STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:
BUSINESS MEETING/LESONS LEARNED

FRIDAY, MARCH 18, 2022
9:31 a.m.

Reported by:
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APPEARANCES

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

STAFF
Alvaro Hernandez, Executive Director
Tim Treichelt, Senior Attorney
Marcy Kaplan, Director of Outreach

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator

Also Present:

Public Comment
Helen Hutchinson, League of Women Voters of California
Renee Westa-Lusk
## INDEX

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order and Roll Call</td>
<td>4</td>
</tr>
<tr>
<td>Directors' Update and Announcements</td>
<td>6</td>
</tr>
<tr>
<td>Lessons Learned Discussion</td>
<td>25</td>
</tr>
<tr>
<td>Recommendations</td>
<td>99</td>
</tr>
<tr>
<td>Public Comment</td>
<td>165</td>
</tr>
</tbody>
</table>
CHAIR VAZQUEZ: Welcome California to our Citizens Redistricting Commissioner Lessons Learned conversation. We'll be continuing the conversation from the last couple of weeks today. But first we're going to start off with a little bit of business and housekeeping. But first before we get to that, Director Hernandez, or Ravi, can you call the roll?

MR. HERNANDEZ Yes, I'll be taking the roll. Thank you.

CHAIR VAZQUEZ: Thank you.

MR. HERNANDEZ Commissioner Yee.

COMMISSIONER YEE: Here.

MR. HERNANDEZ Commissioner Ahmad. Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Here.

MR. HERNANDEZ Thank you. Commissioner Andersen.

COMMISSIONER ANDERSEN: Here.

MR. HERNANDEZ Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Presente.

MR. HERNANDEZ Commissioner Fornaciari.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Here.

MR. HERNANDEZ Commissioner Le Mons.
Commissioner Sadhwani.

COMMISSIONER SADHWANI: Here.

MR. HERNANDEZ Commissioner Sinay.

COMMISSIONER SINAY: Here.

MR. HERNANDEZ Commissioner Taylor.

COMMISSIONER TAYLOR: I am present.

MR. HERNANDEZ Commissioner Toledo.

COMMISSIONER TOLEDO: Here.

MR. HERNANDEZ Commissioner Turner.

And Commissioner Vazquez.

CHAIR VAZQUEZ: Here.

MR. HERNANDEZ You have a quorum, Chair.

CHAIR VAZQUEZ: Great. Thank you so much. All right. So let's quickly go through our run of show today. So first we're going to have director updates and announcements as well as subcommittee updates and announcements for the first part of this morning. So through 11 a.m. is when we have this scheduled.

We'll take our scheduled break from 11 to 11:15. At 11:15 we will reconvene to continue our Lessons Learned Conversation, particularly around recommendations. Then we will break for lunch at 12:30. We'll have an hour for lunch. When we reconvene at 1:30, we will continue recommendations as needed. We have a scheduled break at 3:15 for 15 minutes. When we reconvene at 3:30, we'll
have a half an hour left to wrap up our Lessons Learned conversation and we'll be taking public at 4 o'clock. And hopefully, we will be adjourning this meeting at 4:30.

Yeah, Commissioner Kennedy.

COMMISSIONER KENNEDY: Just two things. One, we had invited Toni (ph.) to join us and speak about data management from her perspective as part of the Lessons Learned discussion. She had indicated that her availability was between 9:30 and 10:30 this morning. So we may break from the business meeting to hear from Toni. Second, if we're coming back from lunch at 1:30, then break is 3 to 3:15, and we'll have 45 minutes after the break for -- to finish up recommendations before going to public comment.

CHAIR VAZQUEZ: Good catch. I'm adjusting that now. Thank you. Anything else? Okay great. Any announcements from commissioners, first?

Dates, announcements?

Yeah, Commissioner Sinay.

COMMISSIONER SINAY: You should have all received an email just saying that we updated the presentation based on some folk's feedback. Interestingly, I have some thoughts after yesterday's meeting as well. But remember, when you access it, it is no longer just an
open document that you can edit until -- you can make all
the edits you want once you download it and put it on to
your computer. And then save -- you save it on to your
computer, then you can make the edits you want. The way
it was set up originally, we could have all been making
changes and it could have gotten really messy.

So just download it on to your device and then you
can make the edits that you want. And continue sharing
changes that you might want to make. Or make them
yourself in the version that you are using. Thank you
everybody for making this a great presentation.

CHAIR VAZQUEZ: Great. Thanks so much.

Any questions for Commissioner Sinay?

All right. Not anticipating too much business. So
hopefully we can get this wrapped up pretty quickly. Are
there any director updates or announcements from our
staff?

MR. HERNANDEZ I have just a quick update. We have
sent a letter requesting the additional funds that were
allocated previously. And, you know, we sent a letter
requesting those funds, just to make sure that we have
them, given that we had a number -- we had more than the
originally planned meetings. So we did have some
overages there and want to make sure that we cover that.

In regards to the BCP, our staff is still working
with Department of Finance to answer any additional questions that they may have and kind of get to the granular level of information that they're requesting and requiring for the BCP. So that is still in the works. That concludes my updates.

Are there any questions?

CHAIR VAZQUEZ: Yeah, Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I have a quick question. What's BCP?

MR. HERNANDEZ: I am sorry. That is budget change proposal. That's the request that we submit to the Department of finance --

COMMISSIONER ANDERSEN: Yes.

MR. HERNANDEZ: -- to ask for additional funds for the next fiscal year, or in this case, for the next several fiscal years.

COMMISSIONER ANDERSEN: Got it. Thank you.

MR. HERNANDEZ: It's state government speak, sorry. CHAIR VAZQUEZ: Thank you for interpreting, Director Hernandez.

Commissioner Sinay?

COMMISSIONER SINAY: Two things. One is, we're so really, really behind on reimbursements, especially, you know, for some reason it looks like all the September ones haven't been paid. I heard a commissioner mention
that yesterday, that's my biggest one. And then I've also heard it from staff and former staff. And that's really worrying. So if we could really put some focus on getting everyone paid their reimbursements or tax or whatever that state speak is for that because this is just way too long, especially, yeah.

And second is, what if you update on all the evaluations for staff, especially, I know that there's some that need to come to us, you know, that we need to do. Fredy's is one of the ones because he's on the executive team, that does come to us. Just like the one -- yours, the director, and so did Director Kaplan's.

And then, also, we probably need to start getting ready to do Anthony's. While I think he's June, but I'm kind of blurred on that, but just wanted to keep us on, you know, since we've been told how important it us for those who are applying for state jobs, I want to make sure that we really stay on that and everybody gets those pieces. Thank you.

CHAIR VAZQUEZ: Thank you.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. I'll channel Commissioner Turner a bit and say that it's difficult to really feel any fiduciary responsibility over financial matters if we're not getting all of the
information that's going out and coming in. Have we
seen, have we actually seen the budget change proposal?
Or is there anything outstanding that we haven't seen
that we need to see? Thank you.

CHAIR VAZQUEZ: Thanks. And Commissioner Fernandez,
is this related so that maybe Director Hernandez can
answer all at once?

COMMISSIONER FERNANDEZ: You can have Director --
well, I'm going to have questions for him, too. So
should we just --

CHAIR VAZQUEZ: Okay.

COMMISSIONER FERNANDEZ: -- wait until we ask the
question.

CHAIR VAZQUEZ: Maybe it's --

COMMISSIONER FERNANDEZ: Sorry, he's got a list
right now.

CHAIR VAZQUEZ: Yeah, he does have a list.

COMMISSIONER FERNANDEZ: Yeah.

CHAIR VAZQUEZ: Well, maybe let's just add yours
then.

COMMISSIONER FERNANDEZ: Okay. I will answer
Commissioner Kennedy in terms of the budget change
proposal. Commissioner Akutagawa and I, as part of the
Lessons Learned subcommittee, we did review the budget
change proposal. We did review the numbers to ensure
that everything corresponded to what the commissioner agreed to in terms of moving forward with the budget change proposal. And that was just with the initial language. So the back and forth that Executive Director Hernandez has been talking about, we haven't been involved in that piece of it.

Also, I do want to also -- I did mention yesterday, I think that's what Commissioner Sinay was referring to, that I, since September I have not received any of the travel reimbursements and that's been six months now. And we're told it could be a couple of months. So this is longer than a couple of months. So it's really frustrating that it's taking so long. And I realize part of it is not in our control. But I also know that part of it is in our control. So we need to get that to process as soon as possible.

So theoretically, next month any meetings we have are supposed to be in person or you're supposed to release the information of where you will be attending the meeting. So I just -- another question for Executive Director Hernandez is, hopefully, you're looking into some sort of accommodations, at least for Southern California, where there's a location where staff there could meet instead of having to disclose other areas.

And the other piece of it was, we just found -- and
I'll give it to Terri (ph.). Terri is our budget officer, right. She reached out to Department of Finance regarding the 4.3 that was set aside for litigation. The budget act of 2021 updated that language and that can be used for operational costs as well. So that's kind of a good news. We're not restricted to just litigation.

And I think that was it. So thank you to Terri for reaching out and getting that update for us.

CHAIR VAZQUEZ: Great, thank you. And before we get to Director Hernandez, just wanted to ask a question. Also, for the budget change proposals, we do have a finance committee. I know, Commissioner Fernandez, you're on both Lessons Learned and Finance, so was wondering if the finance committee had been involved in budget change proposal because that seems like it should be happening. Yeah, go ahead.

COMMISSIONER FERNANDEZ: Okay. Well, since it started with Lessons Learned, I kept it with the Lessons Learned. If we had Commissioner Fornaciari also, I mean, this whole thing of two commissioners, we're just trying to be safe and just trying to keep it to two. But if Commissioner Fornaciari, if he feels left out, I would be more than happy to share it with him. Oh, he's saying no. So I try to be careful, I guess, as much as possible.
That's helpful. All right. Director Hernandez. You've got your list.

MR. HERNANDEZ I do. It's a lengthy one. In regards to sharing information with the finance and admin subcommittee, you know, there's that bit of information that applies to both. And so I make sure that I communicate what is necessary for both of the subcommittees. And I serve as the go between for information that is necessary for either one of the subcommittees. So in that sense, the finance and admin is aware of the BCP and some of the figures and vice versa.

Getting back to the TECs (ph.), yes, that has been a challenge for us. I have asked staff to focus predominantly on the TECs, to get them processed through as fast as possible. I'm hopeful that by the end of this month that will be accomplished where people will start receiving their reimbursements.

The evaluations of staff, we have, as I mentioned the other day, we have reached out to those that fell through the cracks. In regards to Director Ceja, I have that completed. It's ready to go. I didn't realize that it needed to go to the entire commission. So I misunderstood the entire directive that I needed to
complete it and get it taken care of. But more than
happy to share that with you all. As far as the other
staff, those are to be done on a one-year time frame. So
as you mentioned, Chief Counsel, that won't happen until
later on, April I believe it is, April/May. Other staff,
they're getting there's as well. Working on that.

Commissioner Kennedy, in regards to the information,
I'm working through the subcommittees on all the BCP
information as Commissioner Fernandez mentioned. So they
are aware of the information. And we're sharing bits of
that to you. I don't know if you need to be involved in
all of it because it may not make sense. And so then
leads to some more questions, more confusion potentially.

So again, I, you know, have mentioned early on that I
would work through the subcommittees and make sure that
they're informed as much as possible with anything that
comes up and this one in particular.

The time frame was very tight. So we just had to
get the information together and get it out to the
Department of Finance. And now the going back and forth
is just more detail of information and, you know, we're
learning the process as we go for the BCP.

And finally, in regards to the meeting for next
month, we are looking at venues in the Southern
California area. Trying to centralize it for all the
commissioners, which is a challenge given that the Southern California area is so broad. And so we are planning to have a location, Southern California. We also plan to have a northern California location, which will be here in our office. And so we are working on making sure that we have those two venues available.

Any other questions?

CHAIR VAZQUEZ: Thank you. Commissioner Andersen and then Commissioner Kennedy and then Commissioner Sinay.

COMMISSIONER ANDERSEN: Thank you, Chair. Yes, actually on the location. Say, because I have things going on and what if I cannot actually get up to Sacramento for that meeting, what are the requirements, you know, in terms of, you have to notify where you're going to be. But then, if all of us this has to be open to the public; is that correct?

MR. HERNANDEZ That is our understanding, that has to be available and open to the public. We also have to include it on the agenda.

COMMISSIONER ANDERSEN: Oh, okay. And so that has to go out ten days ahead?

MR. HERNANDEZ Correct. Which will be tomorrow, at the latest.

COMMISSIONER ANDERSEN: Well, wait, but that's for
the March --

MR. HERNANDEZ That's for the March 30th. I apologize. So in regards to the date, let me go ahead and address that now. Given the Easter break for different folks, maybe, you know, anywhere between the first week and the third week of April. Proposing to have the meeting the week of the 25th. It's either going to be Tuesday, Wednesday, or Thursday.

COMMISSIONER ANDERSEN: Thank you. And in terms of a meeting that could be open though, a room in a library, or is there particular requirements, you know, what are those requirements, you know, where would one even look to have something?

MR. HERNANDEZ I don't believe there's specific requirements. I'll to defer to legal --

COMMISSIONER ANDERSEN: Yeah.

MR. HERNANDEZ -- so Tim (ph.) if you can chime in in a second, I'd appreciate that. It doesn't have to be, you know, auditorium. It could be a place where someone can come in and provide public input.

COMMISSIONER ANDERSEN: But it would have to be, like, a spot where they could be hearing things. Like it can't be the quiet part of a library.

MR. HERNANDEZ Well, yes. It has to be -- they have to be able to see and hear. And then also provide their
feedback. So with the Southern California location, we're going to have the staff person there. And they're going to help facilitate if anyone wants to provide public comment, how they do that. We're looking at, you know, making sure that they have a Wi-Fi connection. In some cases, commissioners, I'm going to ask for your flexibility. We may or may not have our videographers there. We're still working out some of those details.

They can go and have microphones and all that set up. But if not, commissioners would have to potentially have their headphones on to listen and provide comments so that there isn't feedback if they're all in the same room. We had that discussion early on when we were looking at having open meetings. And I know we had a lot of pushback about the headphones. But that is an issue we're trying to resolve as best possible.

COMMISSIONER ANDERSEN: Great, thank you.

MR. TREICHELT: Director Hernandez, you referred to me and I just want to mention that I am aware that our standards -- I don't have them on top of my head. I plan to do some research and provide that information as soon as possible.

CHAIR VAZQUEZ: Great. Thank you. Commissioner Kennedy then Commissioner Sinay then Commissioner Fornaciari.
COMMISSIONER KENNEDY: Thank you, Chair. I'm certainly aware that we don't want to get into all of the nitty-gritty. My concern is that subcommittees, in order to be treated as, you know, not subject to some of the posting requirements and so forth -- Bagley-Keene, are supposed to be purely advisory. And if subcommittees are making decisions on behalf of the commission, then my understanding is that Bagley-Keene would be full force. Meetings would have to be noticed, public, et cetera. And so I want to make sure that there's a clarity on the extent of any subcommittee's role and things that need to come before the full commission. Thank you.

CHAIR VAZQUEZ: Commissioner Sinay.

COMMISSIONER SINAY: Thank you, Commissioner Kennedy, for that reminder. I just wanted to say, for Southern California, don't take me into account to try to find somewhere -- I know that I'm one of the farthest south. I will travel. So but can I recommend that we don't do anything with crazy parking in L.A. That it is easier to do something in the suburbs, though it might be more traveling for the rest of the L.A. folks. But life is easier, you know, once you get out of L.A. City proper. Well, there's parts in L.A. City, but anyway, let me keep it simple. You don't have to take me in account. I will travel where needed. It's over 50
miles, so I will get in a hotel and be there on time.

Thank you.

CHAIR VAZQUEZ: Thanks. Commissioner Fornaciari.

VICE CHAIR FORNACIARI: Yeah. I just want to say that I'm going to be chair in April and so Commissioner Sinay will be the Vice-Chair and we're working with Director Hernandez and the legal team to get this all figured out. And we're working on it and figuring out the contingencies and we'll definitely be communicating what we've come up with, with the commission.

CHAIR VAZQUEZ: Great, thank you. Commissioner La Mont. And then I'm going to pause this conversation because I know we have guest waiting and additional conversations to get to. Commissioner Le Mons.

COMMISSIONER LE MONS: I joined a little late, so I might have missed something. My question is in response to Commissioner Kennedy's point. So I'm assuming that at some point we're going to have a broader discussion about how subcommittee -- I came in on that and so I'm not sure what the issue is there. So we could even talk about it off-line -- not off-line, but at some other point. Is that an immediate concern -- that the purview of the subcommittees?

COMMISSIONER KENNEDY: If I can, Chair?

COMMISSIONER LE MONS: Yes, I mean no, I'm not the
chair, I'm sorry.

CHAIR VAZQUEZ: Yes. Go ahead.

COMMISSIONER KENNEDY: The most immediate concern, I mean the concern is general, that sometimes we get close to that boundary line between subcommittees being advisory and being decision making bodies. But the immediate concern is the commission as a whole receiving adequate information on finances so that, as Commissioner Turner had said at one point, we can exercise our fiduciary responsibilities.

It's difficult to feel responsible in a fiduciary sense if we're not getting any -- if we're not getting enough information in that regard. If it's going through the subcommittee and it's not coming to the full commission, but it should, I just want to make sure that we're very clear on what the purview of any subcommittee is and what the responsibility of the commission is as the responsible decision making body. Thank you.

COMMISSIONER LE MONS: Thanks, Chair.

CHAIR VAZQUEZ: Thanks so much. Director Hernandez.

MR. HERNANDEZ Yes, thank you. I just wanted to circle back on that. As far as the BCP itself, I know this is probably a broader discussion. But the BCP itself, the information that was used to create the BCP was presented to the commission as part of the long-term
planning subcommittee information. And that is the information that we used to create the BCP. So it's just, you know, taking that information, putting in -- so the BCP format that we're required to do.

So in that sense, that piece of it was shared with the commission. And the commission did have an opportunity to provide input and direction in that sense. But I do think it is a broader discussion as far as the subcommittee and providing direction to the staff and administration. Thank you.

CHAIR VAZQUEZ: Great. Okay. So with that, if there needs to be additional discussion on this, we can agendize (sic) it for our next business meeting. Thank you for the reminders, though, Commissioner Kennedy.

Okay. So do we have any additional director updates? Yeah, Director Kaplan?

MS. KAPLAN: Hi, I'll just be brief. So I'm providing an update for outreach and communications. Thank you, Commissioner Sinay for adding the additional note about the presentation, the post-map presentation. We have posted that on the outreach materials page for the public. And also sent an updated version to the commissioners as well. Also want to highlight a little bit more about, just an update on some of the projects that we discussed at the last meeting including archiving...
and relinking.

So we did complete archiving of all the documents on the website for state archive. And we'll be working with Raul who's also working with other folks at BSS (ph.) to provide all those state archives.

In addition to that, Martine (ph.) was also able to pull the content from the website should we -- I know it hasn't been determined yet how the website will continue going forward, but we have all of that documented should we need to rebuild the website.

Additionally for archives, she has completed the archiving of our social media content as well. And began the process of relinking on the website. So as I mentioned previously, with our transition from Google Docs to Outlook, some of the larger files that we were linking to on the website, like the maps page, we'll need to transition the files to relink them. And so he's begun that process, including the maps page. And so that should be completed soon.

I also wanted to highlight that this week, in the email blast for this week's meetings -- we also did highlight that the data team had put together and posted shape phyla tribute field definitions for the final district plans for the shape files. And so these definitions clarify populations, citizens voting age,
population, race, and deviation values contained within
the district shape field attributes. And those are all
located on the commission final maps page on the website
also. And I believe that is my whole report.

CHAIR VAZQUEZ: Great, thanks so much.

Any brief questions for Director Kaplan?

All right. Seeing none, any other staff updates.

I'm not sure if we have any additional director staff.

All right. Seeing none, any subcommittee updates?

We did not receive advanced notice of any updates. But
if you have, again brief subcommittee updates, please
share them now.

All right. Seeing none, we do need to take public
comments on director updates, correct? All right.

Who will be reading instructions?

MR. MANOFF: I can help you with that, Chair.

CHAIR VAZQUEZ: Great.

Thanks so much, Kristian.

PUBLIC COMMENT MODERATOR: 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,
enter the meeting ID number provided on the livestream
feed. It is 879 9257 6958 for this meeting. When
prompted to enter a participant ID, simply press pound.

Once you've dialed in, you'll be placed in a queue. To indicate you wish to comment, please press star nine. This will raise your hand for the moderator. When it is your turn to speak, you'll hear a message that says, "The host would like you talk, press star six to speak." If you'd like to give your name, please state and spell it for the record. You're 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're waiting in the queue, be alert for when it is your turn to speak. And again, please turn down the livestream volume.

And there are no callers in the queue at this time, Chair.

CHAIR VAZQUEZ: Great. Let's give it a minute or so to catch up with the livestream. Any other comments while we are waiting? Comments or discussion on director updates?

All right. We can stand at ease for another minute or so.

MR. MANOFF: And those instructions are complete on the livestream, Chair. And there are no callers in the queue.
CHAIR VAZQUEZ: Great. Thank you. All right. I think then, we can move on. Since there didn't seem to be any subcommittee updates or announcements, we will close that agenda item. And we can move on to continue our Lessons Learned conversations. I will pass it off to Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. Director Hernandez, have we heard anything from Toni?

MR. HERNANDEZ No. I've asked to reach out to her and I have not heard back. So I don't know if she's going to be able to make it.

COMMISSIONER KENNEDY: Okay. Okay, so in that case, we are moving from the cross-cutting issues, discussion the other day as well as the presentation and discussion with other commissions to recommendations. And it will take some time to compile all of the recommendations. Recognizing that we are a little bit under the gun as far as changes in the legal framework. I think it's important that we start the discussion there.

What I've been doing is going through the Constitutional language and seeing where there might be areas where there is some interest in making changes. Then going through the code sections and seeing where there are issues that have been brought up. And then going through the regulatory language and seeing if there
are areas where there has been some interest in making changes.

So let me see if I can share my screen and put up what I've come up with so far in those areas starting with the constitutional language.

Commissioner Yee, I'll have to rely on you to call on anybody for the discussion. Okay. So as far as the Constitutional language, so far I'm seeing three areas for possible changes. One is possible change to the creation timeline for the commission. Because that currently talks about creating the commission in each year ending in the number zero. And Chief Counsel Pane and I have been discussing the meaning of the word, "creation," and whether we need any further clarity on creation.

But just wanted to get input from colleagues. Do we believe that it is important to press for future commissions to be created before years ending in zero? Or do we believe that it would be suitable, satisfactory, adequate to advocate simply for changes in the timeline within the year ending in zero. In other words, if in our case, the draw for the first eight was held on July 2nd, would it be adequate to shift that to, say January 2nd.

Commissioner Sinay? Yes, I can see some people.
COMMISSIONER SINAY: Thank you. I would argue that it would be better to change it to nine. And the reason being, if one of our recommendations -- and we kind of said this even from day one, is that the redistricting work needs to be more aligned to the census work. The census is in full bloom -- yeah, it is full gear the whole year ending in zero and most of the year ending in nine as well.

So I was going to say eight, but that might be too far. But the thought is, we've got to think about their timeline as well. And thinking about how we help that conversation that it is a whole civic -- that they are hand-in-hand. And move it away from the political that, hey let's, you know, let's count everybody so we get at the money we deserve and the representation we deserve to, hey, part of being -- get it away from -- anyway, I would encourage it to be in early nine so that they can work more closely with the census.

I know we had talked about starting that. But I am a firm believer that the more we set up the scaffolding to help them make the actual relationships, as a consultant, I always say my job is not to do relationships, it's yours. And so let them build that relationship. Let them have those conversations.

COMMISSIONER KENNEDY: Very good. Others?
Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. Thank you. I see the point that Commissioner Sinay is making. And the only issue I see is -- seating early January of -- that was still the 2020, correct? Those who know. It was January of '19, I mean of '09 --

COMMISSIONER SINAY: I think the nine -- anything with a nine would be better because by -- anything with a zero, census is all -- they start way early, in early nine. So the earlier the better.

COMMISSIONER ANDERSEN: Yeah. On that, I do think -- I thought you were going to January of 2020 and I think that is not a good idea because of the holidays. It would require the ark to be -- working all through the holidays.

But I do think that possibly just move it a year, like, June-ish, like same date that we have or, you know, July, but the year earlier. I would not advocate going earlier than that because you want to work with the census except, you know in terms of the mission, we'd have to be careful about that. And I wouldn't want to -- the reason why we'd like to have them get together, so they can, as you were saying, make connections, things like that. And I think that extra -- also to build the administration part of the commission. Then I think that
extra year would do that, would tie it in.

But I wouldn't go much earlier than July or even just, I believe it was they -- originally they started, like, in September. So instead of going July, September of '09 -- of the nine year.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I think I'm going back and forth on both of them because we always like to go back to, you don't know what you don't know, right. And I think we, the current commissioner, having gone through the process may be in a better position to coordinate with census in terms of what we need, what should be done, and you know, what the needs are.

But I do -- so I think starting earlier in the year ending in zero is good in terms of that extra time to staff the office. And hopefully, if you have extra time, you're not having to meet as frequently as we had to because it was actually -- we actually met quite a few times.

And the other piece of it and I don't know if any of you felt the same way but I was very anxious to just get to the line drawing. And to be motivated and focused on that. And I'm just wondering if they're appointed two
years prior to that process, you know, that's just
another year of potentially something happening or losing
interest or whatever the case may be.

But I do think that us having gone through it, we're
in a better position, I believe to provide some of that
outreach guidance in working with the census.

COMMISSIONER KENNEDY: Thank you, Commissioner
Fernandez.

COMMISSIONER VAZQUEZ: I just wanted to express my
support of seating the prior commission in 2019. I am
more inclined to have them seated earlier in 2019 because
I do think both the census and the commission, the
redistricting processes are just so interdependent and
potentially mutually reinforcing, that I do think it
would behoove the commission to be working in the earlier
stages with census folks. And the reminder that when
we've talked about, you know, an independent -- us being
an independent body, I think it's important that we
prioritize, you know, independence from undo political
influence and particularly the legislature.

But I do think, you know, we are a state body and we
should leverage the nonpolitical resources of the state
where it helps us achieve our mission.

COMMISSIONER KENNEDY: Thank you, Commissioner
I'm certainly keen to encourage as much interaction or tapping into doing joint things with census efforts as possible. I guess one thing that is in my mind is, if we're not able to get the constitutional change that would be required. And that's something, you know, that could take quite a bit of effort. That starting -- having future bodies created in January of years beginning in zero would in essence give that future commission almost a year more than the 2010 commission had.

My understanding is the 2010 commission, the random draw -- well, I'm not even sure when the random draw was held, but the first eight chose the final six, I believe in December of 2010. And they held their first meeting in January of 2011. And essentially received their census data two months later because the census data came out a bit early in that case.

So theoretically, it would be possible to hold the random draw late in the year ending in nine with the -- depending on how creation is interpreted, with the final six either chosen on the 2nd of January or possibly even having a first meeting on the 2nd of January. And again, that would give that future commission essentially a year more than the 2010 commission had. It wouldn't be as
much time as we had, but hopefully they don't have a pandemic.

But yes, I certainly am fully in favor of as much interaction with and taking advantage of all the linkages and perhaps inheriting staff and coordinating message campaigns and so forth with the census as possible. And certainly, we've also been highlighting the burden of state processes as far as getting anybody set up and running. So that the work can actually be done that needs to be done before the census data hit. My thoughts, so.

Commissioner Sinay?

COMMISSIONER SINAY: So a few things I knew before I came in and a few things I learned after I became a commissioner. The one thing I knew was civic entities, civic organizations, nonprofits, those groups who are focused on civic engagement, advocacy, community organizing, getting -- helping the, you know, being really in touch at the grassroots, the hard-to-reach communities, are the organizations that struggle the most to get funding either from foundations, from individuals, or from government. And they're the ones who will hire someone for three months to do census, let them go. Then have to run around to try to find someone else to hire again. And they don't end up hiring sometimes the best
person who can do the job because, you know, people need more consistency.

The other thing I knew was that the census and redistricting are defined by government entities, be it the legislature, be it politicians, be it whoever. The messaging has always been, you know, they try to change it to how can it benefit -- I think this year was one of the best years for both the census and redistricting to let people know why this is important. And we need to build on that. But again, the census had multi-million dollars more than we did. And I'm thinking that it's an effort that ends and it's over versus the, you know, the message that they have is, get counted because then your communities can get money and be represented. That message is not done. That work is not done until redistricting is finished. So that piece is really critical.

And so I would argue that to allow -- for success to happen at the redistricting level and at the -- you know, for success to happen at the community level where there is fair representation, it goes hand-in-hand and we as Californians need infrastructure that's well funded to really get to the individuals who don't trust government, who don't speak the language, who live in rural communities. And the list is very long.
So the sooner that can all be brought together, the better. And the messaging together, again, the funding, the infrastructure, everything that was created. Yes, there was politics between, you know, the Governor did the census but the Secretary of State wanted more, yeah, wanted to be involved. Hey, let's have, you know, yeah, those issues.

Our mission, I think sometimes we say, oh, you know what, we want to be independent and we use that as a way to actually hurt ourselves from leveraging other things that are out there. And really, we hurt ourselves from achieving our vision and our goal and our mandate of fair representative maps.

And what I learned since I've been on the commission is the state is slow. Everything is slow. And I don't understand why we wouldn't just build in extra time for the next commission to be successful. Maybe they lose interest. When you first come in, you're drinking from a firehose -- okay, I will say, I was drinking from a firehose. And I never felt, you know, I felt that we could have even used more time for learning and understanding and being good at map drawing and all that stuff.

And so if there is a good plan and we don't have -- and as Commissioner Fernandez said, I think it's critical
that we don't put -- I mean, I'm to build on what
Commissioner Fernandez said. We put a huge burden on all
of on all of us who are working full time. And if we
were gave that extra year, people could actually keep
their jobs a little longer, keep their bosses happy, keep
their clients happy, whatnot, keep their -- so I just
want us to not get stuck on who we are and what we think
but what is the vision of fair representation and how we
can help the full infrastructure, not just the CRC.

COMMISSIONER KENNEDY: Thank you, Commissioner
Sinay.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah, thank you. This is a
very good conversation. And I can see, there's also the
lift of, you know, how you talk the legislature into
doing this for all the right reasons. And I like the way
you put things, Commissioner Kennedy, in terms of the
time frame.

Basically, the 2010 commission realized, wow, okay,
the next commission needs another six months from what we
did, essentially, is what they did. Which would give,
you know, would give -- say we didn't have a pandemic,
would have given us an extra six months. Because of what
happened, we got extended time but -- and extended
problems.
But I think we say, they need two sets of six months, now having gone through the second time. That makes more sense. Which does kind of end up essentially giving a year from the original date of the 2010 commission, which is essentially kind of what you were saying. And I believe that kind of gives our commission time to make -- as Commissioner Fernandez mentioned -- to make the connections with the census -- to get that sort of meshed together -- so as we get -- the 2030 comes on, then they could do -- remember when we heard about introductory letters and things like that? That's what we could hand them so they wouldn't have to try -- like, wait, who -- I'm supposed to outreach to what? How? What? Huh? What? Because we've had some of that experience, but we're not -- it's like we're setting up the groundwork to hand it to the next people. And that time would also give them -- because yes, you start to kind of get your idea and your head wrapped around public education and outreach, but you're also doing contracts at the same time.

And so it would give them the time to put in -- like, our ideal Gantt chart -- I think giving them, essentially, the extra six months for i.e. a total of a year from the 2010 Commission. Those time frames would work, and I do see the benefit of -- essentially, our
work would be done before the holidays, and then you have the ball. Just post the holidays. And I think timing-wise that actually might work as opposed to what I'd said sort of before.

So I do agree with having essentially -- trying to move that date to -- what is the last bit of -- the end of '09 to seat them, like, early in the zero. First thing in the zero here. Essentially, give them a full year from the 2010 Commission. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

Commissioner Vazquez?

CHAIR VAZQUEZ: I really want to emphasize everything that Commissioner Sinay said so well. I am growing pretty strongly committed to trying to push us to get the Commission to be seated as early in 2019 as possible. And in fact, for me, in looking at these constitutional changes, the priority for me would be to change when they are seated to much earlier because that makes changing the map deadline less urgent. We're expanding the time line. And my understanding of moving the deadline for the maps was manyfold, but one of those was trying to extend the time for line drawing.

So I just also again want to reemphasize -- having worked in community agencies and community nonprofits
just how much relationships matter and relationships with government entities. And I do think even seating the new Commission in early 2030 -- they will be being seated just as the Census begins firing on all cylinders. So the Census at that point is not going to have the capacity to be thoughtfully planning with the new Commission, because they're in execution mode at that point. And what I would see in an ideal world is that relationship building, connecting with community organizations, connecting with the giant infrastructure that the Census builds throughout the 2029 year. That is when the Census will have the capacity to loop in the redistricting work in a much more intentional and meaningful way. They are going to be essentially the staff for -- Census are going to be MIA for most of 2030. And I just -- I don't see a benefit regarding Census collaboration if we don't seat the Commission early enough to leverage it. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Vazquez. I want to just share a couple of more thoughts and then I'll call on Commissioner Yee. Ideally, yes. One question is, are we going to be able to do this in one fell swoop to reach the ideal, or is an incremental approach to this going to be an easier lift? And also it ties back into the question that I've been raising, which
is independence, yes -- but independence from whom? I mean, let's just take Congress in D.C. because I've used that example before. It's not that everybody clears out, the whole thing shuts down, and then a new one starts. There's a certain institutional existence that carries on. And if it falls to the incumbent Commission to reach out to Census in the years starting in eight or even seven, then we need to look at that as an institutional engagement rather than -- so much that the 2020 Commission doing something for itself. It's for the institution of citizens redistricting.

So as much as I would like -- I mean, I've even toyed with and probably said at some point, I'd be fine with the new Commission coming in in the year starting in -- or ending in 5 to give them plenty of time to plan and engage with Census and develop joint messaging and plan a flow-through of staff from Census to Redistricting. Not sure how realistic that is, at least at this point. And so we need to -- we need to look at the institutional nature of the Citizens Redistricting Commission more as an institution, less as discrete bodies of people. And figure out the best and most feasible way forward.

Commissioner Yee?

Can't hear you.
COMMISSIONER YEE: How is that? Any better?

COMMISSIONER KENNEDY: Yep.

COMMISSIONER YEE: Okay. Following up with that --

there's not a statutory requirement for the CRC to engage

the Census folks. I mean, we kind of grew into that

because I just think it's a great idea and a natural fit.

And we tried to make the best of it in a short time

period. But I mean, that's a choice the 2030 Commission

has to make on its own, if it's going to engage. And I'm

trying to imagine -- in a full-blown scenario where they

end up being able to really mesh their outreach together

and kind of cobrand the whole effort together. I mean,

that would take a huge upfront -- probably forming in

year five kind of organizational effort. And that's not

something we can chose for 2030. I mean, it's something

we could do in the off years. We could get that ball

rolling and then it would be up to them whether to pick

up on it.

But short of that, I'm trying to imagine -- okay,

what exactly are we thinking 2030 will do? I mean, I'm

wondering -- I don't know if Marcy's available -- but

just try to think concretely. If we had had three months

more, what more would we have done with the Census? If

we'd had six months more, if we had had a year more? I

mean, that would really determine what was actually
possible. Picking up more Census staff into -- being able to hire them out, you know what I mean? To our outreach staff. That would possibly be a big plus. But those kinds of things -- I mean, there's so many variables. It's hard to predict. So I'm just trying to completely imagine what kind of coordination are we actually talking about and what kind of time lines go with those different scenarios?

If Marcy is available and has any thoughts on that, I would love to hear from her. Thanks.

COMMISSIONER KENNEDY: Okay.
CHAIR VAZQUEZ: Can I -- I have something --
COMMISSIONER KENNEDY: Yes.
CHAIR VAZQUEZ: I wonder if --
COMMISSIONER KENNEDY: Go ahead.
CHAIR VAZQUEZ: Sorry. Thank you. I just wanted to jump in because I think I would like to also hear Director Kaplan's response to this. My understanding -- my day job also did a lot of work with the Census in activating community groups to participate. And the infrastructure that the Census built in the years prior to actually completing the Census included many, many roundtables across the state that were convened by community partners, and it really was the kind of community engagement that we tried to build from scratch
without relationships.

And I hear the point of sort of the next cohort can sort of take or leave our work and that we should think about institutionally what we want to build. My concern also with not having them seated sooner in 2019 is that there is a learning curve, as many folks have talked about. There is a learning curve to community engagement, outreach, how to hold space and hold power with community. And I really think that learning can happen, especially -- God forbid -- no pandemic and folks are able to convene in these Census roundtables across the state. If Commissioners could attend these and start to build those relationships with community groups, that for me -- while there's not a statutory requirement for us to work with the Census -- our statutory requirement does, as we've all acknowledged -- require us to get heavy community input. And I just -- I don't see how we'd be leaving the next cohort of the Commission in a better place than when we arrived if we don't seat them sooner. And with the purpose of helping them get in early so that they can learn all through 2019 about how to do community engagement, so that, again, while in 2030 they can be more in activation mode. Same with the Census. So those are my thoughts.

COMMISSIONER KENNEDY: Thank you, Commissioner
Vazquez.

Commissioner Andersen, and then we'll call on Director Kaplan.

COMMISSIONER ANDERSEN: Great. Thank you. I was just saying there are two ideas here in terms of the time line. And we're talking about moving it up in terms of seating for the outreach and for staff and contract building. But the end -- there's actually a whole other aspect which is item number I-3 -- A -- the little one -- 3 -- possible changes to the end of the map. The reason to extend that is not just oh, we need more time for line drawing. Because we're trying to say, and you will reallocate prisoners. So you lose a month from the time you get the Census data to when you can use the Census data. That is why we're trying to do that at the other end.

So these are not all the same thing. Well, we don't have to do the September 15 date because we move it up earlier to start. Those are two different issues. I just wanted to make sure that -- I'm really lobbying heavily for we extend from August 15 to September 15 because of that month. So I just wanted to make sure that that was sort of separate items. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen. Commissioner Fernandez, unless you have
something that you want an answer from Director Kaplan on, I'd like to call on her to respond and then come to you. Okay.

Director Kaplan?

MS. KAPLAN: I'm happy to share just some context of the time line of some of the efforts from the State Census effort. So I don't -- I don't know how far back you want me to go, but I think just also remembering that the time line of the Census is -- will be different in 2030 than what we had for this -- or the actual -- the end of the enumeration because of the COVID delay. For 2030 it will be, I would assume, back to the original schedule.

So some of the pre-work, including with the State Census Office the summer of 2018 there were meetings across the state that the office launched. I'm not sure if those are the same that Commissioner Vazquez is highlighting. And the majority of the staff were onboarded in the late fall, like, probably December 2018. So there was a lot of pre-work earlier. And I've shared a little bit of the time line with the Long-Range Planning subcommittee, so I can pull that up and send that around to everyone. As well as in terms of like, when they got funding and how that increased over the years prior to that. In January 2019 -- I think that was
around when the RFPs launched for the effort, and most of
the staff were onboarded at that point.

And so it did -- that did take a while for those
contractors to be identified, for their scope of works to
be ironed out and everything. And so there are
recommendations in the State Census Office, the
California Complete Count Office report for 2030 did do
some of that stuff earlier, and that's also in that
report I had shared with the subcommittee. So I can send
that around to everyone. So census day is April 1, and
the census this last cycle should've -- enumeration
would've gone to the end of July. So that's just helpful
to have that context of the time line. I'm not sure what
else you wanted more background on.

COMMISSIONER KENNEDY: Thank you for that, Director
Kaplan. Those documents will be very helpful. I look
forward to seeing them.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I just want to
make sure -- no one's arguing that we shouldn't
coordinate with the Census -- of course we should
coordinate with the Census, but again, the Census doesn't
need to coordinate with us. They don't need to
 collaborate with us. We're just assuming they will, and
we're hopeful that they will. We've got a good idea
that -- hopefully, they will. Again, there's a funding
difference between what the Census gets and what we
get -- 187 million versus maybe 20 million that the
Redistricting.

So I'm hesitant to have the Commission start so much
earlier if it's not going to be effective time of their
use, because we don't know yet. This will be the first
time a seated Commission is trying to coordinate with the
Census prior to the new Census being seated. And again,
I do feel that we are in a better position to know what
we need and what type of collaboration we want versus
seating a whole new commission in terms of what they
think they're going to need.

But I still -- I still think that an extra six
months for them would be great. It would help. And then
of course, we would hand over whatever relationship we've
established and connections to the new commission.

And then, Commissioner Kennedy, you mentioned if it
would be incremental changes, like the constitutional.
My recommendations is if we're actually going to try to
do a constitutional change, everything that we think we
want to change -- or would like to see changed -- we do
it in one bite. Because that goes -- that's a huge
effort -- that goes before the voters. And funding. And
there's going to be those that are against it, and it's
just a huge effort. I recommend once it's -- I'm not sure we have the energy to do it twice -- but in terms of the legislative changes, that's an annual process. So theoretically, we could also go forward in future years other than in those years that end in 9, 0, and 1.

Thanks.

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Thanks. Let's see. I'll just tell you how I'm feeling. It's just not sitting right with me. There's a lot here. There's a lot going on -- there's a lot of talk about changes that would all be coupled with this. In this conversation there's a lot of underlying assumption here about outreach and the outreach effort. I just looked back in the Wayback Machine at the role of the commissioner. And there's no outreach for commissioners, right? We as a Commission kind of decided we were going to do that. And so if we -- and it seems like we're deciding how the next Commission is going to do it, too. Or part of this conversation is us deciding how the next Commission is going to do it.

And I'm not -- we've had a lot of commission -- a lot of discussion about outreach and how commissioners
feel about doing outreach in their role. And some of us are really into it and comfortable with it and some of us are not. I'll just go back -- it wasn't part of the -- it's not part of the job description that we got, right? To do outreach. And I'm not sure it's the most efficient and effective way to do outreach is to expect the Commission to do it. I think that they should be engaged. I think that they should engage in education, but putting a big outreach effort on the Commission in addition to their regular -- to the job of drawing lines, I think is a little much. I think that we did it because we had the time, and we had the talent. And I'll just stop there.

COMMISSIONER KENNEDY: Thank you, Commissioner Fornaciari.

Commissioner Sinay?

COMMISSIONER SINAY: I'm going to guess that working so closely with Commissioner Fornaciari on outreach has influenced me to a certain extent. We have gone back and forth on is outreach part of what we do or not do? And the reason is not so much is outreach a part of what we do or not -- because it is very clear that we need to engage as many people -- but I think usually the tension is, do we cross the line of maybe getting information from others on redistricting matters?
I think the main argument that is being made for partnering with the Census is really about outreach, right? How much can we -- not the Census -- I mean, rebranding and branding with the Census -- that was never -- I wasn't thinking that. My thought was that the contracts that are done by the Census can include a longer period that brings in this amount. And if that means part of the budget -- I don't know how state contracts work. I know state contracts can be that creative where they partner with a nonprofit and they get funding from two different pools or for two different projects. I don't know -- I'm going to guess no based on our experience of trying to create contracts with community groups.

But the idea -- I think where I'm struggling to -- what I'm struggling to communicate is just the need to help the infrastructure on the ground be more seamless. Nonprofits, advocacy organizations, associations, grassroots groups -- however we want to refer to them -- are hungry for cash. And there is the reality that it is a cycle that you're constantly running around looking for money. And how can we be part of the solution and not part of the problem as two government entities who are really trying to reach the same individuals to get them involved and get them to understand -- to get them
engaged in a healthy democracy?

COMMISSIONER KENNEDY: Thank you, Commissioner Sinay.

Commissioner Vazquez?

CHAIR VAZQUEZ: Yes. Thank you. I think I understand sort of this question mark about commissioners doing outreach, and especially because there is a learning curve. That being said, I do feel pretty strongly that the Commission is responsible for outreach because I am not sure how we fulfill our mandate to identify community of interest -- communities of interest without outreaching and engaging the community to give us that information.

Now, I think reasonable people can disagree about what -- how that should look like and what role individual commissioners can play, but I would think that in my ideal world, the outreach staff that we brought on -- the local outreach staff -- would be the ones creating those connections to local CBOs in real time whether, honestly, we hire them or the next Commission hires them.

I also am still -- I continue to struggle with why we need to completely sort of like, dismantle everything that we worked so hard to build, and I think Commissioner Kennedy you have made this point several times. I really
disagree that we don't need sort of -- maybe a skeleton
staff, certainly. There are ebbs and flows to the
workload, but I think if we had a full functioning office
and even local offices, we could create robust
institutions -- we could become a robust institution with
staffing and capacity to be able to leverage
relationships on the ground.

And I think also Commissioner Sinay mentioned sort
of the cycle of being a nonprofit and being hungry for
cash. I mean, I think, for me I don't necessarily think
we should find -- let me back up. How do I want to say
this? These groups are going to be doing the labor of
outreach and engagement anyway because that is how --
that is how they will be making our democracy truly
representative. So they will -- these community groups
are -- as they did -- as they did this year and as they
did ten years prior -- they're going to be doing the
work. And I feel like they should be adequately
resourced to do that work, whether we do it, whether we
figure out a way to have private foundations support that
work or what have you.

So for me -- they're going to be doing the work
anyway -- they should be compensated. And so part of how
this for me is relevant to when the Commission starts is
that if they're going to be doing the work anyway, I
think the Commission as a whole needs to be part of --
needs to be part of supporting them in doing that,
whether financially or as thought partners.

COMMISSIONER KENNEDY: Thank you, Commissioner
Vazquez.

Just to summarize a little bit before break -- my
sense is -- and please correct me if I'm wrong -- my
sense is that we all believe that a future Commission
would need more time than what is currently foreseen in
the legal framework. Not talking about our experience
with COVID, but just in general that if we had not had
the pandemic and we had had our first meeting in August
of 2020 and had to submit final maps by August of 2021,
with everything that we know now, we generally believe
that the next Commission and future Commissions will need
some more time.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Yes. I agree with that.
And I agree with what Commissioner Sinay and Commissioner
Vazquez just said. But I guess -- I guess it's the hows,
right? I mean, we're having a conversation about a time
line without knowing what we're going to do and how we're
going to do it or propose to do it, right? And there's
so many questions in addition to the time line that we
need to discuss and come to an agreement on. I mean,
it's so coupled that just this conversation about the
time line and making the decision about what the time
line looks like is difficult for me to come to some
conclusion on that without understanding the rest of it,
right? And so one of the big things that we ran into is
contracting with CBOs, right?

Okay. I mean, if we want to give money -- if we
want CBOs to have money to do this work, we got to figure
that out. And we also got feedback from them -- they
don't want to get the money from us because then they'll
feel beholding to us. So how do we solve that problem?
We talked about -- so if we make this thing a year
longer, yes, maybe they won't have to meet so often, but
is that going to exclude folks from participating because
it's more time on the Commission -- the Commission's not
in hibernation.

We talked about a salary for -- the potential of
having a salary for the commissioners. I mean, to me,
that changes the conversation, too, right? And so I
guess I'm struggling with all of these pieces, and for me
to make an informed decision about what the time line
should be, we need to have all these other conversations,
too.

COMMISSIONER KENNEDY: Great. And my hope is
that -- I'm not trying to close off this Lessons Learned
discussion and long-range planning discussion by the end of March. I don't think that's realistic. I think that this needs a good bit more consideration, and I will be happy to continue this discussion after the end of March. But I do think it's important to at least start taking steps in the direction of having a consensus on what we would put forward to those that we need to put our ideas forward to. So thank you for that.

Commissioner Le Mons?

COMMISSIONER LE MONS: I wanted to echo some of the same feelings, I guess, or perspectives that Commissioner Fornaciari is raising. It feels similar to points I made the other day. And it could just be the way I am thinking of Lessons Learned, which is just that. Okay, these are the lessons that we learned based upon how we approached it, and I think that is the key piece. It's how we, as a Commission, decided we wanted to achieve the objective of the Commission. It isn't a set-in-stone approach. It's a different approach than the previous Commission used and could, quite frankly, be a very different approach that the subsequent Commission will use.

So I think that that part makes it a little difficult for me in that I want to be careful that we're not so arrogant in what we experienced is what we
experienced, but it's really more the frame that --
because this is what we experienced, this is what it
should be going forward. So that's the part that I'm
having a little bit of difficulty with.
I think raising these things -- and I know the
problem is that all the things that we talked about so
far in terms of time lines and timing and all of the
learning curves and ramp-up times and everything that's
required for any new commission to be seated -- a lot of
this process that we're doing right now they won't have
the luxury of doing. So I know we're trying to make not
only the overall process and experience more productive
for the broader objective of why the Commission exists.
I wonder at what point did we begin to kind of cross
the line in our scope as the 2020 Commission? And I'm
not saying we are crossing it -- I don't know, but maybe
I, in my own mind, need to have more of a delineation
between Lessons Learned like a escalation of our process
and a pointing out of our discoveries and some high-level
broad suggestions of what might be raised of dealing with
some of those things, keeping in mind the respect and
latitude of the autonomy of the 2030 Commission.
And then second to that, and maybe separate, is this
whatever the length of the list is of things that we
think just have to be corrected and that there becomes a
consensus from this Commission through a vote that that's what we're going to do. And then from there, we can focus our time over whatever period of time that we're going to invest in that over the rest of our tenure, based upon when things would need to be approached with different bodies, et cetera. So I think maybe process for me and how we are going to really achieve this would be helpful in better understanding as well.

So those are just some of my thoughts. I don't have really solutions to offer, but it's just some things that I've been thinking about as we've been having these discussions. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Le Mons. So we are at -- we just passed 11 o'clock. It is break time and so we will -- I'll hand it back over to the chair and we will pick back up on the backside of our break.

CHAIR VAZQUEZ: Great. Thank you. Let's have a full 15-minute break, so I will see folks at 11:16.

(Whereupon, a recess was held from 11:01 a.m. until 11:16 a.m.)

CHAIR VAZQUEZ: All right. Welcome back to our Lessons Learned conversation.

I will turn this back over to Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. So I
believe Commissioner Le Mons was last. Commissioner
Fornaciari had had his hand up, but I believe he had to
step away for a bit. I raised my hand basically to say
that providing more time for the 2030 Commission doesn't
compel them to do anything specific with it as
Commissioner Fernandez said. Maybe they decide to have
fewer meetings because there's less pressure. I suppose
it's possible that they would appreciate the pressure. I
once worked with a colleague who said the best way to get
anything done is to have a plan and not quite enough time
to do it. But my sense is that for many reasons, most of
which we've gone through last week and this week, it
would be good to provide the 2030 Commission with at
least some more time even if we're not able to provide
them with what we might consider an ideal amount of time.
So for me the bottom line is providing more time
might be achievable without a constitutional amendment,
providing anything near what we believe would be ideal
would require a constitutional amendment. And as
Commissioner Fernandez, I believe, pointed out, that's
orders of magnitude more difficult than providing some
additional time. So I invite further thoughts on this.
Again, I don't know that we have to reach a final
conclusion on this today or this month. But it is
certainly a conversation that we need to have and we do
need to conclude it at some point.

Commissioner Yee?

COMMISSIONER YEE: Thank you, Commissioner Kennedy.

Yeah, a constitutional amendment -- I mean, it is a big lift. I'm trying to think kind of as the devil's advocate -- let's say I'm just a voter out there. What's the case? What would compel me -- what's broken here that needs to be fixed that would compel me to vote yes. And knowing that this involves more money, and so on. And it's tricky because we're kind of talking out of both sides of our mouth. We're saying, we're very proud of our maps. I'm very proud of our maps. The maps got done. The job was done. Same thing in 2010 with half the time. Maps got done. So from a voter's point of view, what's broken that needs to be fixed?

Of course, everybody wants more time and more money, right? And could do a better job. And we could've done a better job. But the job did get done, so even if we got this onto the ballot, it's not a slam dunk, I don't think, that it's an obvious fix that people would fall behind. And even just to have -- without the change -- just staying in the years ending in zero -- even to have three or six more months -- three, four, or six more months -- that would've been useful, for sure. And I think -- thinking in those terms might be more realistic.
Thanks.

COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. I totally agree with Commissioner Yee's perspective there because it's the why, the what. And the one idea, though, that we really need to push in terms of why is -- the 2010 Commission did not have the ability to do the community of input -- sorry -- the communities of interest -- our COIs -- before the census data got there. And that is crucial. That is a very, very big difference, which we were able to do. And that was very well received. And it's separate from maps.

And both of -- they told us, boy, we wish we could've done a second draft. We were saying, we sure wish we could've done a second draft. Those are really legitimate reasons that the public -- and I believe all our partners out there -- would say, wow, we sure would've liked to have had a second draft. And those community of input meetings were very, very valuable. So I just wanted to say that.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

Commissioner Vazquez?

CHAIR VAZQUEZ: Yes, agreed. I think the community
of interest input was really valuable in that that work,
I do think, could've benefited from additional time as
well as Commissioner Andersen said, having more time to
do a second sort of official draft map.

An additional perspective I will add about pushing
for commissioners to be seated earlier is that Census
would require going out to the ballot and getting voters
to agree to it. As you said, Commissioner Kennedy, this
is a giant lift. It's going to be expensive. It will
cost not zero dollars to run a ballot initiative and a
campaign. And it seems like if we're going to be doing
this lift, should we not -- should we not try to maximize
that opportunity? I would have concerns about doing all
of this for three to six months.

And I also -- I think it's both -- I'm getting into
campaign mode -- it's about making the case to voters and
it's also -- I'm not sure that we would have a super
vocal opposition. That's also what you think about, I'm
sure -- like, folks -- there will be some on the
record -- well, this'll cost money, the job got done,
blah, blah, blah. But I don't foresee a strong, well-
funded opposition to this unless we give folks reason to
strongly oppose. So for me this -- I'm not saying that
by any stretch that's an obvious or easy win, but it will
be a lift, and so I think if we're going to do the lift,
we should do the lift to get some real additional
meaningful time for the next cohort.

COMMISSIONER KENNEDY: Thank you, Commissioner
Vazquez.

Again, I'll highlight that moving the start to --
for example, January of 2030 -- so roughly five or six
months more than we had and roughly a year more than the
2010 Commission had -- does not require a constitutional
amendment. That can be done with some legislative
changes, not necessarily easy, but certainly not the
expense of an initiative campaign.

But again, I also highlight that it may be that the
time line that we currently have was largely a product of
the short window between the time the original initiative
passed in the fall of 2008 and the 2010 census. If the
initiative campaign had happened in 2003 rather than
2008, would we still have the same time line that we
currently have? I think that's a question that we need
to ask; we need to look at; we need to consider. And
certainly, if we strongly felt that starting in 2025 was
going to be the best for the future of Citizens
Redistricting Commissions in California, I would be all-in on that campaign.

I am not yet to the point of believing that given
the -- given all the factors that we're talking about
with that 8/20/25 start is necessary and given that we could, in fact, undertake some of what we were talking about while we are still in office. I just wanted to put that out there. Thank you.

If there's no further discussion on this right now, we can certainly come back to it later. The next item that has come up in our discussions that has at least some traction with Commissioners, is a possible change to the size of the Commission, shifting from five, five and four to five, five, and five. And if the consensus is not to shift or propose a shift to five, five, and five, there was some interest in changing how the other category is handled, whether that be by saying the third largest grouping, rather than the -- sorry, the second largest grouping rather than the second largest party because "party" limits it to Democrat or Republican. It does not take into account that the entire "other" category is currently larger than the Republican category, even though the no-party-preference category is still somewhat smaller than the Republican category, but once you add the other elements of the "other" category, that is larger than the current Republican registration.

So just wanted to open that topic up for discussion.

So Commissioner Sinay?

COMMISSIONER SINAY: I just wanted to acknowledge
that I found it fascinating yesterday -- I think it was Michigan -- their biggest representation on their Commission was, actually, from the third group. And everybody else was kind of like us in that they shared. And I just wanted to bring that up that that was just something to think about.

COMMISSIONER KENNEDY: Commissioner Andersen?

COMMISSIONER ANDERSEN: The one thing that I think -- we often say, oh, it's five Democrats, five Republicans, and four of the other. That's not the -- that's not how it's written. It's five of the most populated party by number, five of the second most populated party by number, and four of the remaining parties together. And so I don't know -- the only reason I would say maybe go five, five, and five is -- and there's one also interesting thing about it in terms of the "other" -- there is a category where a lot of people thought, yes, I want to be independent. I want to be no-party-preference, and then there's a party -- there's a political party which people did sign up, thinking they were joining the Independent, but no, it was actually a different political party. Many people found that to be kind of a bit of a shock.

So it would be interesting to see the numbers before we really decided on this one way or the other -- the
actual registered numbers right now. And then we can
talk about where it would go, but I like the way it's
written right now. I could see -- just because the
numbers that we were talking about before, having it go
five, five, and five, which would give five of -- the
first largest, the second largest, and five for the
remaining, as opposed to four remaining just because of
more representation for the mix. But I just wanted to
make sure that people know it's not five Democrats, five
Republicans, but it's -- if another party becomes larger
than the Republican Party the way it would be right now,
is the Republican Party would be mixed in, and I don't
think that would sail past the legislature, just to put
it bluntly.

COMMISSIONER KENNEDY: Okay. Hold on just a second.
Okay. So this is the latest report on voter registration
for the State of California. This is the 154-day report
before the June 7th Primary, so this is as of January
4th, 2022. And this shows you going back to the --
before the formation of the Citizens Redistricting
Commission.

Commissioner Yee?

COMMISSIONER YEE: Yeah. So two questions. One is,
the idea of adding one, I take it, would be a move
seemingly to add fairness? I mean, in our case for you
first eight, it would've helped that tough decision at
the end if we would've been able to fill one more slot,
but otherwise, what's the strong argument for anyone?
What is the problem that that fixes?
The third category is actually neither of the first
two. It's not just third-party, but of course, no party
of preference as well. So I can certainly see the
argument of fairness for no-party-preference being
considered as a category. That could be one of the first
two categories as you can see here as of January this
year it's certainly creeping up and may well soon be the
second largest category.
On the other hand, I have to agree. I don't think
politically it would fly, and our two-party system I
think it's important. I think it's in crisis. I think
if Republicans slip more in California it's our own
fault. Hopefully, that can change, but just politically
speaking, I don't know if it would fly to essentially
have one of our historic two parties fall off the -- fall
off the first two categories. But what were the
arguments for adding one? I'm not recalling exactly what
they were.
COMMISSIONER KENNEDY: Well, if I can jump the line
at this point, as it were -- yes, fairness, but also if
you consider that in the adoption of the final maps, for
example, or personnel decision -- major decisions of the Commission that require a special majority. That special majority is three, three, and three, despite the fact the membership is five, five, and four. So you are in essence giving the four in the other category individually more power than any other individual member of the Commission. To me that's a -- that has to be considered in this discussion. I'll leave it to others to bring up any other points that they see on this.

So Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Well, because Commissioner Kennedy jumped the line -- he stole my thunder. That's exactly what I was going to say is it really comes into play. And if you can remember, some of the votes we had to either hold off or postpone in order to ensure we had enough. And at least if it was five, five, and five, you could -- theoretically, two could be gone from a specific party, depending if they're going to vote one way or another.

So yeah, it was two-fold, fairness and then also for the super-majority votes that comes in to play. And as Commissioner Kennedy said, higher weight then, is given to the no-party-preference because they've got four versus the five. Or whoever that third -- whoever's going to fill the four. Thanks.
COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

Commissioner Toledo?

COMMISSIONER TOLEDO: I don't have a strong opinion either way, but I do see the argument in terms of fairness and the votes. One thing I wanted to raise is just -- one thing we did see, and we did hear from the public during this cycle, has been geographic distribution of the commissioners and might there be -- it probably also would be very controversial -- but potentially trying to see how we might be able to incorporate some geographical considerations as part of the selection of the Commission as to whether there are fourteen or fifteen of us. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Toledo.

COMMISSIONER AKUTAGAWA: Thanks. I also want to support what has been said about fairness. I guess also thinking about fourteen -- I don't want to think about it necessarily in terms of a tie-breaker. I hope that any future votes will maybe be similar to us where there's enough, I think, collaboration amongst the commissioners that there can be, again, another unanimous vote. But I guess just for me the argument is also why shouldn't it
be five, five, and five, instead of what is the case for five, five, and five. It's more the opposite, why shouldn't it be? And I think that as we're seeing from these numbers that there is a shift in the way, I guess, people do not necessarily want to affiliate with either one. It could also be about challenging the status quo of a two-party system and also saying that in some ways just having a little bit more greater diversity in terms of maybe just how people may want to either identify or not identify may also add to it.

I'm a little -- in terms of what Commissioner Toledo just talked about in terms of geographic diversity, I think we did hear quite a bit about that. I would just say, I would be concerned about adding more parameters, like having to require kind of geographic diversity. I think then -- and I think then the question will, for me, then gets raised about, like, well, how do we ensure other kinds of diversity? Why only geographic diversity? And I think it becomes -- it could become complicated.

It could be that maybe that's just the way we have to go. But again, I think maybe that's better left to the next Commission to let -- or the selection process. It could be left up to us, but I think that maybe that should also be a voters kind of question as well, too. Like, who do they want representing the state on that?
So I'm not necessarily strongly against it or strongly for it. I'm just kind of raising it as just maybe a question. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Akutagawa.

COMMISSIONER SINAY: Thank you. I keep looking up how people talk about political affiliation now that things are changing and we are moving away from a two-party system. And -- and I think we used group and we also brought up -- the one that keeps -- that keeps making the most sense to me is voting bloc. What are the voting blocs? You know, this is, like, the first bloc, the second bloc.

But I think if there was one change that I would like to see in that legislate -- the way it's written, and I know the party part isn't written, but for it to be clear. The way -- so we -- we did ask -- Commissioner Yee and I did ask when we met with Common Cause and League of Women Voters, which I think would -- having their input on some of this is critical. They're still around the people who have these conversations.

But they said, well, we went around and around on numbers, and we really didn't -- we had thought of thirteen, but there was one member from League of Women
Voters, she just thought it was bad luck, so we -- she was like, not thirteen. And so that's kind of how we ended up at fourteen. So I'm sure there was more to it than that, but that was kind of -- we were -- we were kind of amused about that.

I would say that, currently, the -- the third bloc actually has more power than the other two blocs because they get -- when we do a supermajority, it's still three, three, and three. And they only have -- you know, they have four, and so they can hold up votes and stuff. So that's -- you know, just to keep that in mind that if we were to give out parity, parity would be five, five, and five, and then supermajority vote would still be three, three, and three.

And I will say that when I said that the -- when I would tell people, yeah, I got selected, I'm one of fourteen, everybody's question was, like, why fourteen? Shouldn't it be an odd number so that you have that break? You know, the person who -- but because I didn't know about the super majority at the time, and so I think that's how they handled having fourteen and having that tiebreaker.

But I would be -- I'm okay either way, but I would -- but I would be really supportive of making sure we have clearer language so that it's about political --
you know, it's about blocs and that it's all-inclusive
for all the different small parties, bigger parties,
independents, nonparty preference, all the different ways
people define themselves when they cast a vote.

COMMISSIONER KENNEDY: Thank you, Commissioner

Sinay.

Commissioner Taylor?

COMMISSIONER TAYLOR: Thank you. For all the
reasons that you guys have stated, I think I would be in
favor of the additional slide, balance, parity, fairness,
and I think the additional stock would also increase the
complexion of the makeup of the commission to be --
fairly represent Californians and also add to the
potential balance in geography. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner

Taylor.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes. I think this is also
what Commissioner Taylor just mentioned, but I just --
having that additional member, that would be -- then
seven would be selected by the eight. So that would
allow an additional member to balance, like, for
geography or ethnicity or race or background, whatever
the case may be. But it would hopefully balance out
being able to fill some of those -- check off some of
those boxes.

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez. All right.

COMMISSIONER ANDERSEN: I was just actually going to go the other way. I would recommend -- oh, first of all, I believe the way it's written is as clear as it -- as it should be. It should be the first -- you know, I'm not sure what bloc, you know, by voting blocs, but in terms of political party by number, the largest political party by number, the second-largest political party by number, and then the remaining parties, you know, as a group. And then, you know, whichever party -- you know, as you say right now, there happen to be more of, quote, others, the combination -- over here, it looks like there are three parties and other, but it's two, one, two, and others is the way it's written, co-combined.

I think we should have five, but I believe it should be the first nine and then pick two, two, and two. And the reason I'm saying that is because you have to do those as a slate, and it's very tricky. I think having the voices would be different. Now, the one thing that you do -- we do have to need -- made to understand is those could be who knows. And as the population shifts over the years, who knows what the first and second
parties will be in our state? You know, we have no idea. And I was going to say it should be the first nine and then two, two, and two.

You know, I do see what Commissioner Fernandez said about, well, maybe you could make sure of geographic -- but they do consider geographic all the -- all the way through. It's unfortunately, there just aren't that many people who tend to apply, and that's where I think we need more outreach in terms of areas that are more remote or, you know, further -- you know, not just from the big cities. So but that's why I was going to say it should be the first nine, and then -- but we do regardless, if we add a person, we need to pay attention to all those specific details.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

You know, just a hypothetical, what if we reached a point twenty years from now where no party preference had more than anyone else and still had fewer seats on the commission? You know, I think one of the challenges of this is to perhaps think in terms of hypotheticals and how could it be written more generically so as to ensure, you know, that fairness is not just -- that fairness is not limited by putting the word party.

And that's why, you know, some are saying, you know,
what if we changed -- proposed changing the word party to grouping. And no matter what happens, no matter how many years down the road, you know, then it is taken care of with a small change in just the terminology.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. I see the distinction now. I just assume no party preference was, quote, group. But without defining it that way, it is misleading, yes. It's like they don't count sort of when -- it certainly is a group. So I see the point, and I appreciate that point. And I don't believe -- well, I don't know. It would be interesting to see what the people who originally wrote it actually contemplated.

COMMISSIONER KENNEDY: And again, this is -- this is in the category of if this change were to be made, it would have to be through an initiative. This is not achievable through legislation because this language was put in there by initiative and can only be changed thorough initiative.

Commissioner Vazquez?.

CHAIR VAZQUEZ: Thanks. This, more so than extending the time line, feels like it would invite a very strong, well-funded opposition campaign from one or both parties. So just wanted to flag that, that if we're concerned about heavy lift, this one is going to be
(audio interference).

COMMISSIONER KENNEDY: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I completely agree with Commissioner Vazquez. This is going to be the one that's going to not be a winner, I don't think. But I mean, that doesn't mean that's why we should not go for it, but I just see the arguments because we don't know Democrat, Republican, what that will look like in ten, twenty, thirty, forty, fifty years, and neither one would want to lose their five, I think.

COMMISSIONER KENNEDY: But the beauty of proposing five, five, and five is that no one loses five. You know, it puts everyone on a more even keel and, hopefully, you know -- a three-legged stool is more stable than a two-legged stool.

COMMISSIONER AKUTAGAWA: Yeah. I wanted to just really emphasize or agree with what you just said, Commissioner Kennedy. I guess I -- I mean, I guess, I'm just going to say I'm probably being just, you know, not informed on this. I mean, what happens if, in some cases, the no party preference grouping goes higher? Does that mean that they get the five and then one or the other, whether it's Democrat or Republican, gets a four-seat placement?
And I'm sure that's not going to make someone very happy, either, and I guess -- in some ways, I guess the rise in no party preference is also a reflection of, you know, what people also believe about the two-party system, too. So I guess I'm just -- I'd be curious. I mean, and I don't know if anybody has a way to explain, like -- I guess, the -- yeah.

I mean, I'd be curious why there would be a feeling that there would be a loss of something versus more of evening it out and ensuring, in a way, a fair -- kind of equal seats for at least Democrat, Republican, and no party preference, which would -- I'm assuming is going to be combined with other, but I guess it's not because if that were the case, then no party preference and other would have been the second-largest grouping for even our commission. So I guess it's not worked out in that way, so yeah. Thank you.

COMMISSIONER KENNEDY: Thank you.

Yeah. The language currently says the largest party, the second-largest party. So since no party preference is not a party, the no party preference, even if it were, you know, fifty percent of the voter registration, would not be able to have equal representation with the next largest grouping and the following grouping, as it were.
So I mean, as I see it, the only way that someone really loses a seat on the commission is if it stays at five, five, and four and the language is changed to grouping rather than party. If a proposal to change the membership to five, five, and five were to pass, you know, nobody's losing a seat. And if we stick with five, five, and four and don't change the language from party to grouping, nobody's losing a seat. That's a way to look at it.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: So I'm not saying that I'm not supportive because, actually, I'm supportive of it, and I just want to explain the losing piece of it. The losing piece of it is if you have to be lumped with the others, right? So you potentially have a chance to -- either Democrat or Republican or even no party preference, to lose a commissioner to other. So that -- I'm trying to explain what it is, but I'm also saying I agree with moving forward with the five, five, and five. I just think that there's going to be strong opposition to this, and I just want to make sure everyone's fully aware of that.

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

Commissioner Vazquez?
CHAIR VAZQUEZ: I agree with Commissioner Fernandez.

I think what I'll add is that this composition was extremely contentious when it was proposed. It was probably one of the bigger fights in the ballot initiative in particular because there are -- there were also competing proposals to structure this so that representation on the commission was proportional to the party distribution in the state.

So in particular, Republicans, having even representation with Democrats, was an especially important political compromise to get this -- to get our commission established. So I'll just say that I don't necessarily disagree that it's better public policy to have a fifth seat on this commission. I will say that I have big concerns about the feasibility of getting this passed both Democratic and Republican opposition, in particular, because I think, you know, we are a unique -- we're a unique group of individuals.

So this is where I think we also sort of have to step back and think about how our individual commission worked together, which I think was pretty brilliant and special. And the fact that we had a unanimous adoption of our maps, again, I think it's really unique and special, and I don't know that we can guarantee that kind of synergy and that partnership across the next
fourteen/fifteen cohort.

And I think that is where sort of the political leaders of the parties -- the parties in our state will be very, very mindful of when considering their opposition to this because what you're doing is potentially neutralizing a party line vote in favor of or against maps that are maybe completely distasteful to one party or the other. So yeah. Again, just because it's smart public policy does not always mean we have the political will to enact such policy.

COMMISSIONER KENNEDY: Thanks for that reminder, Commissioner Vazquez.

COMMISSIONER AHMAD: Thank you. And I just wanted to echo agreement with Commissioner Fernandez's statement. I -- in theory, this would be great, but in practicality is where I'm getting a little pause. And I feel like trying to approach this project might be -- might have unintended consequences on the progress that we've made to even get a -- an independent commission up and running. And then the last point being another -- the third group gaining a seat is, in effect, decreasing the power of the other two groups. So perhaps having those groups being leveled won't be in -- as we learned yesterday, in everyone's agenda. Thanks.
COMMISSIONER KENNEDY: Thank you, Commissioner Ahmad.

COMMISSIONER ANDERSEN: Sorry. Just one last thing. And I appreciate what we're saying here, but the supermajority's three, three, and three, so it isn't -- you know, the Republican Party, the Democratic Party have three votes, all the rest together have two -- have three votes, the way it is now. And by adding a fifth person to the other group, the remaining -- I'll say the remaining groups -- would not change that.

And unless we define no party preference as a party, there would be no change. They would still be part of the other unless one of the other -- one of the actual other political parties becomes larger than, you know, the second-largest or the -- you know, one of the first or second largest.

You know, we have to remember that this is not a -- you know, all major decisions by the commission are a three, three, three vote, which does give more power to that third grouping -- seventy-five percent versus, you know, the -- three out of five. And that is -- that's powerful. Now, if you divide it up between -- with political party and stuff, which is true.

But if it becomes five, five, and five, it actually
essentially reduces the power, if that makes -- of the
combination. But it -- nobody else loses power, even if
you get it -- even if there's sort of the switching
around, you're still three. And I understand what
Commissioner Fernandez said if the number 2 party becomes
one of the mix, but unless it's redefined -- party is
redefined -- it's not happening.

And I think -- I understand the public's perception,
oh my God, you know, because you think fourteen. You
know, what Commissioner Sinay first. Oh. Oh my gosh.
Well, what about -- how are you going to break
tiebreakers? But then you see the -- no, all important
decisions are made on a three, three, and three basis.
The tiebreakers are, you know, about, you know, what
dates we're having our meetings and things like that.

So I think -- and I just want to make sure that
people don't think no party preference is -- I sort of
thought, quite frankly, but no party preference is no
party, so it doesn't -- it's not as one -- it cannot be
moved into the one or two unless we redefine that, which
that is never going to happen, given the Republicans and
the Democrats. So I just wanted to make sure that
everyone was really, really clear about that.

And the other issues, though, are absolute truth.

It's public perception of what -- of what they would
think. So just wanted to make sure that everyone was aware.

COMMISSIONER KENNEDY: Great. Thank you, Commissioner Andersen.

Anything else on this point?

Okay. Then the third item under possible constitutional changes would be changing the deadline for the maps from August 15th. And what I've heard mostly is shifting that back to the original September 15th deadline that was included in the 2008 Voters FIRST Act. So opening up that discussion.

Commissioner Sinay?

COMMISSIONER SINAY: Yeah. When I first saw this, I was like, well, why September 15th? It seems like it would need even more time. And one thing we did learn this time is that there -- that it can be done, right? I mean, we pushed the Office of Registrar, you know, throughout the state, obviously, with our time lines, but I was -- I was kind of thinking more October 15th versus -- you know, giving -- I know that if we could justify the -- that we were saying, well, September 15th because we need the one month for reallocation of formerly -- of incarcerated individuals.

And then we, you know -- but I still think that it was a tight time line -- it would be a tight time line
for the future group, future commissions. Obviously, we -- you know, yeah. So I still think that that extra month would be helpful just to be able to do things, check, get out the input from the community, and you know, we keep talking about one map -- one draft map or two draft maps. All that could still use another month.

COMMISSIONER KENNEDY: Thank you, Commissioner Sinay.

Commissioner Yee?

COMMISSIONER YEE: Yeah. I reached out to Kathay Feng, you know, since she was involved in the original Proposition -- the first two, but including the second one that changed the deadline back up to -- or moved it up to August 15 and asked her why. She said it was, as she recalls, to give more time for any litigation that came up as well as more time for election officials to get ready for the next primary.

But she reminded me that, you know -- that primary date could change. You know, there's some interest in getting California moved up in the primary calendar. Who knows? And then, of course, the census date, you know, we all thought was a very stable kind of thing but we learned otherwise. So you know, there are variables there, so her thought, you know, about it was maybe the language should be changed to something that allows for
flexibility, you know, based on the census and based on primary date and finding some kind of formula that would be able to be adjusted as things might change.

COMMISSIONER KENNEDY: That's actually a very interesting point. Thank you, Commissioner Yee, for that.

You know, with -- there was a little bit of confusion at some point between receipt of the census data by the state and receipt of the census data by the commission. And clearly, for the commission, it would be -- it would be an easier time line if there were certainty. Not necessarily saying more time, but if there were certainty, knowing upfront how much time there is between the commission receiving the data and the requirement to submit the final maps.

Part of -- part of what we faced was there was -- there was a date for the state to receive the data without a hundred percent certainty as to when we would receive the data. And so Commissioner Yee is right that the -- you know, it could be useful to have more clarity just on that point, if nothing else.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I kind of go back and forth on this one. I -- well, first of all, I did reach out to Karin Mac Donald from the Statewide
Database trying to get understanding, and I think Commissioner Akutagawa might understand it a little bit more, in terms of when the Statewide Database receives the census data and then when we would receive it. It has more to do -- it has -- it's more involved than just the realignment of incarcerated population because the 2010 commission also had that lag, the three- to four-week lag.

So the second piece of it. I go back and forth on this one because I honestly think that if, one, we did less visualizations -- and actually, number 1 would be if we had our VRA and racially polarized voting analysis done well in advance, I think it would have really -- I don't want to say sped up our draft maps, but it probably would have because we seem to be doing a lot of, you know, Etch-A-Sketch and then starting over again.

So I think if we have -- if we had our VRA ahead of time, because you can do that before you receive the census data, and then if we had less visualizations, more line-drawing, I really do think we would have had time for a second draft map. So at this point, I think I'm okay with the date as long as, hopefully, the 2030 commission takes our advice and does their VRA analysis ahead of time and has less visualizations.

COMMISSIONER KENNEDY: Thank you, Commissioner
Commissioner Fernandez?

COMMISSIONER AKUTAGAWA: Yeah. I mean, I hear what Commissioner Fernandez just said. I guess I was just thinking, you know, that extra breathing room you get. I mean, you know, there's something to be said, you know, like, okay, if you're efficient with your time, you should be able to do it. And I think they're going to be -- there can be an argument made for that, I think. At the same time, I think knowing that -- you know, ensuring -- the inputs of communities sometimes can take a little longer. Sometimes that extra time does make sense.

And I guess if I -- if I had to choose between starting the commission earlier or starting the commission later, originally I was thinking, you know, yeah, we should start earlier. But I heard some of the kind of perspectives on why, actually, that's not as critical versus, you know, being able to extend the deadline on the back end because then it gives you more time once you receive that census data.

And I think that's when people really start to pay attention, too. And I think we found that as well, too. Again, I think we also have to -- and I think this has been already said, you know, since this requires a
constitutional change, you know, I think that's going to have to be a really serious consideration that we'll have to take into account.

And I -- honestly, I don't know if people would understand the difference between August 15th and September 15th or any other date. And I think they're probably going to be, why are we being asked to vote on this, also, and so that's going to be another challenge as well, too, you know, just in education on that part as well. So nothing's easy, but I guess -- yeah. I just wanted to just throw that out there as food for thought.

Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Akutagawa.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. These are all very good points. I really like the idea of rearranging the language to be descriptive of what actually happens, i.e. when the CRC receives the data is a very important distinction. And I do want to say because, you know, we did work extensively with the line drawers and also Statewide Database, and there is -- it isn't just prisoner reallocation. It takes about a month, but -- about a month -- but there is some realignment that have to do to verify numbers, and that usually takes about a
six-week on top of that, which is why -- a two-week on
top of that, which makes, like, about six weeks.

But then also, which we now know, is at the end --
you know, we did the three-day item and now we know that
that is not enough. So that needs to be extended about a
week to allow for the maps to be completed, the
descriptions to be done, that final report to be put
together.

And you cannot do some of those items until the maps
are final, and we sort of built the whole time line
around that, which, again, you can get it done, but you
don't necessarily get it done well. And if we're making
this -- as I said, to move it at all requires a lift, and
I would -- that's why I would like that extra month at
the end added to it. But I also think that should be,
like, a certain amount of time from when the CRC receives
the data.

I don't know if that's more confusing to the public.
It might actually make a little bit more time -- make it
clearer. And you can certainly say because one never
knows now what could happen to the census date. Other
people really prefer hard dates. So I would consider
both manners, but I would build it from that and going
backwards. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner
And looking at the constitutional language, it's in section 2, subsection G of Article 21 of the Constitution, it says by August 15th in 2011 and in each year ending in the number 1 thereafter, the commission shall approve four final maps. So it is, as you say, just a hard date. It's not relative to anything in the -- in the Constitution. We had something that was relative to something because of the Supreme Court ruling, but the constitutional language is a hard date.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I just -- just a couple of things I wanted clarification from Commissioner Andersen. Was she requesting -- or was she stating that she would like to see the language say that -- oh, wait. You said it's a hard date. Never mind. But if we were going to change it, she wanted it to be from the date that we receive the data from the Statewide Database and then also increase the date. I think that's what she said. Was that right?

COMMISSIONER ANDERSEN: Yeah. Basically, yes. Basically, the way it is for now, it's like a -- like a three and a half -- essentially, they're thinking, okay, you get it on April 1st, done by August 15. But we now know the CRC does not actually get the data on April 1st,
if things went well. It gets it more like May 1st, say.

COMMISSIONER FERNANDEZ: Okay. So you were --
COMMISSIONER ANDERSEN: -- around.
COMMISSIONER FERNANDEZ: That plus --
COMMISSIONER ANDERSEN: So then --
COMMISSIONER FERNANDEZ: Plus a longer -- plus

September.

COMMISSIONER ANDERSEN: Which I would take it to at
least September 15.

COMMISSIONER FERNANDEZ: So that's --
COMMISSIONER ANDERSEN: Probably September 15.
COMMISSIONER FERNANDEZ: So your proposal would be

actually --

COMMISSIONER FERNANDEZ: Add a month.
COMMISSIONER FERNANDEZ: Okay. Okay. So my
other -- I guess my --

COMMISSIONER ANDERSEN: Or (indiscernible,

simultaneous speech).

COMMISSIONER FERNANDEZ: -- other point. Okay.
Right. So --

COMMISSIONER ANDERSEN: Yeah.

COMMISSIONER FERNANDEZ: -- my other point is,
we're -- no one's ever going to feel like they had enough
time. And then I don't know what the extra month will
give us other than, as we saw, the politica...
organizations and saying the same thing over and over. I'm not sure how helpful that's going to -- the extra month's going to be to continue to receive that feedback.

Because at the end of the day, it's quite a bit of data and you just have to draw the line because you could continue to analyze this data and input for a year, and I don't know if that would have resulted in better maps than what we did. I guess that's my point is, will the extra month give us better maps than what we had? And I guess, at this point, I would say no if we did it efficiently, you know, knowing now what -- then what we know now.

COMMISSIONER KENNEDY: Great. Thank you, Commissioner Fernandez.

Director Kaplan?

MS. KAPLAN: I think you had reached out to Statewide Database about coming to an upcoming meeting, so I think, again, having that conversation around the data processing that goes on in between when they get the data and when it goes to the commission along with, like, over the next ten years, what is done because there may be opportunities to speed up that time line as well should you not go for a later time line. So I think that would be helpful to get a lot -- you know, a lot more of that background from them as well.
COMMISSIONER KENNEDY: They'll be joining us on the 30th. Thank you.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. Sorry. There's one item I forgot. The one item that was -- I don't know if that was considered in the 2010, but it sort of went back and forth with us because of -- because of our time frame, blah blah. But it was that the community of input. You know, we -- remember, we did our community of input before we received census data. And then we wanted to do -- let's get -- hear from the community about the actual census data, what they'd like to do.

But all of them said, can you give us a couple of weeks to process it, and then can we give you our information? Without that extra time, it doesn't work that way. And that is what we did. You know, we just said, sorry, this is when you can come and talk to us, this first couple of weeks. And who got left out of that were the smaller groups. The larger groups had that together and could come in to do presentations. A few individuals could, but the smaller groups couldn't react fast enough. And that was one other item.

Also then that, yes, I understand we did quite well, but, you know, if we had gotten our VRA ahead of time, that would be really good. But again, the three-day at
the end, we needed -- you know, we needed that four or five extra days at the end of having -- we declare final before we have to turn over everything, including that final report. Three days does not cut it.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

Commissioner Sinay?

COMMISSIONER SINAY: Thank you. I may have misunderstood what Commissioner Andersen said, but what the groups had asked was for us not to start any line-drawing until they presented their maps. And they -- yes, they -- you know, they needed time, like we all did, to process it, and we said -- and our decision was we wanted to start -- you know, we wanted to understand, which I thought was -- was good for us to get in there and understand the state so that when they presented all their different maps because, you know, I think that's a lesson learned, too. A unity map is not one map. I think until they actually presented their maps, I kept thinking they were coming together in a unified map, with one unified map. But -- and so I just wanted to clarify.

I think -- I find it interesting, we all kind of say if we can be efficient or we can be effective, and we always feel like, you know, we -- it's always -- you know, I'm a firm believer that we all have different ways
of processing information. Some of us think out loud. Some of us write it down. Some of us stay very quiet and then just pop in if nothing else has been added. And I want to appreciate everybody for the way that they engaged.

And giving us more time, what would it have done? I do feel that that last week was rushed. I do feel that we close up maps -- you know, we worked late at night. We closed the maps that night, and then the next day, it was like, oh wait, there might be some -- we made a mistake or we'd like to talk about something, and we couldn't.

And so even if you build in that time -- you know, I always thought that that time -- and we talked about this -- from when we gave it to -- you know, that last three days or whatever it was given was for not because people could call us in and stuff, but if they were to change anything, then we had to give another three days, and then we had to give another three days.

So just even building in some time there for us to think about it and the staff to think -- you know, for everybody to think about it and be able to say, okay, we've heard everybody's comments and stuff and it's fine, or we've heard everything and we want to make this change and now we have to wait another three days. And maybe
that three days, we know it's just the cooling off period.

But I did -- I did feel very rushed that last -- that last week, maybe the last two weeks. But again, there's a lot of ways to fix that, as we were talking when we spoke through the Lessons Learned.

COMMISSIONER KENNEDY: Thank you, Commissioner Sinay.

Commissioner Taylor?

COMMISSIONER TAYLOR: Yes. Maybe to piggyback real quick on what Commissioner Sinay just said, and maybe that might just be a practice for the next commission when we think about considerations. Just it would have been nice to have a little bit more reflection time on the business that we tended to.

So we would make changes or we would take input, we would act on those, and as -- I felt, at times, we didn't have necessarily enough time to reflect on those changes. It might be just some -- a component of what this process is, but it would have been nice not to have felt so rushed but to have just maybe even over a small break, four hours, to look at what we just did or the input that we -- that was received. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Taylor. Anything further on this?
COMMISSIONER SINAY: So it's not on this, but it's an aha moment I had last night, and I believe, and I don't know, if I'll make it back in time, so I just wanted to share it really quickly so you could have it on here. But one of the big changes in 2020 that I haven't heard us talk about is the fact that there was a lot of new -- there was a lot of independent redistricting commissions.

Ten years ago, there were very few at the local and at the county level, and this time there was a lot more, especially in California. And so that added to the outreach that was happening but also added to the confusion taking place. And so I've added that bullet into our PowerPoint because I think it's a -- it's a big piece as we're thinking about legislative changes and changing our mandate -- well, you know, my thought of changing the mandate so that it does include providing support to local independent redistricting commissions in the State of California because they're only going to continue to grow.

And so just to think about, you know, we were -- we're just at the top of the iceberg on that confusion and the support they need and the data they need. And I know we had the commissioner from -- one commissioner
from Long Beach, but it would be helpful to just have a
session with some of the local redistricting efforts to
hear from them their thoughts.

I know we've all had different conversations, but
you know, Commissioner Akutagawa has been -- sorry, I
totally butchered your name there. I'm -- I apologize.
But we've -- you know, about the sharing of data and
helping them, you know, with some of the technology, the
infrastructure because they have a shorter amount of time
to get up and going.

So we've talked about it, but I don't -- I didn't
quite have that aha moment until yesterday when the woman
from Long Beach was speaking that, you know, they --
those -- they barely existed last time, the local
independent redistricting commissions, and there's only
going to be more.

COMMISSIONER KENNEDY: Thank you, Commissioner

Sinay.

And again, you know, I'm not rushing to complete the
entire Lessons Learned exercise by the end of March. I'm
very happy to organize a session that would focus
exclusively on the relationship between the state
commission and local commissions, be they county, city,
special district, school board, whatever. That -- I
would be happy to work on organizing something like that.
Unless there is anything else on these potential constitutional changes, I would turn it back over to the Chair for now, and we can go into potential legislative changes after lunch.

CHAIR VAZQUEZ: That sounds good. All right. We -- I think we can get an extra five minutes for lunch. So again, in my campaign to be the best -- be the best Chair out of the fourteen, I will give to you an extra six minutes to your hour-long lunch and we'll reconvene at 1:30.

COMMISSIONER KENNEDY: Thanks, everyone.

CHAIR VAZQUEZ: Thanks.

(Whereupon, a recess was held from 12:24 p.m. until 1:30 p.m.)

CHAIR VAZQUEZ: Hi, everyone. Welcome back. We are continuing our Lessons Learned conversation, and I will turn it back over to Commissioner Kennedy.

COMMISSIONER YEE: Actually, I'll be picking up this session. Thank you, Chair.

CHAIR VAZQUEZ: Just kidding.

COMMISSIONER YEE: By the way, Angela, Chair for Life, yes. I love the long lunch.

CHAIR VAZQUEZ: Applause, applause.

COMMISSIONER YEE: Okay. We're picking up in our Lessons Learned recommendations document. We're into
section 2. Having discussed the potential constitutional changes, we're looking at the potential legislative changes now.

And I'm thinking maybe we could start -- maybe Commissioner Kennedy could remind us the nature of the first two recommendations. For the definition of day, the first one. I thought we had actually put that one to rest, but maybe not. You can remind us, Commissioner Kennedy. And the amendments to the government code and the restrictions around that, just remind us what the nature of that is.

COMMISSIONER KENNEDY: As far as nature -- sorry. As far as definition of a day, you know, when the statutory language says shall be on display for three days, for example, does that mean seventy-two hours from when they're posted or does that mean, from when they're posted, you wait until the following day starts, you have three full days, and then any action that you can take after the three days you can actually only take on, you know, like, ninety-six hours later or however many hours it is.

So -- and as I've said throughout, you know, one of the -- one of the concepts that I came across in junior high school, I guess, that really resonated with me was, you know, the purpose of language is not to make it
possible to be understood but to make it impossible to be
misunderstood. And I think that these provisions, absent
a clearer definition, are still subject to
misinterpretation. So that's on number 1.

Number 2, it -- is really in response to a situation
where we're just now holding our Lessons Learned exercise
and being asked to propose legislative changes that we're
not necessarily ready for yet. And I'm just thinking
that it could be just like that -- just like there can't
be changes in years zero -- or nine, zero, or one, maybe
because of the differences in our -- in our schedule
compared to normal, maybe it could be made so that no
changes are made within one year of certification of the
maps. Thank you.

COMMISSIONER YEE: Very good. Thank you. Okay.
Your thoughts on either of those first two.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. Yes. In terms
of the definition of a day, with the long-term committee,
we have come forward with proposed -- potential
legislative changes, and at the last meeting we had
discussed, well, I guess, based on our research, one, the
code section already defines a day as a calendar day, and
then more importantly, was from our legal counsel.

They said that the Black -- Black's Law Dictionary
defines a day as a full twenty-four hours, midnight to midnight. So it was -- we felt it was sufficiently defined. So I don't know if Tim wants to chime in on that or not. So I thought that we were good with not going forward --

MR. TREICHELT: Okay.

COMMISSIONER FERNANDEZ: -- with further defining day.

MR. TREICHELT: Thank you. Thank you, Madam Commissioner and Chair.

Yes, in fact, I did the legal research on that and we -- what I -- we found was calendar day, as defined in -- by Black's Dictionary, Black's Law Dictionary -- and there's a lot of different types of day. There's, like, three pages. I was about to email them, but the one -- the calendar day is defined -- and I'm reading -- it's as you stated, Commissioner, a consecutive twenty-four-hour day running from midnight to midnight -- from midnight to midnight. So I believe it starts -- the day starts at midnight, the next midnight.

COMMISSIONER YEE: So as an example then, if you decide something at 4 p.m. one day, the three-day clock doesn't start ticking until midnight that night, although midnight actually belongs to the next day. So it would be more than seventy-two hours after that.
MR. TREICHELT: That's my -- that's my
interpretation, that the day starts at midnight and
continues for seventy-two hours. So it would be seventy-
two hours plus whatever fractional period there was
before the time.

COMMISSIONER YEE: All right. Okay. Very good.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Yeah. So we did kind of
talk about an example of defining the three-day period
after we approve our maps and changing that to say
seventy-two hours so that if we approve them at noon --
or the next commission approves that noon on Monday --
then 12:01, you know, on Thursday, they can act on it
instead of waiting till Friday. And I think that's --
that would be fine.

Are there other day issues that we have to deal
with, Commissioner Kennedy, other than that day
definition?

COMMISSIONER KENNEDY: I would have to go through
and check. I am going through the entire legal framework
and can keep that in mind as I go through. I don't have
any others off the top of my head. I mean, we -- you
know, we did talk about if there -- the ten-day posting
requirement. So if we need ten clear days, then you
know, it's in essence, eleven days kind of thing from
what might -- we might normally think of.

COMMISSIONER YEE: Okay. And then any thoughts on number 2, the -- perhaps changing the language -- the period when proposed changes can be pursued and not defined in terms of the last digit of the year but rather as a span of time, one year after the maps are approve -- finalized. That seems pretty reasonable, and it seems related to a lot of other year-numbering specifications in the -- in the -- in the regulations. We'd probably have to look at all of them together.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I guess I do have a question on this one. So you're saying not within -- not within one year of certification of maps. Okay. So let's say, for example, we -- the next commission is seated January of 2030, but the maps aren't due until April of 2031. So theoretically, they could make some changes before August of 2020, like the first seven or eight months; is that what we're saying?

COMMISSIONER YEE: That's what I'm saying --

COMMISSIONER KENNEDY: No. We're --

COMMISSIONER YEE: Yeah. Go ahead.

COMMISSIONER KENNEDY: Sorry. No. We're talking about one year after the certification, that the -- that the government code couldn't be amended until at least
one year after the maps are certified. So that if they -- if they submitted --

COMMISSIONER FERNANDEZ: Oh.

COMMISSIONER KENNEDY: -- their maps by the August 15th, 2031 deadline, then amendments to the government code could be proposed beginning August 16th of 2032.

COMMISSIONER YEE: But Commissioner --

COMMISSIONER FERNANDEZ: So you could have --

COMMISSIONER YEE: -- Kennedy, this -- go ahead.

COMMISSIONER FERNANDEZ: So you could --

COMMISSIONER YEE: Go ahead.

COMMISSIONER FERNANDEZ: So again, the new commission could make changes prior to certifying the maps, then.

COMMISSIONER KENNEDY: No. The current -- the current -- they can't make changes in years ending in nine, zero, or one.

COMMISSIONER FERNANDEZ: Oh, you're going to --

COMMISSIONER KENNEDY: And I'm just --

COMMISSIONER FERNANDEZ: -- keep that language. I thought you were proposing to proposing to --

COMMISSIONER KENNEDY: Yeah.

COMMISSIONER FERNANDEZ: -- change the nine, zero, one. Okay. Thanks.

COMMISSIONER YEE: Okay. Any further thoughts on
that? Commissioner Fernandez, your thoughts? Why don't we move on to --

COMMISSIONER FERNANDEZ: I did.

COMMISSIONER YEE: Yeah, you did. Okay. We can go to number 3, which is related to the discussion we've already started, revised start date of application process perhaps earlier to years ending in eight and make conforming changes stemming from that. So the timing about publicizing names and when the names are submitted to the Legislature for legislative strikes and so forth. Do we want to discuss that any further here? Of course, an easier lift if this done legislatively rather than constitutionally.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Yeah. I'll reiterate that I think that it is reasonable to bring the formation of future commissions earlier in years starting in zero as a first step towards a more ideal time line, and that, if that's going to happen, then basically, there are conforming changes needed elsewhere in the -- in the legal framework all the way from starting date of the application process, publicizing names of applicants.

Obviously, if the objective is to get the 2030 commission in place in January of 2030, then the submission of names to legislative leadership is going to
have to be, you know, a good bit earlier than May 15th, or might need to be earlier than May 15th. No, it would -- it would need to be earlier than May 15th in years ending in zero. So just a whole series of conforming changes if we want to propose this. We just need to keep good track of all of the conforming changes that are needed.

COMMISSIONER YEE: Very good.

So as I'm glancing back over the constitutional provisions, you know, there's a -- the provision for formation of the -- of the commission is that it should be created no later than December 31st of each year ending in zero. So the start of that process to get to the creation by December 31st, there is no constitutional provision for setting the start of that process.

So you're thinking we could start that earlier through legislative change rather than constitutional change, Commissioner Kennedy?

COMMISSIONER KENNEDY: Well, again, what my proposal, at this point, as a -- as a first step towards a more ideal time line -- and actually, I was thinking about this over lunch, and it may be that the 2030 commission, once they go through it on a more, quote unquote, normal time line would have a better sense of this than we do because we didn't have a normal time
But if we -- if we proposed shifting everything -- essentially shifting everything six months further up so that instead of having the random draw on the 2nd of July, the random draw was held on the 2nd of January, then following the time line that we had, the full commission would be in -- would be meeting, holding its first meeting in February of 2030, which, again, would be eleven months earlier than the 2010 commission held their first meeting.

And I'm thinking that that's a reasonable first step towards a more ideal time line. It would not require a constitutional change. It would just require a number of conforming changes elsewhere in the legal framework, both in the government code and in the California Code of Regulations.

COMMISSIONER YEE: Right. Very good. Okay. Any other thoughts on changing the application start date and process?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I'm -- I think with this one, we kind of have to wait to see what the consensus is for -- to moving it up, if that makes sense. Because I -- it was -- we were going back and forth in terms of is it in the nine year that we want them to start, is it
in the zero year? And I get that this would not require
a constitutional change. I don't know if there's
agreement of starting earlier and how much earlier. But
if -- it will impact, obviously, if we do propose to move
it up, and that section -- that code section definitely
will need to change if we do.

My only other thing is, although it is in the
commission's code -- government code section, it does
impact the state auditor, and I would want to at least
inform them or get their feedback on it, on this one and
plus a few others. Thanks.

COMMISSIONER YEE: Thank you. Okay.

COMMISSIONER KENNEDY:

COMMISSIONER KENNEDY: So as we know, there isn't a
new state auditor yet, but I'm happy to reach out to
staff of the State Auditor's Office just to let them know
kind of the sense of the discussions, the various points
that have been made, and see if they have any thoughts to
share. But I don't -- I would not foresee any official
reaction from the State Auditor's Office in the absence
of a new argument.

COMMISSIONER YEE: Certainly. And it's probably way
back -- you know, back in the seven or eight years from
now tickle file for them, so their mind is not on this.

Commissioner Fernandez?
COMMISSIONER FERNANDEZ: Yes. There is an acting --
as in -- as in any agency, if there -- there's always
going to be an acting state auditor, so there is someone
to talk to.

And then I guess maybe the bigger picture of this
is, I guess I need to understand the rules because
Commissioner Akutagawa and I had brought forward the list
of potential legislative changes. So I guess I just
need -- I guess, we just need to know, are we moving
forward with it as we've stated last time, as we've
already met with legislative staff? Or you know, who's
going to take the lead on these efforts? So I just need
to know. Thanks.

COMMISSIONER YEE: At this point, you know, Lessons
Learned is only recommending and conducting the
discussions. The whole commission would have to decide
on anything to actually move forward with.

Commissioner Kennedy?

COMMISSIONER KENNEDY: And yeah. I mean, we're --
we are organizing the discussions and compiling what
we're hearing. You know, if there's not a consensus,
we're not trying to force a consensus. But after that,
my sense is that we have a government affairs
subcommittee, and it would be entirely appropriate for
the government affairs subcommittee to take this forward.
And I believe that's Commissioner Sadhwani and -- was it Commissioner Toledo?


If no other discussion of the application start date item, we can move on to item 4, any changes to the size or composition of the applicant review panel. That is the panel convened by the auditor with three persons of three different political flavors last time. There was some discussion earlier about making it a larger, more representative body, or diverse body. Any further thoughts?

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah. I think I just want to follow up on what Commissioner Fernandez just asked, and I -- and I don't know if this is the time now to discuss it or if this is something that we just have to perhaps table at a later time.

I think we just need some clarification because, again, Commissioner Kennedy mentioned government affairs, but my understanding is that has been sunsetted and that I think it was you, Commissioner Yee, when you were the chair, that in checking with them, it was deferred to us to just go ahead and move forward with it since we hadn't already started doing it in the context of the long-term planning.
If that is not to be the case, I think we just need to just understand it so that we can then turn over, you know, the work that we've already started to another committee. So I think just some clarification would be helpful for us before we keep moving on any additional work that we're still doing. So thank you.

COMMISSIONER YEE: Okay. So pausing the discussion on legislative proposed changes and rechecking our process here and what does come next, how do we get to the actual proposal -- actionable proposals in -- and action. I'm actually not recalling exactly where we landed, so thoughts from anyone? Or maybe we just never landed.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: I don't think we ever landed. I don't -- I don't think we ever made a decision. I just -- I mean, so, you know, just -- I guess, if we just strictly consider the term Lessons Learned, we just make a document full of lessons that we learned, you know, and then -- but we never really discuss the next step in the process of, you know, making -- taking those lessons and then making some decisions on changes that we're going to make. I mean, I don't feel like we ever had that discussion or came to a conclusion on it.
COMMISSIONER YEE: I'm glad I didn't forget. Very well. Let's think about what would be -- what are some possibilities? What would be some next steps? We could form a new subcommittee, we could use one of our existing subcommittees.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Well, I think, I mean, we're having this conversation right now, which is a conversation we need to have, but I mean, kind of who leads this conversation is I don't think the critical point. I mean, we do -- we do have a long-term committee already in place, and they've already begun meeting with the Legislature and making those -- you know, having these conversations. So I mean, I would think that it would be fine for them to carry on with that, with the work they've already begun.

COMMISSIONER YEE: Um-hum.

COMMISSIONER KENNEDY: I think -- in some ways, I think we need to be a little bit more deliberate about the process we're going to use to go through and kind of make these decisions. Although, you know, we can't, I guess, too process-oriented since we've got a time line, too. Yeah. So it's really -- I got -- that's what I think. There's no definitive answer there, so.

COMMISSIONER YEE: All right. I mean, at minimum,
we want to capture the conversation and have a good list of, you know, considerations and pros and cons for each of these ideas, to have a full list to the question of what's actionable. I mean, it's a separate question.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you. And maybe it's just my brain telling me that we would always need a government affairs subcommittee, and maybe Commissioner Toledo or someone else can clue me in. I didn't recall and I don't know that I would have supported sunsetting something as generic and important as a government affairs subcommittee.

COMMISSIONER YEE: Commissioner Toledo?

COMMISSIONER TOLEDO: Yeah. I don't remember us sunsetting the government affairs committee, but I do remember that we did charge Commissioner Fernandez and Akutagawa to look on these -- look at these long-term potential changes. And I know they've been meeting with the Legislature and certainly informing the commission on it.

So I mean, I would think that they would continue to do some of that and work with government affairs as necessary to -- once we get to the -- to the stages of actually pushing the legislation through or getting to a final -- I mean, we can -- we can structure it any way,
is what I'm getting at. But I think most of the work is being done at this point by Commissioner Fernandez and Akutagawa in terms of capturing the data, getting the information, meeting with the appropriate individuals. And I think that was -- and that's appropriate, given that that was the focus of those.

So a point that I did want to make. It's I think when it comes to advocacy and government relations, certainly the individuals who -- with the most passion around an issue should probably lead that issue because it -- when it comes to, you know, changing the -- create more flexibility -- ability about where our meeting times, right, and that sort of thing, certainly there are some commissioners that are more passionate about that than others. And so certainly, I think there's a way to weave that in so that we have the voices of the most passionate commissioners around certain issues and then having government affairs coordinate as needed --

COMMISSIONER YEE: Right. Indeed.

COMMISSIONER TOLEDO: -- in terms of the --

COMMISSIONER YEE: Right.

COMMISSIONER TOLEDO: -- larger strategy for the commission rather than -- but this seems like one piece of it.

COMMISSIONER YEE: Right. Indeed. Long-term
planning was, you know, having these early -- very early
communications with legislative liaisons just to see, you
know, what was on people's minds, would -- what would it
take, what's possible, and -- but very far from any kind
of official list of proposals that the commission has
agreed on, you know, to pursue.

So Commissioners Kennedy, then Fernandez.

COMMISSIONER KENNEDY: Thank you. And I'll probably
leave it with this. My understanding of the original
mandate of long-term planning was to compile ideas for
activities over the coming years and to develop budget
projections based on those and, you know, come back to
the commission with those, now which they've done a great
job. I did not see it including taking recommendations
for legal changes to the Legislature, and I'm not clear
on how that became part of the mix beyond budget.
Thanks.

COMMISSIONER YEE: Thank you. I think Commissioner
Fernandez can probably bring some clarity.

COMMISSIONER FERNANDEZ: The reason we brought it
forward was we do have an author and legislative staffer
ready to meet with someone to discuss it, and that's what
we did. I think my frustration right now is that I was
up till after midnight, so I guess I was up late this
morning trying to put together the spreadsheet that
pretty much encompassed most of the information that Commissioner Kennedy did.

So my frustration is that there's duplication of duties, and if you guys don't want us to do it, that's fine with us. We're not looking for additional work. I just need to know if I need to stand down. That's fine with me. I don't mind, and I -- I'm not -- I'm not -- I don't speak for Commissioner Akutagawa. I just don't want to do duplicate work and then charge the state additional per diem. Thanks.

COMMISSIONER YEE: Thank you.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah. I'll just go on the record and support what Commissioner Fernandez said. You know, look, we're not looking to create more work for ourselves. We just did it because it was -- it seemed like a natural outgrowth of the work that we happened to be doing. But you know, just let us know what we need to do. Thank you.

COMMISSIONER YEE: Thank you.

Yeah. My understanding was, you know, we had already charged you to go ahead and pursue those initial conversations based on discussions we had. Our discussions right now are simply, you know, further fleshing out our shared -- our individual perspectives
and shared perspectives on these particular items.

Looking back, yeah, I think we actually should have probably coordinated our lists of items. There is some duplication, but hopefully that wasn't a big -- a big -- a big cost.

So at this point, all right, you know, unless there's any reason to change, I think we should continue to look to long-term planning to pursue those initial conversations and to use our discussions right now simply to inform their perspectives as -- that they will bring to those conversations. Does that sound reasonable?

In which case, I'm wondering if we should pivot slightly, maybe can ask long-term planning to highlight which items they think might be most worth discussing further now, you know, in the short time we have left today that would most help you going forward.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I have to apologize, Commissioner Yee. I completely missed that last part, so I wasn't sure what direction we're taking, which is like -- Commissioner Akutagawa and I said, we're fine with whatever, but -- and then you pointed it back to us and I missed, like, the last three minutes. Sorry.

COMMISSIONER YEE: No worries. No worries. And I apologize. We probably -- you know, we should have
coordinated with you how to approach all this since it had already been put on your plate. But just wondering, now, you know, since we don't have unlimited time, especially this afternoon, are there some items that might be especially timely to discuss now that will help you as you go into those early conversations with legislative liaisons, and you know, what further perspective can we give you now from -- as commissioners to help inform those conversations?

COMMISSIONER FERNANDEZ: Okay. So the list I've compiled doesn't have as many items as what Commissioner Kennedy has. In -- we've already had our initial meeting with them, and I was actually -- I don't think Commissioner Akutagawa and I were planning to meet with them again until after our March 30th meeting because we're hoping to get the items on Commissioner Kennedy's list and then if there's anything extra on our list, was really going to discuss this further on the 30th and try to -- you know, encourage, please, Commissioners need to attend that meeting because that is a supermajority vote in terms of what to move forward with.

And at this point, we can't really move forward with any of them other than conceptual discussions, right, because we don't have -- we don't have a vote yet. Does that help? So we can just keep -- continue to move on
with Commissioner Kennedy's because, like I said, I believe most of ours encompasses what he's outlined.

COMMISSIONER YEE: Okay. Very good. Well, looking at the remaining legislative changes, we were discussing the applicant review panel, any changes to the size or composition of that. Number 4 -- 5, conforming changes to the commission. We've already discussed some of that.

Defining a commissioner role and process of removal; we have not discussed that. The whole question of Bagley-Keene, reasonable exceptions; we've discussed that somewhat. Number 8, possible changes to regulations around FisCAL, the Budget Act, delegated authority; we discussed some of that. The whole three-day notice period, perhaps expanding that. Obtain authority to issue regulations, not quite sure what that is. And shift to fixed pay. So any of those, fire away.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Actually, I just wanted -- since it brought -- we brought up the Bagley-Keene, I just wanted to ask Commissioner Vazquez and I think it was Commissioner Kennedy if -- I know I -- you know, I'm really bad. My memory's not so great right now, but I believe, at our last meeting, we voted, I believe, to support the legislation. But then I'm also wondering, is there another piece to it? There's communication maybe
with the governor's office in terms of possibility of extending that -- the virtual hybrid meetings?

COMMISSIONER YEE: Yeah, I don't believe they've made any decision about -- Commissioner Vazquez, respond?

CHAIR VAZQUEZ: Yeah. Oh. Well, I can -- so yes, we did agree to support legislation relating to some modifications to Bagley-Keene that would enable greater participation via remote or virtual options. I have not been involved in any additional subsequent discussions about extending the governor's emergency order.

My sense -- and if folks have a different political analysis of the situation, my sense is that at this point, it is very unlikely -- not impossible, but very unlikely -- because the emergency orders are sort of wrapped up -- the Bagley-Keene exceptions are wrapped up in a bunch of other emergency powers that the governor took.

And so it would -- it is unlikely that he will issue an extension of the Bagley-Keene pieces outside of preserving these additional emergency pandemic powers, which he's been getting a lot of political flack for as well -- as well as, you know, it's a signal that the pandemic is continuing, which it is. But again, I think politically, he's eager to give some of that back. So yeah. I think that's also why we've been planning as a
commission with our staff for those orders to go away on
the 30th, as expected. But yeah.

COMMISSIONER YEE: Thank you.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: We did bring up a kind of a,
I think, interesting topic. We had a talk about -- we
brought it up yesterday, I think. And that was, why does
the Legislature have a role in selecting the -- or not
selecting, but striking folks from the -- from the --
in -- and you know. You know what I mean, in the
selection process. And it's -- actually, it's not in the
Constitution. It's in the government code.

I think it would be a -- kind of impossible to get
the Legislature to change the legislation giving them
that power, but you know, I thought it would be something
interesting that we could talk about.

COMMISSIONER YEE: Commissioner Vazquez?

CHAIR VAZQUEZ: I maybe have an unpopular opinion on
this, but I'll say my opinion on this is that I can see a
value. I'm not sure -- I have no evidence of this being
used this way or not used this way, but I could see a
value in the Legislature serving as a check, particularly
to the other party, in terms of potential extreme voices.
I think part of the beauty of this commission is that I
think we're all sort of public servants, civically
engaged, et cetera, but we're sort of not -- many, if not most of us, aren't deeply vested in the -- our party machinations.

And so for me, the best person to -- the best people who would understand the who's who of party politics is the Legislature, and I see that as sort of a check of, like, oh, we really don't want that person in this process. So again, maybe an popular opinion, and I'm -- there's probably trade-offs involved in there, but I don't find that the most problematic part of our charter.

COMMISSIONER YEE: Thank you. All opinions welcome. Commissioner Taylor?

COMMISSIONER TAYLOR: This is not the first time Commissioner Vazquez, but I side with you. I see it as a very practical checks and balance similar to our jury system and much like we're talking about the design with the alternatives. That's sort of what we know. It's what's been set up and worked in the past. So I, too, agree that there should be a check and balance to possibly eliminate a potential extreme voice. Thank you.

COMMISSIONER YEE: Thank you. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: And I have sided with Commissioner Vazquez in the past, and Commissioner Taylor. And I, too, agree that I had -- I actually
thought about this last night, and it's like, what is the
benefit of them? And I remember my neighbor -- I won't
disclose the name -- telling me that they had spoken to
him about me and whether or not to strike me off the
list.

So I am definitely not one that is politically
savvy, so I would not know, you know, the leanings of
anyone. So I do think that it is beneficial to have
someone that will look at that political -- would have
more information on that political side of it because the
panel's not going to necessarily strike them out. So
anyway, that's just to say, I think it is a good thing to
have them, maybe not as many strikeouts as they have, but
I think it is good.

COMMISSIONER YEE: Thank you. Yeah. But
practically speaking, as someone mentioned, to get the
Legislature to agree to give up power is pretty unlikely
to give up their own power, however small.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Commissioner Yee.
And yeah, I'll side with Commissioner Fernandez on that.
You know, I do see a reasonable role. I don't find the
number particularly reasonable because if each of the
legislative leaders can strike ten percent of each pool,
that -- the fact that there are four legislative leaders,
you end up striking forty percent of a pool that the applicant review panel has put a lot of time and effort into, you know, doing quality control on.

And I think by the time the applicant review panel submits the list to the Legislature, that limiting it to one strike would be reasonable, given that each party then has two strikes per subpool. But to ask the applicant review panel to go all the way through the process and then to be able to -- and it's not so much that they're able to. It's almost that they feel obliged to exercise all of their strikes.

And so an alternative or possibly supplemental to reducing the number of strikes per legislative leader per subpool from two to one, which would result in, maximum, losing twenty percent of the overall pool, would be to require some sort of written justification for each of the strikes. You know, that would be -- that might serve as something of a disincentive, but if there's justification for a strike, then there's justification for a strike and putting it in writing, I don't think would be, you know, asking too much.

So those two thoughts. Limit it to one strike so losing, at maximum, twenty percent of the applicant pool that is submitted to the Legislature. And second, even if it remains at two strikes per legislative leader,
requiring written justification for any strikes. Thank you.

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

COMMISSIONER SINAY: Thank you. So I see the benefit in -- some of this is political -- you know, I see the benefit as a buy-in -- you know, where we were talking about buy-ins. So it is a buy-in of the Legislature. I like what I've been hearing. I want to make sure that we're not -- we don't define what we're going to change or not because based on the fear of it will or won't pass. We haven't let fear dictate us so far, so you know, why start now. You know, something is turned down, it's turned down. If someone wants to say no, they say no. But we've stuck to what's best for Californians, and I think that's the question we should be asking ourselves, is is this better for the process and for Californians, not will the parties or whatnot approve it.

I would like to amend -- a friendly amendment to what Commissioner Kennedy said. And the only part of this whole process that's absolutely private is -- okay. Let me put it this way. The only part of this whole process that's not done is public is that striking, and so I wouldn't want it in writing. I would actually want
them to do it in public. They hold the meeting with the four people and they have to do the striking out just like the other folks had to talk about us, and therefore, someone could call in and say, wait, I don't, you know -- it would be just as fair for them to say, okay, these are the two we want to strike. And someone else says, these are the two. And then the public can call in and say, no, you know, do you realize that of the eight you're striking or the sixteen you're striking, 50 percent are Latino and therefore the pool. You know, so I would like to see that part done in public.

And Alicia I too was investigated before I was chosen, someone let me know. And the main concern that the democrats had of me was that I had a Republican husband, which I thought was interesting because I thought that was what helped me through the process.

COMMISSIONER YEE: Thank you. I'm going to have to talk to my neighbors a little more to find out what they were asked.

Commissioner Fornaciari?

VICE CHAIR FORNACIARI: I would really be interested in hearing more about how your Republican husband helped you through the process. It's just the wise Republican male thought process; is that it?

COMMISSIONER SINAY: Is there a mute button
VICE CHAIR FORNACIARI: Well, great conversation. I really appreciate this conversation. I'm glad I brought this up. I love -- god, I just love this group and just the thought processes that everyone comes up with and how -- because I think that we -- I really love Commissioner Sinay's idea, and I think that's awesome. Everything else is done in public. Do it in public.

I have a process question, though, and I don't know Commissioner Fernandez or Akutagawa, if you know the answer. Do we make one big giant lump of legislation and it's all thumbed up, thumbed down. Or do we make, like, ten different things and they vote on each one. Do we know? We don't know. Okay. I was just curious.

COMMISSIONER YEE: It might depend on the nature of what we're proposing.

COMMISSIONER SINAY: To answer the question about my husband being a Republican, no not that -- not that he -- he himself helped me, but the fact that I was married to a Republican helped the fact that I was bipartisan, or I -- he won't ever say that I am bipartisan. But then -- or even that I'm even good at dealing with politics across party lines. But then I have some experience area.
COMMISSIONER YEE: Yeah. My family covers all three categories.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: As does mine, Commissioner Yee, so you can only imagine conversations.

I want to answer Commissioner Fornaciari. So I think what Commissioner Akutagawa and I were initially envisioning was hopefully on the 30th moving forward with at least those areas that there's general consensus because again we can bring forward -- we have another six years that we can bring forward other legislative changes, but we could at least push forward the ones that there is general consensus. And again, once you submit the language, the language doesn't say exactly the same where the amendment is from when the bill is first introduced to when, hopefully, it is enacted. It goes through various amendments and changes. So it doesn't preclude us from, in future meetings, saying, hey, I think we came to an agreement on this. Let's add that language, or let's make that change. But I think, initially, it would be good to have a listing of those with general consensus. And then we would bring back the other items. And there will be some that may just fall off the list because there isn't enough support for that. So hopefully that answers your question.
COMMISSIONER YEE: Thank you.

Yeah. On whether or not the legislator should have to do this openly with their strikes. I mean, I think Commissioner Taylor is right, there is a, you know, a cultural acceptance of strikes on jury selection, and you know, that's the comparison that people will make.

And again, it's just hard to take back something people already have, right. Clawing back is always harder. And especially if you're asking the people who do it, to do it, right, to call back their own rights -- their own privileges. So it's probably harder than it -- you know, the same is true for things that we did in closed session, right. I mean, there should be people who really didn't want us to do all the things we did in closed session, so it's the same principle.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you Commissioner Yee.

Just to remind us that the code language requires that the exact language of the amendments provided by the commission is enacted as a statute approved by two thirds vote of each house at the legislator and signed by the governor. So it's not that they can go off and do whatever they want to with our language without us concurring before it's voted on. There is that (indiscernible) -- we have a veto as much as the
legislator has a veto, essentially, over this process.

And that being the case, I've wondered occasionally
if it makes sense to maybe not present ten separate
pieces but two. One that we feel, you know, has strong
support on, you know, both the commission side and the
legislative side, as well as a, you know, it would be
nice if (indiscernible), you know, we concur on, but
we're not quite as certain whether it would gain two-
thirds vote in each house and be signed by the governor
because we certainly want to get through what we can get
through, but I think -- I always like to think that part
of the democratic processes is legislators voting things
up or down. And the idea of not presenting something
because it's going to be voted down allows those who
might vote it down to get by without quite as much
accountability.

So if there are things that the commission supports
that we are concerned might not pass, I would think think
it might make sense for us to put those into a separate
piece of legislation that, you know, if it passes great,
but if it doesn't pass, then people -- the people of
California will at least know who voted for it and who
voted against it. Thank you.

COMMISSIONER YEE: Thank you, Commissioner Kennedy.
I'm wondering at this point whether we might focus
on number 8, 3, "Ensure delegated authorities are placed." So this is a question of whether we might be able to obtain the 2030 commission exemption from some, or many, or all state contracting regulation in order to expedite its work, given time-bound nature and huge ramifications of our work.

As we have exemption from the civil service hiring laws, could we get exemption from the contracting laws? What would that take? You know, how possible is that? How realistic is that, getting that exemption? Does anyone else have that exemption? What would that look like?

Any thoughts?

That's going to be huge -- it was a huge impediment. I mean, that was why the VRA work was delayed, you know. It was why -- you know, so many things took much longer than we them to.

So the question of how to then perhaps pursue and achieve freedom from some of the state contracting regulations.

Commissioner Toledo?

COMMISSIONER TOLEDO: Yeah. I agree with you. It's certainly the fiscal requirements and just being part of the state system has created so many barriers for an organization that has to get up and running from scratch
really quickly and being able to contract taking months.

I think part of this has to do with us not having institutional long-term and continued institutional support because it's the staff that generally are able to process these in the moment and have the information and are able to help push these through.

Now, I -- if there were some kind of exception to get us out of the budgetary and fiscal requirement, I think that would be a great way to help the next commission be able to do its job without having to go through the contracting and the financial approval and such. I'm just not aware of anything like that.

I mean, I think what we've been told by staff and legal has been that we have some of the least burdensome requirements already and the many agencies have to go through a much more rigorous process, so -- which is hard to imagine coming from the private sector, but that's the reality for many state agencies.

So I think, perhaps if there's a list of -- maybe it's certain -- like, are legal contracts, if streamlining those, if there was a way to work with the legislature so that those are streamlined and not having to go through the full budgetary and fiscal approval process. I mean, at this point, we don't -- I mean, we probably just don't know the state system enough to be
able to ask -- maybe, with the exception of maybe
Commissioner Fernandez and staff -- to ask -- figure out
what kind of waivers or exceptions we need.

COMMISSIONER YEE: Thank you. And as a reminder, I
think we ended up with about thirty-seven final contracts
with about $10 million.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Commissioner Yee.
And thank you, Commissioner Toledo, for that

perspective.

You know, I definitely agree. I don't know that --
I mean, I know that we needed more streamlining. I don't
know whether we were able to take advantage of everything
that might possibly be available out there, maybe even
hidden in a corner somewhere.

I was looking through state code and regulations
yesterday and looking at the provisions on the office of
the state auditor, it's very interesting that the state
auditor is exempted from a lot of things. And I do
wonder if there's a way -- you know, the Michigan
commission receives its support from the office of the
Michigan Secretary of State. I'm wondering the extent to
which, at least into the fully functional phase of what,
perhaps for some things even longer, if there's a way to
piggyback on to, you know, be partly dependent on an
independent agency without compromising the overall
independence of this commission. I'm looking for ways
out of the, you know, the burdensome constraints that
don't seem to recognize the unique nature of this body
and the time-bound nature of its work.

So whether it's through finding these exceptions,
exemption, special frameworks, whatever they're called,
wherever they are. And you know, if they're not out
there, and we believe strongly enough that they should
be, then, yeah, I believe we should approach the
legislator and say, for the proper and timely functioning
of future commissions, we believe these exceptions,
exemptions, or special frameworks are necessary. Thank
you.

COMMISSIONER YEE: Thank you.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you.

And thank you, Commissioner Kennedy, for that
because when Commissioner Akutagawa and I met with the
legislative staff they -- we did bring this up because
this was one that there seemed to be general consensus.
And the staff we met with, they were not aware that there
were other agencies that had this -- or areas that had
these types of exemptions, and we didn't -- you know, we
mentioned the census, and we mentioned the state auditor.
And so what I would like to do, Chair Vasquez, I would like to, if we can, direct our legal to research delegated authority and exemption from contracting and procurement to see which other agencies or the -- you know, the -- in the code sections to see who else has those types of exemptions. And I believe delegated authority might be a little bit more cumbersome because I think you actually have to have specific training. And then individuals that you hire have to also have gone through that training and have a certain designation.

So I'm thinking if we just have the outright exemption from it, that would probably be a better out instead of having to hire staff that meet the specific criteria.

COMMISSIONER YEE: Uh-huh. Thank you.

Director Hernandez?

MR. HERNANDEZ: Yes. Thank you.

So in addition to the delegated authority, I think one of the areas that we found most challenging, and I think we've touched on it a little bit, is about the institutional knowledge, not just from the commission's perspective, but also from the other entities.

They were unaware of who we were in some instances. It's like, who are you? Are you even a state entity was the question we received on a number of occasions. And
educating them on what we do and how we do things and the
time frames in which we have to do the things is
something that really opened their eyes and really
allowed us to get things moving along, but it took a
while. Those were the biggest challenges that we
encountered.

I definitely think that the delegated authority is
going to be an option, but I also think having that
educational perspective with our other entities that we
work with to ensure that they know -- again, keep in
mind, this was the second iteration of the commission, so
not a lot was known about us. I think, now, moving
forward, there is some continuity. And hopefully, with
some of the recommendations that are being proposed, to
have staff earlier, and to do certain things to help
stand up or maintain the commission in working order
prior to the next commission will alleviate some of these
potential issues that we encountered this particular
cycle.

So I just wanted to share that and uplift that. You
know, in addition to the delegated authority, I think
there are other ways that we can help expedite the
processes.

COMMISSIONER YEE: Thank you, Director Hernandez.
Commissioner Kennedy?
COMMISSIONER KENNEDY: Thank you, Director Hernandez for sharing that.

And I don't think I have to prompt long-term planning to put it on their list, but just for public, you know, it would seem that we can add to our list of things to do in 2028 and 2029, is to go around and make those contacts throughout state government and remind people what the commission is, what the requirements are going to be. You know, without tying the 2030 commissioner's hands, but making sure that what we call an all-of-government approach is taken to this. You know, we need everybody on board. We need resources focused. We need attention focused.

And you know, we shouldn't wait for the 2030 commission to have to go around and educate the state government as to who they are. We can do a lot in 2028 and 2029, to make sure that the Government is ready, willing, able, and even eager to support the 2030 commission to a successful conclusion. Thank you.

COMMISSIONER YEE: Indeed. Thank you, Commissioner Kennedy.

Commissioner Toledo?

COMMISSIONER TOLEDO: Yeah. Another area where we experienced some issues was with the grant making process. And whether we make grants or not is, I think,
not the question, Or whether the next commission even
wants to consider that.

But if memory serves me, we received money to be
able to do or to invest in community groups, but we're
not able to implement that because of the way that the
legislation was -- the way languages is in -- because of
the statutory language. And so perhaps, can we perhaps
modify the language that would allow future commissions
to make that decision on their own. That doesn't mean
that they would have to or that they would have to issue
grants, but would have the ability to do that, similar to
the first five and other commissions that, I believe, the
census that issue grants.

COMMISSIONER YEE: Thank you, Commissioner Toledo.

So counsel, as you investigate, you know,
possibilities and other agencies to have exemptions from
fiscal regulations to whatever degree, maybe you can look
into this as well. What would it take to secure grant
writing -- granting capability for the next Commission.

Director Kaplan?

MS. KAPLAN: I just wanted to highlight that we
did -- it was the commission did not have statutory
authority to distribute grants. It could've been
distributed through contract. And that's what the
commission has the ability to do.
And just to clarify, the census does include contracts, not grants, just for that clarification.

So there was feedback, I think, provided by the attorney general's office that can -- I think that's how that was determined, that we didn't have the statutory authority. I think that Alvaro probably has more of the background --

COMMISSIONER YEE: So under --

MS. KAPLAN: -- in terms of grant making.

COMMISSIONER YEE: Yeah. Could you say more, then, about how the census is able to do that, to distribute money, you know, ahead of work instead of afterward.

MS. KAPLAN: So they -- it was not done ahead of work. It was done -- so it was funded in arrears, so contractors had to submit a contract monthly -- I think it was, like, monthly invoices, or there was -- it was outlined in the contract, the payment structure.

COMMISSIONER YEE: Uh-huh.

MS. KAPLAN: So there had to be particular -- it was also (audio interference), so there was a particular deliverables that were tied to the funding.

COMMISSIONER YEE: I see. Wow. So their hands were tied too. Wow. Okay.

MS. KAPLAN: I'm not -- Yeah. And I think that may be helpful with further investigation. There was
research that we did, in terms of grant making, but there's also, I believe, limitations on how much upfront funding could be provided as well.

COMMISSIONER YEE: Uh-huh. Right. Okay. So we'll have more research on that.

Other thoughts on this or anything else?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes. I'm sorry. I'm just trying to go down this list. So establish reasonable exceptions to Bagley-Keene.

Can I just get a little bit more information on what that one means, please?

COMMISSIONER YEE: So I think that had to do with, you know, what we've already discussed about permanent provisions for hybrid meetings, but other things --

COMMISSIONER FERNANDEZ: That's -- so would it not -- it wouldn't necessarily -- I know we had it on the list, but it wasn't necessarily, like, something that we would be -- we would just be supporting, right? I just wanted to make sure it wasn't something that we would somehow change our language because I don't think we can.

COMMISSIONER YEE: In terms of we -- you know, it's not our -- we can't --

COMMISSIONER FERNANDEZ: Right.

COMMISSIONER YEE: -- we can't modify Bagley-Keene.
COMMISSIONER FERNANDEZ: Right. Right. Okay. I just wanted to make sure that we didn't need to add it to our other list. Thank you.

COMMISSIONER YEE: Okay.

Commissioners Kennedy and Toledo, maybe you can help us.

COMMISSIONER KENNEDY: Yeah. Well, we can't modify Bagley-Keene, but if you read through Bagley-Keene, there are all sorts of bodies in the state that do have exceptions to this provision or that provision. And so the intent was, you know, are there areas where we fill that some reasonable exceptions to Bagley-Keene are necessary to ensure the success of future commissions. The answer could be, yes or no. It's just -- it's there as a discussion prompt. And if we do believe that there are some reasonable exceptions, you know, we can cite the fact that there are other bodies that have certain exceptions for certain things in certain situations, and make the argument that, you know, for this reason, that reason, the other reason, we would need some, you know, few reasonable exceptions to Bagley-Keene to ensure the success of future commissions. Thank you.

COMMISSIONER YEE: Commissioner Toledo?

COMMISSIONER TOLEDO: Yeah. I would add, I think there are other efforts underway. I think Little Hoover
commissioners has been exploring and then continues to explore modernizing Bagley-Keene. Given that so much has changed -- so much is changing with technology and just how -- well, so much is changing. And so -- especially during COVID, there were a lot of instructions that were needed to be made to be able to have a transparent government process.

And so if we have specifics, I think it would be good to compile those and share those with entities that are needing this work. And Little Hoover -- I believe is leading -- Little Hoover commissioners leading the modernization of Bagley-Keene. Although, I know that there's -- there's always obstacles with any major change, any modernization.

But certainly, if there's any information or anything that we can contribute to that effort, I think that would be -- especially around being able to participate remotely and in this process. I think that would be helpful to just push these advocacy efforts forward.

COMMISSIONER YEE: Uh-huh. Any further thoughts on that or any of the other legislative areas?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I'm just going to ask a process question again. So all of the items that are on
this list, if we don't discuss it over if we do discuss it, are we still going to bring it forward on the 30th again? I just -- you know, just to determine what to consolidate.

Like, for example, we haven't really talked about any changes to the size or composition of applicant review panel, or defining the commission role and process of removal. So I'm just -- I'm trying to think of what to build for the next meeting. Thank you.

COMMISSIONER YEE: Yeah. Yeah. That's up to us. I was just -- you know, in my mind, everything is still game up to when we decide on all this and take a vote on it On March 30th. You know, whether or not we discuss it today, I guess, the question -- process question properly, as Commissioner Fernandez brings up, is how do we get to that point in our efficient and coherent way.

I mean, I'm thinking -- I'm just speaking as an individual, Commissioner -- you know, to show up on the 30th with my shortlist of things I really think we ought to pursue, and you know, gather those shortlists from everyone and see what we have.

Commissioner Toledo?

COMMISSIONER TOLEDO: I think you're right. To thinking along Commissioner Fernandez -- what Fernandez was talking about, just in terms of prioritization, there
seems to be -- there's so much. And we still have to
discuss many of these things some more. But just
thinking about how we're going to prioritize and be able
to get to our -- and get consensus on some of these, or
at least be able to vote some of these -- vote on a slate
of potential changes.

So I'm just curious about the prioritization process
to get there. And maybe that's just something for the
next meeting, but just curious and wanted to throw it out
there.

COMMISSIONER YEE: Yeah. We did not plan on
anything trying to vote or prior, you know -- or striking
items or, you know -- this was just the time to discuss
them and get further thoughts on them.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Yeah. I liked Commissioner
Toledo's use of the word slate. I mean, it -- or was it
yours? The concept of slate took me back to July Of
2020, with the first eight of us considering slates of
six to fill out a commission, and I'm recalling that that
was not a discussion that was resolved in the course of
one day. So the idea that we're all going to come in
with our slates, and we're going to be able to reconcile
everything and reach agreement in the course of one day
to me seems a bit optimistic.
And you know, it's not to throw a wrench in the works. It's just to be realistic about this, and you know, this goes back to the idea of, I don't know, having a longer period after the final maps during which, you know, amendments to government code aren't considered, just to give adequate time for both thought and the process of coming up with a coherent consensus slate of proposals to submit to the legislature.

I'm feeling -- and I agree with Commissioner Fernandez. We've got, you know, six more years during which we can do this. We could approach the legislature with a new package every year, theoretically. I don't know if they want to hear from us every year on this, but we could. And you know, maybe that is the approach we take. We find a very small number of issues on which we are all in agreement and able to reach conclusion on the 30th. That's this year's package. Then, you know, soon after we start working on what's next year's package and so on until we exhaust our list.

But yeah, if we think in terms of slates and we think in terms of the process that we went through to select the final six, we're not going to finish this in the course of one day. Thanks.

COMMISSIONER YEE: Thank you. You know, a long-term finding subcommittee, I'm wondering, you know, from that
initial conversation you had with the liaisons and the legislature. I mean, you know, whatever sketchy question you got. You know, what scope are we looking at? You know, how many items might be a target, you know?

COMMISSIONER FERNANDEZ: I don't think there's a target item. I think it's -- as long as it's relating to our specific code sections. They do understand that some of them may overlap into others, like the state auditors, it might be their realm, or it might be the elections realm. I don't think there's a specific number, in terms of changes to our language. I think it's just us -- and as long as we don't revamp the whole thing -- as long as it's us coming up with a list.

And then maybe -- so just listening to everyone -- maybe what Commissioner Akutagawa and I can do prior to the next meeting is maybe group it in -- based on the conversations and with the feedback -- maybe group it as to, we think these are general consensus, versus further conversation that maybe can be for either this process as well, you know, if we can get to an agreement later, or future processes. I -- because there's just too many items for us to take -- there's too many items for us to come to consensus with at this point, and I really don't know how we're going to do it on the 30th to try to get to a list, so I think we'll go back and try to come up
with a list.

COMMISSIONER YEE: Yeah. That's a process question, so, I mean, long-term findings to do that. I mean, we've all been in this discussion together so long-term findings to try to distill the hot list, the short list, or this lessons learned. Try to do that. That would be duplicative, so -- I'm think, long-term findings since you're the ones that are going to carry it going forward, so -- but we can discuss that further.

Commissioner Toledo?

COMMISSIONER TOLEDO: Yeah. Just in terms of -- and I missed the -- and I'm supportive of the process -- thinking through the process a little bit more. But in terms of an exception that that would be helpful for the -- for legal counsel, one thing that we experienced and that did cause some delays was just getting approval from the AGs office to select outside counsel. And so if we can get an exception for that. So not having to go through the AGs office and securing their approval prior to selecting our outside counsel. If we can add that to that list of items to explore.

COMMISSIONER YEE: Okay. Good.

Can you remind us exactly how that worked out in our case?

COMMISSIONER TOLEDO: We did secure AG approval, but
it did take a while. So we did reach out to the AGs office. They -- we provided them with -- legal provided with information about our statute, about our, you know -- our information about the commission, and they were able to provide us an approval letter, if I remember correctly. And certainly, Executive Directive Hernandez helped in that process as well.

COMMISSIONER YEE: That was to hire VRA counsel --
outside counsel --

COMMISSIONER TOLEDO: That was to hire any of our counsel -- any general counsel -- and outside legal counsel.

COMMISSIONER YEE: Okay.

COMMISSIONER TOLEDO: So that was for Strumwasser and also for --

COMMISSIONER YEE: Yeah.

COMMISSIONER TOLEDO: Yeah.

COMMISSIONER YEE: Okay. Very good.

Anything else? Any legislative items? If not, I'll turn it back to the chair and then after our break, we'll wrap up with a dive into regulatory items, the last part of the list.

And Commissioner Kennedy will be leading that discussion.

So I'm not seeing Commissioner Vazquez. Maybe Vice
Chair Fornaciari or -- take the reins?

VICE CHAIR FORNACIARI: Sure.

CHAIR VAZQUEZ: Sorry about that.

COMMISSIONER YEE: There she is. Oh, there she is.

All good.

CHAIR VAZQUEZ: Sorry about that. I was dealing with a dog issue. I meant to --

COMMISSIONER YEE: So yeah. So we're thinking we might be able to start brief a little early.

CHAIR VAZQUEZ: Sounds great.

COMMISSIONER YEE: After that, we'll go to regulatory items and Commissioner Kennedy will lead that.

CHAIR VAZQUEZ: Sounds great. All right. So you know, I think it's looking like -- well, I guess, what is the process for wrapping early? Do we feel committed to a 4 o'clock end time in public comment? My debate is -- I'm thinking about having a fifteen-minute break, convening earlier than what had originally stated and potentially wrapping early for the day on a Friday. Does that sound great? Okay.

All right. So I have 2:51. Let's take a full 15 minute break, so we'll reconvene at 3:06. Did I math right? Yes. Okay. 3:06. All right, everyone. Thanks.

MR. MANOFF: Thank you so much, Chair.

We'll see everybody at 3:06.
(Whereupon, a recess was held from 2:52 p.m. until 3:06 p.m.)

CHAIR VAZQUEZ: All right, everyone, welcome back. We are headed toward the conclusion of our lessons-learned conversation.

So Commissioner Kennedy, I think we're on to regulatory.

COMMISSIONER KENNEDY: We are. Thank you. And I will clarify that we're coming to the close of our lessons-learned discussion for this week. We do anticipate having our mappers, and statewide database, and perhaps our data management team speaking to us on the 30th, if we can squeeze all of that in. So we anticipate having further lessons-learned discussions. But I think we've made really good progress in covering a lot of ground between last week and this week.

So under regulatory -- and this is essentially still in process because I'm reading through all of the regulations that we received in our briefing books.

The outstanding issue of who can issue regulations related to the commission. We know that there are regulations related to the selection process that were issued through the auditor's office.

One thing to keep in mind about regulations is, even the regulatory process has certain statutory
requirements. Issuance of regulations can take a
significant amount of time. And are there things that we
can handle through policies and procedures on one hand,
or in a one off through the process that we're actually
going through and then submitting proposed legislative
changes to the legislature and not go the regulatory
route. So that's something to keep in mind.

CCR60863 is on the filling vacancies. That might be
a place where concepts of substantial neglect, gross
misconduct, inability to discharge, written notice,
opportunity for response, and appropriate administrative
government code language about vacancies, but not
necessarily defined adequately for purposes of moving
forward.

Second, clarifying and needing help for the purpose
of receiving public input testimony, or at least if
you're able to clarify the distinction between public
input and public comment. This has to do with the
difference between a standard ten-day notice requirement
under Bagley-Keene, versus a fourteen-day notice when a
meeting is held for the purpose of receiving public input
testimony. And at one point, we were advised that
because all of our meetings included the opportunity for
public comment and any of the public comment could
theoretically involve input towards our mapping, that we -- in order to be safe, we will need to consider all of our meetings to be meetings held for the purpose of receiving public input testimony.

You all will recall that I pushed back very consistently against that, wanting there to be a clear distinction between public input and public comment. But to my mind at least, we definitely need clarification of those terms, at the least.

Government Code 8253, section A, subsection 2 talks about records of the commission pertaining to redistricting. We need to make sure that we all have a clear understanding of that, as well as the mention of data considered by the commission. Basically says, all data considered by the commission shall be public record. And we need to make sure that we are in compliance with that.

We dealt extensively early on with this matter of, what does "redistricting matters" mean, and what does "outside of the public hearing" mean. You know, what if someone emailed a commissioner directly? We know that that was happening pretty frequently late in the process. I had -- well, it happened late in the process, and all of those were forwarded and eventually posted, but is that fully compliant with the government code.
Number 6, clarify that the chair and vice chair can rotate. It seems like a minor matter. In my mind, it's just good to clarify that they can rotate.

Number 7, clarify fully functional.

Number 8, clarify nonretaliation clause. That's the clause in the government code that says, no employer shall retaliate against anyone for attendance at a commission meeting -- talking about the commissioners basically being involved with commissioner duties.

Unfortunately, there's no penalty established if someone's employer were to retaliate against an employee who is also a member of the commission. So do we want to propose clarification of that clause, establishment of penalties if there were to be an instance where someone's employer were to retaliate against them or take action against them for taking part in the activities of the commission.

Number 9, clarifying the purpose of the three-comment period. As colleagues have said, you know, if the purpose of the comment period is to motivate the commission to make further changes, does that then require a further three-day comment period. Some of that, I think, could be cleaned up.

Government Code 8253(b) talks about the dissolution of a commission. So we just need to make sure that
everyone is clear on what that is and the implications.

In 8253.6(b) talks about procurement and contracting authority. We've talked about getting exemptions, exceptions, special frameworks. Perhaps that could be a proposed amendment to this mention of procurement and contracting authority in 8253.6(b).

Conforming changes to CCR60803. Talking about the application here in the application process.

Number 13, reviewing CCR60827, relevant analytical skills. Some folks had mentioned that there may be skillsets emerging as a result of technological evolution that should be added to the list of relevant analytical skills that are considered during the application and review process for future commissions. So that might be something to consider.

CCR6032 already references the Voters First Act, but it doesn't reference the Voters First Act for congress. I was just wondering if that is something that needed to be added to that.

15, we went through this, of the first eight being told that the only thing that we could do was receive training and select the final six commissioners, restraining us from making any public statements. Is it worthwhile make any proposals to enable the first batch of commissioners -- the randomly selected commissioners
to make statements on their own behalf, recognizing that
there isn't a full commission in place, nonetheless,
enabling the first eight to make statements on behalf of
the first eight.

And finally, talking about the continuity of
policies and procedures, from one cohort of commissioners
to another, particularly to facilitate timely payments
and reimbursements to new commissioners, keeping in mind
that new commissioner would be able to make any changes
to those policies and procedures as and when they see
fit. But we did have the experience of timely payments
and reimbursements being delayed because we were told
that there were no policies and procedures in place.

So that's a review of the items that I've come
across so far. Happy to add any that other colleagues
have come across or would like to propose for this. And
opening up the discussion.

Commissioner Sinay?

COMMISSIONER SINAY: Commissioner Kennedy, I found
your happy place. I wanted to say that you for taking
the time, you know, to look at this and cross-examine and
all that. We definitely found where your analytical
skills work best -- not bet, but work well, so thank you.

COMMISSIONER KENNEDY: Thank you.

Commissioner Fornaciari?
VICE CHAIR FORNACIARI: So I'm sorry if you already said this and I missed it, but who made these regulations to begin with? The legislature?

COMMISSIONER KENNEDY: The existing regulations, CCR608, blah, blah, my understanding is those were put in place by the auditor's office. They have statutory authority, I guess, to issue regulations and went through that process.

And in fact, that's how I came across all of the exceptions that the state auditor's office has in relation to state processes because the authority cited -- each of these CCR sections cite as authority, Government Code section 8546. And that's where the authorities of the auditor's office are enumerated, including their exceptions and exemptions from state processes and procedures that are otherwise in (indiscernible).

VICE CHAIR FORNACIARI: Oh, I guess, conceive -- and I'm sure you said this, but I just want to make sure -- conceivably, we could ask for our own authority to write our own regulatory authority?

COMMISSIONER KENNEDY: That is my understanding. Tim can tell us otherwise.

The one caution that I shared was, you know, making procedures is not as easy for a body such as this as
making policies and procedures. So you know, while there
are issues that -- you know, we've said that regulations
exist to fill gaps in the legislation, you know, you kind
of have the option, you can seek regulatory authority and
live with the consequences of having regulatory
authority, which is that you don't necessarily -- you
aren't necessarily able to establish things in policy if
you have the authority to establish them by regulation.
Or you could seek to establish it through legislation and
not bother seeking regulatory authority. So there are
various options. So if you have anything to --

MR. TREICHELT: And so I ask -- just to clarify, and
I agree, I believe the commission, having been created by
a constitutional amendment and also legislation has
authority, I believe that. I haven't done the research,
and I'm sure Anthony knows. But if it doesn't have the
authority to promulgate regulations, the state auditor's
office does, obviously, as we've already stated. And it
might be a matter of asking the auditor to promulgate
regulations and to go through that process.

And also, just to reiterate, the regulatory process
is designed to fill in the gaps of legislation. It has
to be -- regulations have to be within the scope of the
authority of the legislation or the constitutional
measure. But it's a much easier process and much more
better controlled and managed process to do regulations
than to go -- to stick with legislation because as you
all know, you have the risk of losing control of your
legislation and getting an outcome that you really don't
desire.

So that's my two cents worth. And I'm sure,
Anthony, when he returns, will have a more --

COMMISSIONER KENNEDY: Yeah. We have a little bit
less exposure to legislation escaping our control because
the legislature cannot change government code chapter
related to the commission without the commission
concurrence. So that is an advantage that we already
have over some other entities.

MR. TREICHELT: Certainly. And thank you for that
clarification.

COMMISSIONER KENNEDY: Sure.

Commissioner Fornaciari, did you have anything
further?

VICE CHAIR FORNACIARI: Well, I was going to ask if
we could ask the auditor to change it, but I think Tim
said we couldn't, so --

COMMISSIONER KENNEDY: Certainly, anything that's
already on the books, as far as regulation, the problem
that I have seen is that with the possible exception at
the very end of that section 60863 on commission
vacancies, the regulations issued by the state auditor deal pretty much exclusively with the application and selection process, and don't deal with the commission once it's functioning.

The regulations are where we could go because section 60861 is entitled, "Assisting the Commission to Become Functional". So if we wanted to further define fully functional, that would certainly be the place to do it, working with the auditor's office to put out a proposed revision to CCR section 60861, assisting the commission to become functional, and define that term in a way that we feel is necessary for the proper and timely functioning of the commission. Once it gets into the actual functioning of the commission -- I don't know. And yeah. We might have to ask Anthony on that.

Commissioner Vazquez?

CHAIR VAZQUEZ: Yeah. I guess I mostly have a question about process, because I think -- I think these are important pieces to clarify and I -- I do think we should have a say in how these are clarified and defined. Our only feasible options to get regulatory -- well, I guess -- I feel like I've only heard about the option of getting regulatory authority so that we could make these changes ourselves. But in the absence of that, I mean, do we go to the auditor's office and be like, hey this
doesn't work. Here's why. And hope, via their goodwill, they change those regulations?

COMMISSIONER KENNEDY: I mean my -- my sense on that, for example, when we were talking about Number 5; clarifying redistricting maps. We essentially sought to clarify redistricting matters through a policy decision. Policy decisions are easier than instituting regulations, but they don't have the force of regulations. So they're not quite as strong. So presumably, a lot of this could be clarified through commission policy, but it wouldn't have the force of regulation. And so the question then is, do we need it have the force of regulation. Is it worth going through that process in order to have something that has the force of regulations?

COMMISSIONER YEE: Commissioner Fornaciari?

VICE CHAIR FORNACIARI: So -- I'm sorry. What is that process?

COMMISSIONER KENNEDY: Proposed regulations have to be publicized for X number of days. There have to be X number of hearings. I could probably come with a link, a weblink, for you, in fairly short order. But there is a standard process, probably set out in the state administrative code. For promulgation of regulations. Tim, do you have anything --

MR. TREICHELT: If --
COMMISSIONER KENNEDY: -- to add on that?

MR. TREICHEL: If I may? The board that I once worked for promulgated a number of regulations. The process that they used somewhere around the state is, they would do an interested parties process, which was a pre-regulatory, to solicit input for regulations on a topic. And then in that process develop language for the proposed regulation and then -- and then start the official regulatory process, which is -- is defined, as the commissioner noted. And there's certain requirements for public notice, forty-five day notice, and then if it -- if the regulation's amended, et cetera. So there's notice, and then, ultimately, if the regulation is passed by the -- by the body -- by the board -- by the Commission, it would then be sent to -- admission of law for evaluation against the statute that was the authority.

And then once it passes administrative -- OAL, it would then become a regulation after a certain period of time with the Secretary of State. So there is a defined process for regulations. But it all starts with -- it all starts -- should start with the Commission deciding and voting on what language that they want -- want to create in -- what kind of regulation they want to create. So think of yourselves as creating regulation. And that
The process is predefined. You don't have to have an
adjustive parties process, but it is something that I'm
familiar with and it -- it helps get to the -- get to the
ultimate desired language. And then it goes through. So
the idea is the Commission creates the regulation and
then passes it through the process that has consisted
throughout this state for promulgating regulation.

COMMISSIONER KENNEDY: Commissioner Fornaciari?

VICE CHAIR FORNACIARI: That was good. Let's go. I
mean we have plenty of interested parties who are here to
provide feedback and guidance. But I think -- I'd be
supportive of -- of this commission sort of managing its
destiny along these lines where we can, in providing the
clarity. And then if the -- if the next Commission had a
different perspective on it, then they could work to --
to change it themselves.

COMMISSIONER KENNEDY: Very good. Thank you.

Fellow colleagues, thoughts on these -- the listed items
or any other? As I say, I haven't finished going through
all of the existing CCR provisions related to the
selection application, selection processes. Are there
areas of government code that you feel require further
clarification?

Commissioner Vazquez?

CHAIR VAZQUEZ: Yeah. I think, actually, I'm -- I'm
wondering if maybe the -- maybe a good objective for this piece of the conversation is to get general consensus that we want to make an effort toward regulatory changes, and maybe through this interested party process. And then we can have a specific discussion, maybe with a vote, about what specifically we wanted to pursue?

COMMISSIONER KENNEDY: Yeah. I mean this one is certainly -- or at least in -- at this level of detail, is not something that we want or need to finish by the end of this month. This is something that we could do over the course of the next five or six years. Thankfully, I don't think we're going to encounter situations where we need the clarity during that period. But certainly, the 2030 Commission is likely to need it. So yeah. I would be happy with that.

CHAIR VAZQUEZ: Well, seeing no opposition for a general consensus that we want to pursue -- some of these changes -- yeah. I think we are -- it looks like we are good on this item, or this portion of our conversation.

COMMISSIONER KENNEDY: Commissioner Yee?

COMMISSIONER YEE: Yeah. Just to clarify with me for it, then. As mentioned earlier, long term planning. We'll focus on choosing a short list of legislative and potentially constitutional changes to push forward with in our current conversations -- and that's at their
discretion what they think is ready and what there seems to be consensus around. Meanwhile, Lessons Learned will continue to document all these items as a log or list. Document some of the discussions we've had, pros and cons for these items, for the -- the lesson learned report, which will be a -- a fuller -- a fuller document. That doesn't necessarily limit itself to things that we're ready to move on, or will ever move on. They're just things we're thinking about.

COMMISSIONER KENNEDY: Yeah. Many -- many of the items in the Lessons Learned report will just be friendly advise to the 2030 Commission that they're free to accept or ignore. Doesn't need to go beyond that. So that's -- that's a good distinction as far as how we're proceeding with regulatory, how we're proceeding with legislative, and how we might eventually proceed as far as constitutional changes.

Chair, over to you.

CHAIR VAZQUEZ: Okay. Well, I think -- given that we will be re-upping the conversation about Lessons Learned at our next meeting on the 30th, I think we are good to wrap up this conversation and our -- our Lessons Learned conversation for this particular meeting.

Before we -- well, maybe let's do this. I think we should read the instructions for public comment, and then
I can open it up to any additional final thoughts on today.

PUBLIC COMMENT MODERATOR: You've got it Chair. The Commission will now take general public comment for items not on the agenda. To give comment, please call 877-853-5247 and enter meeting ID number 87992576958. 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 stream landing page. And again, this is for items on the agenda or not on the agenda, general public comment. And it looks like we do have a caller. Just a moment.

Caller with the last four digits 6252, if you could please follow the prompts to unmute. The floor is yours.

MS. HUTCHINSON: Thank you very much. This is Helen Hutchinson. I'm with the League of Women Voters of California. And I just had two really quick comments. The -- the first is that, I know that you have a spot-bill waiting for this year, but you don't need to fill rushed. There are multiple years in which you can introduce legislation, so please don't feel rushed.

And the second is, I suggest that you talk to the last Commission about the legislative process before you really get any deeper into it. They -- I don't know what their experience was, but I think that you will feel
better informed if you know what they -- what they did
and how it went forward. Thank you very much.

PUBLIC COMMENT MODERATOR: Thank you.

Next up we have caller 2829. If you could please
follow the prompts to unmute. The floor is yours.

MS. WESTA-LUSK: Yes. Good afternoon,
commissioners. This is Renee Westa-Lusk. I just have
some questions, mostly. When you say the 2020 CRC
website will be archived, does that mean it will be
available to public access through 2031, or until the new
CRC takes over in 2030 or 2031? My first question.

I wanted to say that I don't agree with expanding
the CRC's existing -- I did some statistics and it -- it
will lessen -- statistics wise, it'll lessen
representation of the two major parties combined.

And my third question is, I -- are -- I -- actually,
opinion is, I -- I want to say, yes. I am in agreement
with you expanding the length of time the commissioners
should be spending redistricting. I think the process
should start no later than the end of January 2030, or if
you want start it -- the commissioner should be seated by
December of 2019. I think it should more of a -- at
least a one-and-a-half to two-year process so that
they're -- the staff and the commissioners are not worked
to death at the end, and we get better maps out of it.
I also wanted to know if more of today's handouts are going to be posted on the website, because not all the handouts were there. And the future meetings, will they be live streamed? Because that's different than -- than doing virtual. Would they be live streamed so people from long distances can watch them, or will people have to go in person? And was it -- I just wanted to know, was it against any kind of legal code for the commissioners to look at or examine the 2010 VRA districts that were drawn, so they would have had a starting point of where new VRA districts needed to be drawn?

Also -- Lessons Learned from 2010 Commission, did you have access to those earlier, in the year of 2021, or did you just recently have access to those Lessons Learned from the 2010 Commission?

And then I also wanted to know why the state government can't provide contracting services permanently for the CRC from day 1. So CRC Commissioners don't have to take this huge responsibility on such a short period of time where you're actually actively needing to contract.

And I -- another conclusion -- I just want to say, I noticed a lot of the 2010 Lessons Learned are some of the same Lessons Learned that you have all brought forth in
the 2020 CRC.

And those are all my statements and questions.

Thank you for listening and for all your hard work.

CHAIR VAZQUEZ: Thanks so much. I think there are a few questions in there -- I can't answer any of your questions. But I think there were a couple, particularly around archiving the website and contracting, that maybe our long-term planning folks maybe have answers to? And I -- I think also maybe you -- Ms. Westa-Lucks -- Lusk, you may be identifying things that we haven't yet thought of, so we may not have answers to all of your questions. Are there any commissioners or staff who can maybe address our callers questions?

Commissioner Fornaciari? Commissioner Fernandez?

All right. Let's go down the queue.

VICE CHAIR FORNACIARI: I -- with regard to the meetings, as far as I know our intent is to livestream the meetings, just like we're livestreaming them now, take public comment in person, and in -- in the same way we're taking it now, so that folks throughout the state can participate just as they have been the entire time. So you don't have to travel half-way across state to join us in our meetings. As far as the rest of the questions go, I'm not sure I'm the right person to answer (audio interference).
CHAIR VAZQUEZ: (Audio interference). answer that questions. So Commissioner Fornaciari or Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I think we're just going to parse out all of your questions. I'll try to address the "why can't the state government provide contracting services". You can, actually, have interagency -- interagency agreements with other government entities to provide those services. But I will say, based on my experience of having those interagency agreements, you tend to still be the last in line, because they tend to take care of their own department's contracts prior to getting to yours. And the reason it's beneficial for us to do it ourselves would be at least we would get them done faster, hopefully, and get them processed. So that's a reason for that. Thank you.

CHAIR VAZQUEZ: All right. Thank you.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. On the -- on the issue of the website -- speaking for the website subcommittee, I think it's certainly our intent that the website remain available to the public for -- for as long as possible. There are budget issues involved that we've been looking into -- there are also some technological
issues. We are looking at the possibility of rebuilding the website so that the State Department of Technology can maintain it. We're currently using a platform that they do not support. So we are -- we are looking at what all will be required -- what level of effort will be required to rebuild that website on a platform that the California Department of Technology is able to support.

And as in the past, I continue to press for everything, both 2020 materials as well as 2010 materials to be as available as possible, as widely as possible. And I'm working with state archives to get from them a listing of their holdings as well as instructions on how the public can access all of those materials; at which point we will post those instructions on our website.

Thank you.

Oh, Sorry. On the -- on the issue of the 2010 Lessons Learned, that is a document that has been around since, I believe, 2016. I believe I managed to locate it during the application phase, and I believe we've -- we've shared it among commissioners. And it would have been posted on the website at some point during the process. But it has been available. We weren't handed copies of it when we took office, and we have said that we want to make sure that our Lessons Learned report is -- gets into the hands of the 2030 Commission as
quickly as possible. Hopefully as part of a briefing
binder that they are given. But that's -- that's the
answer on the 2010 Lessons Learned. Thank you.

CHAIR VAZQUEZ: Thanks. Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Yeah. I think that's a good
lesson learned, because finding those documents from the
commission, he had to go -- from the last commission. He
had to go find the meeting where they -- where they
talked about that document, I think. And it was really
hard to find. And our stuffs really hard to find, too.
So we're going to try to do better in enabling the public
to find our stuff, and that's good lesson learned going
forward.

Yes. Question about the VRA districts. I think --
I don't think there was anything that precluded us from
starting there, but -- I mean the population of
California changed so dramatically over those ten years.
I think we as a group just felt like we needed to start
fresh.

CHAIR VAZQUEZ: Great. Thanks so much. Are there
any other callers?

PUBLIC COMMENT MODERATOR: There are no more callers
in queue, Chair.

CHAIR VAZQUEZ: All right. Final call for closing
thoughts on our -- on this week's Lessons Learned
Commissioner Kennedy?

COMMISSIONER KENNEDY: I want to thank all of you. This has been a great exercise, I think. I've come to admire all of you that much more as a result of this. You've really embraced this process and participated in the spirit that I had hoped that you would participate in. So again, my thanks for -- for going through this exercise.

CHAIR VAZQUEZ: Commissioner Yee?

COMMISSIONER YEE: My thanks, likewise, to everyone. If they're going this exercise and continuing to keep your thoughts percolating on all these matters. And special thanks to my colleague, Commissioner Kennedy, who did so much of the heavy lifting for this. And it's always a pleasure to work with someone who is in his happy space.

CHAIR VAZQUEZ: Great. Okay. (Audio interference) or comments, I am adjourning this meeting. We will see everyone on the 30th.

(Whereupon, the Business Meeting/Lessons Learned meeting adjourned at 3:49 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 8th day of April, 2022.

JACQUELINE DENLINGER, CET-797
CERTIFICATE OF TRANSCRIBER

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

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

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

LORI RAHTES, CDLT-108

April 8, 2022