? We're adding to your lessons learned list.

COMMISSIONER KENNEDY: Thanks. You know, I'm not even sure that this needs to rise to the level of the legislature. We've discussed on occasion that, you know, this is -- this -- that they -- California consolidated regulations provide definitions, and that -- you know, if what we're looking for is a definition, we need to find out who has the power to write these regulations.

The bigger question is if we want to be able to write definitions into the CCR, then we need the power to do that. And I would observe that part of the problem that we have is that the definitions -- if you look through the CCR definitions, they apply almost exclusively, or absolutely exclusively, to the process of selecting the commissioners. The definitions in the CCR, which theoretically could, and should, cover any and all statutory language relating to the commission, currently only deal with the selection of the commissions. So to me there's a big gap there, and we need to be looking at a deeper issue; which is who has the power to write these definitions. And if it's us, what do we need to do to get that power. Thank you.
COMMISSIONER AKUTAGAWA: Thank you, Commissioner Kennedy. Chief Counsel Pane?

MR. PANE: Thank you, Commissioner. I just would like to answer Commissioner Kennedy's question about who has the power to define fully functional. In that chart there, you'll note that the statute -- there's a statute reference, because it's part of the commission's statute is the term being used. It is also a State Auditor regulation, about fully functional. So could the State Auditor choose to further clarify its existing regulation on what fully functional is? Yes.

What we probably seek to do that in consultation with the commission and the State Auditor? That would be a policy choice for the commission. But because they sort of go together, it is the State Auditor's regulation, but it is also used in the commission's statute. So I think it makes sense to work collaboratively on such a change. But it is -- to your -- to answer your question, Commissioner; who has the power to make that change? The State Auditor would be making the change to its own regulation.

COMMISSIONER KENNEDY: If I can follow up, the -- my reference to the gap in the regulations goes beyond anything that the auditor is involved in. You know, I see scope for definitions that are needed in phases of
the redistricting process that go beyond anything that the auditor is involved in. So who has the power to write those definitions into the CCR? And if we want to have a role in writing those definitions into the CCR, we need to find out how we go about getting the power to do that. The --

MR. PANE: I think if we wanted --

COMMISSIONER KENNEDY: -- the auditor's office --

MR. PANE: Go ahead. Sorry.

COMMISSIONER KENNEDY: The auditor's office is only directly involved in a -- in a very important but time limited portion of the entire redistricting process. And yet there's a need for definitions that apply to other phases of the process. So are we the ones that should have the power to write those definitions, or is somebody else; and if it's us, how do we go about getting that power?

MR. PANE: So to answer that piece of the question, Commissioner, I think -- I think you're right that for the -- for the period of that -- sort of after the State Auditor component, we would need regulatory authority. We do not currently have regulatory authority. So without that regulatory authority, we have to do what we're starting to engage in now; which is discuss statutory, or even constitutional changes, because a
regulatory change is not on the menu right now. Could it be on the menu? Yes. If I statutory change occurs that specifically allows the commission to promulgate regulations. But until that statute exists, that is not an authority we currently have.

COMMISSIONER AKUTAGAWA: Okay. Thank you. We will add this onto our list for further conversation. And thank you, Commissioner Kennedy. I think you've brought up some great points. Thank you, Commissioner Fornaciari for your comments as well to that. I think there's -- I think similar feelings, since it has come up from multiple commissioners.

Let's move onto number eight, which is something that I know Commissioner Sinay did raise as a concern, at the beginning; which is to clarify and provide definition for what public input means. And thoughts on this one? Commissioner Sinay?

COMMISSIONER SINAY: I just want to say. I think Neal -- I'm sorry. Commissioner Fornaciari, said it well when we were discussing the number five, that he'll -- I keep going back to the reason we worked together was because we had to struggle through some of these things. And we came up with a collective definition, versus someone hit us over the head and said this is what it is. I think when you have things that are black and white,
yes it makes life easier, but it doesn't allow for
building that trust and understanding and knowing where
people are coming from.

COMMISSIONER AKUTAGAWA: Thank you, Commissioner
Sinay. Commissioner Kennedy?

COMMISSIONER KENNEDY: I think that, in the interest
of time, and recognizing what you've put on here, that we
should also -- oh -- include number ten in this
discussion, because it refers to the one that we're
currently discussing. And I -- personally, I think that
number ten provides the justification, the rationale, for
clarifying what public input means. I think it's
important to have an understanding that public comment,
during regular non-mapping business meetings, does not
constitute receiving input on redistricting. Thanks.

COMMISSIONER AKUTAGAWA: All right. Thank you very
much. So if I can clarify what I think I heard you say
is, basically, number ten resolves the question of number
eight that that is the distinction in that we can -- that
we don't need to address is legislatively; is I think
what I'm interpreting, Commissioner Kennedy?

COMMISSIONER KENNEDY: Well, I -- I think we do need
to clarify what public input means. But I think one of
the main reasons we need to do that is what's listed in
number ten. So that it's not subject to a 14-day meeting
notice requirement, but only a -- that regular public
comment during regular non-mapping business meetings
doesn't increase the requirement for public notice from
10-days to 14-days.

COMMISSIONER AKUTAGAWA: Okay. Thank you --

COMMISSIONER KENNEDY: Thanks --

COMMISSIONER AKUTAGAWA: -- very much. Thank you.

Commissioner Yee -- or Chair Yee?

CHAIR YEE: Thank you. Yeah. I agree with
Commissioner Kennedy. And you know, I think it's worth
clarifying. I mean I appreciate what Commissioner Sinay
mentioned about, you know, bonding through -- struggling
through some of these things. But I think 20/30 will
have plenty of things to struggle with, you know. And
half the time that we had. So if there's something
fairly obvious that we can relieve them of I'd be
inclined to go ahead and do so. Especially when it's a
pretty clear issue here.

COMMISSIONER AKUTAGAWA: All right. Thank you.

Thank you, Chair Yee. All right. Any other comments?

Okay. And I know that Commissioner Fernandez is also
taking notes too, so she will be grouping these. All
right. Let's go ahead then. Let's move onto number
nine; which is clarify what a day is in defining mapping
deadlines. We did look up a code that is noted there,
and that code does define a day as a calendar day. And we spoke with Anthony, and he also did some additional checking, and Black's Law Dictionary, which the courts would also refer to -- and correct me if I'm wrong, Anthony -- defines a day as a full 24 hours. In other words, midnight to midnight. So we -- it was brought up to us as something to be addressed legislatively, but we feel that, since it's already defined, we don't need to.


COMMISSIONER KENNEDY: Yes. Very much. So if we had something that said no later than one day following X. And if the deadline for X is 5 p.m. on a Tuesday. If we have to leave a full calendar day, midnight to midnight, in between 5 p.m. on Tuesday and the deadline for the other thing, then what we're saying is you really have 48 hours, not 24 hours? So this -- I mean -- I think that defining things in terms -- when you're talking elections, and particularly when you're talking very tight deadlines, specifying the number of hours is better than specifying the number of days. But you know, this idea of having to have a full 24-hour day midnight to midnight in between something and something else.

If you say, you know, no later than one day after, and the deadline is 5 p.m. Tuesday, are you talking about 5 p.m. Wednesday, or are you talking about sometime on
Thursday? To my mind it's still not clear. And lack of clarity in these things is what leads to controversy and raised temperatures and tempers. So the more that we can do to eliminate any possibility of misunderstanding, the better. And I don't think we're there. Thank you.

COMMISSIONER AKUTAGAWA: Thank you, Commissioner Kennedy. We did have that rather extensive discussion with Anthony about that, in the sense that -- Anthony, perhaps I can ask you to -- to weigh in on this part and what you shared with Commissioner Fernandez and I in terms of when the clock starts, and what that means in terms of time?

MR. PANE: So just that the reference is -- there is already -- so I think the context of this was, what was a calendar day, back before. And that, in the absence of any other specific definition, which the commission could propose as a matter of policy, that's what Blacks Law Dictionary has, as a definition for a calendar day; is a full midnight to midnight. That is a day. Is a midnight to midnight. So what that essentially applies to is a situation where a body takes an action at 9 a.m. on Monday. If you're going to calculate a day, you don't count Monday. You have to count Tuesday. A full 24-hour midnight to midnight, and that's -- that is one calendar day, for purposes of calculation. If you have to
calculate. Now, the commission could choose to provide a different definition, if they want. It's just, in the absence of anything else, they're already exists a way to interpret what that means. If that is helpful.

COMMISSIONER AKUTAGAWA: Thank you, Chief Counsel Pane. Commission Fornaciari?

COMMISSIONER FORNACIARI: So I just want to check in with Commission Kennedy. So in the instance of us approving the maps and then waiting for three days to certify the maps, or whatever the terminology was, I forgot it already. Would you rather have the statute read 72 hours? Is that what you're saying? So if we approved it on noon or on Monday, we could do the second approval at 12:01 on Thursday, instead of waiting until Friday? I -- okay. Seems reasonable.

COMMISSIONER AKUTAGAWA: Okay. Thank you Commissioner Fornaciari. All right. So I think it's sounding like this is going to be something for further discussion, given, Commissioner Kennedy, what you brought up. And so Commissioner Fernandez, we will add this back up to the list as for consideration. And so I think this will be of further conversation also, amongst us. Especially as we move forward.

All right. So let's go to number ten. I know that, Commissioner Kennedy, you did bring this one up about
clarifying taking public comment during regular non-mapping business meetings does not constitute receiving input on redistricting matters. And it is subject to the 14-day meeting notice requirement.

Now we did connect it to the number 8, which is the public input portion about clarifying and providing a definition of what it means. Comments? Okay. And just for clarity, I think what -- what I did hear is that we do need to define it, according to earlier comments so that also will be part in parcel of the conversation around number eight and having that clarification made. And that's what I've heard from, so far, the comments that have been made.

All right. We'll move on. Number 11. And we did have a conversation about this. We did say, even though this was lifted up as a legislative change, revising Bagley-Keene to allow for permanent remote and hybrid meetings. We did say that it was not applicable at this time, mostly because of the discussion that we knew was ongoing, around assembly build 17-33, and the work that Commissioner Kennedy and Commissioner Vasquez are doing around this issue. And so we felt that work is already being done, so that did not require work on our part from a legislative perspective. Commissioner Fernandez?

CHAIR YEE: I'm sorry to interrupt. We do have a
required break at 3. So --

COMMISSIONER AKUTAGAWA: Oh.

CHAIR YEE: -- Commissioner --

COMMISSIONER FERNANDEZ: That was --

CHAIR YEE: Yeah.

COMMISSIONER FERNANDEZ: That was going to be my comment. I actually -- both Commissioner Akutagawa and I both need to leave at 3. We didn't think it was going -- we didn't think our discussion was going to be at 3 o'clock.

CHAIR YEE: Yeah.

COMMISSIONER FERNANDEZ: And so I think we are just going to have to go with what we have so far. And if there's any other comments on any of the other areas, if you could just forward them to Anthony. He's our clearing house, right? And then we can move forward with that. Thanks.

CHAIR YEE: Okay. Let's see. Then when -- if we come back from break, then we'll be down to six commissioners. Do we want to continue the meeting, in that case, is a little --

COMMISSIONER SINAY: Sorry. I need to go too at 3.

CHAIR YEE: Oh. Okay. Five. So --

COMMISSIONER SINAY: Sorry. I've got -- I got a notary downstairs waiting.
CHAIR YEE: Okay. Commissioner Kennedy, you have a thought on that?

COMMISSIONER KENNEDY: Thank you, Chair. Yeah. I would suggest that we ask Kristian if we can go ahead and take general public comment for the day and adjourn.

CHAIR YEE: Okay. Kristian, can we push the break at just a couple minutes to take public comment?

MR. MANOFF: You got it, Chair.

CHAIR YEE: Thank you. This is general public comment -- or -- let's see. We did not finish --

COMMISSIONER FERNANDEZ: You still have to do it for 3.

CHAIR YEE: We did not finish --

COMMISSIONER FERNANDEZ: You still have to --

CHAIR YEE: Yeah.

COMMISSIONER FERNANDEZ: Yeah. For both.

CHAIR YEE: But the fact that we did not finish the agenda, is that? Do we clear out the meeting?

MR. PANE: Chair, I -- Chair. I believe we can take general public comment as well as public comment for agenda item number three.

CHAIR YEE: But not having completed the agenda, do we nevertheless close the agenda meeting afterwards?

MR. PANE: If there's no further -- it's -- or upon conclusion of business.
CHAIR YEE: Yeah.

MR. PANE: So if -- if it's -- if we've ended the business, then that is -- that's acceptable.

CHAIR YEE: Okay. Okay, Kristian, so let's go ahead and take a public comment on agenda item three, set the committee updates as well general public comments.

MR. MANOFF: You got it, Chair. The commission will now take public comment on agenda item number three and general public comment for items not on the agenda. To give comment, please call 877-823-5247, and enter meeting ID number 85675153409. Once you've dialed in, please press star nine to enter the comment queue. The full call-in instructions are read at the beginning of the meeting, and are provided on the livestream landing page. And there's no one in the queue to give comment at this time.

CHAIR YEE: Okay. So we are -- we do have a meeting scheduled on the 23rd. And how is everyone feeling about whether or not we had business sufficient for -- for that meeting? If not, then we would not meet again until the lessons learned exercise starts later.

MR. MANOFF: And those instructions are complete on the stream, Chair.

CHAIR YEE: Thank you, Kristian. We would not meet again until March 9th. So any thoughts on that?
Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I don't think we need to
meet. I think Commissioner Akutagawa and I can finish he
spread sheet and we'll have Anthony send some -- a
reminder out to the commissioners if they have any
comments on the final two or three that we did not
discuss. We could handle that, so that we can move
forward with the legislative changes that we have so far.

CHAIR YEE: Okay. And then any other subcommittees
that have business to bring up, want you to let me know
within a day or so, and then we'll try to make a call on
whether we'll meet next week or not. Director Hernandez?

MR. HERNANDEZ: Yeah. Just wanted to share that
from the Director's perspective, the Director's Report,
there won't be a whole lot of information to share.
Because it -- just not enough time has lapsed between
today's --

CHAIR YEE: Right.

MR. HERNANDEZ: -- meeting and Wednesday's meeting.

CHAIR YEE: Right. That's right. Okay. Any public
comment, Kristian?

MR. MANOFF: There is no one in the queue at this
time. Oh wait. Actually. We do have a caller. We do
have a caller. Stand by.

All right. We have caller 2829. If you could
follow the prompts to unmute by pressing star six. The floor is yours.

MS. WESTA-LUSK: Hello, commissioners. I just have two questions. One has to do with contacting the commission, if we want to send letters or email, is that all going to change? Because now that all the public comment input's over for the final maps and all that. How do we communicate with the commission, is my first question. And then the second one is, is anything for the 2010-CRC preservation of their website going to be done? Because I missed the archiving part of the meeting. Those are my questions. Thank you.

CHAIR YEE: Thank you, Ms. Westa-Lusk. Good to hear from you. And I apologize that we did not catch your call earlier, and that you had to wait to call back. Yes. The 2010 website is being rehabilitated to the best of our ability. That is still an ongoing process. We are working with the State Archives. So as we've been informed, not 100 percent of it is recoverable. But our intention is certainly to make as much of it archived, permanently, and accessible as much as possible. And we'll continue to report on that. As for contacting the commission, Director Hernandez, you know, I believe nothing has changed. But maybe you can speak to that?

MR. HERNANDEZ: That is correct. We also have the
same email address that we have. The voter first act
email, in which you can send your comments to.

CHAIR YEE: Okay. Kristian, any other callers?

MR. MANOFF: There are no other callers at this
time, Chair.

CHAIR YEE: Okay. Well thank you, everyone. Or
those who are left. It's looking likely that next week
will not happen, but stay tune for that final call.
You'll also be receiving some discussion questions in
preparation for the lessons learned exercise Commissioner
Kennedy and I are preparing those. We'll also plan at
this point on having at least two half days of business
during the lessons learned days. The six days. And
we'll let you know when those are scheduled. Okay.
Anything else? Okay. Thank you. Thank you, crew. This
meeting is adjourned.

(Whereupon, the Business Meeting adjourned at
3:07 p.m.)
CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of March, 2022.

______________________________
PETER PETTY, CER-493
Court Reporter
CERTIFICATE OF TRANSCRIBER

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

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

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

Samantha Stewart
SAMANTHA STEWART, CDLT-253

March 1, 2022