STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION

In the matter of:
BUSINESS MEETING - LESSONS LEARNED

THURSDAY, MARCH 10, 2022
9:33 a.m.

Reported by:
Troy A. Ray
APPEARANCES

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

STAFF
Anthony Pane, Chief Counsel
Alvaro Hernandez, Executive Director
Marcy Kaplan, Director of Outreach

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator

Also Present

Public Comment
Renee Westa-Lusk
Janine Erikat, PANA
Rahmo Abdi, Partnership for Advancement of New Americans
## 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>Executive Director Updates</td>
<td>5</td>
</tr>
<tr>
<td>Communications Update and Outreach Report</td>
<td></td>
</tr>
<tr>
<td><strong>Error! Bookmark not defined.</strong></td>
<td></td>
</tr>
<tr>
<td>Public Comment</td>
<td>16</td>
</tr>
<tr>
<td>Subcommittee Reports</td>
<td>18</td>
</tr>
<tr>
<td>Long-Term Planning Committee Reporting</td>
<td>25</td>
</tr>
<tr>
<td>Public Comment</td>
<td>33</td>
</tr>
<tr>
<td>Finances</td>
<td>38</td>
</tr>
<tr>
<td>Legal</td>
<td>67</td>
</tr>
<tr>
<td>Meetings</td>
<td>151</td>
</tr>
<tr>
<td>Agenda Setting/Internal Communication</td>
<td>122</td>
</tr>
<tr>
<td>Public Comment</td>
<td>173</td>
</tr>
</tbody>
</table>
VICE-CHAIR FORNACIARI: Good morning, California, and welcome to day 2 of our lessons learned exercise for the California Citizens Redistricting Commission. I will call this meeting to order, and ask Director Hernandez to call roll, please.

MR. HERNANDEZ: One second, Chair. All right. And we'll begin the roll call.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Here.

MR. HERNANDEZ: Commissioner Le Mons?

COMMISSIONER LE MONS: Here.

MR. HERNANDEZ: Commissioner Sadhwani?

Commissioner Sinay?

COMMISSIONER SINAY: Here.

MR. HERNANDEZ: Commissioner Taylor?

Commissioner Toledo?

COMMISSIONER TOLEDO: Here.

MR. HERNANDEZ: Commissioner Turner?

COMMISSIONER TURNER: Here.

MR. HERNANDEZ: Commissioner Vazquez?

Commissioner Yee?

COMMISSIONER YEE: Here.

MR. HERNANDEZ: Commissioner Ahmad?
Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Here.

MR. HERNANDEZ: Commissioner Andersen?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Presente.

MR. HERNANDEZ: And Commissioner Fornaciari?

VICE-CHAIR FORNACIARI: I am here, thank you.

MR. HERNANDEZ: Thank you.

VICE-CHAIR FORNACIARI: Just a few notes before we get started. Let's see, we have a slight schedule change for today. I caved in to peer pressure, and we will take an hour lunch, so the afternoon -- after lunch session will start from 1:45 to 3:15.

The -- today, we're going to kick off our meeting with a business meeting. We're going to start with the executive director updates, and after the director updates, we'll go into a brief closed session, a half hour or so, and then we'll return with the committee updates. And once we're done with the business meeting, we will go into -- back into our lessons learned exercise.

So with that, I'll throw it up into my colleagues, if anyone has any announcements to share before we start?

Okay, I'll turn it over to Director Hernandez.

MR. HERNANDEZ: Thank you, Chair Fornaciari.
So I wanted to begin by circling back to the performance evaluations. I want to apologize. I made a mistake. There were a couple of staff that had been offboarded that did not get their evaluations completed before they left, but we are working to get those completed for them, so they'll have them in their folder -- their personnel folder. But the majority of them have been completed; there's just a couple that did fall through the cracks.

As you all know, we went through migration last week. It was a successful migration. Everyone should be able to access their emails through Outlook. If you are having any issues, please reach out to Karina, and she'll make sure that she gets your folders or emails uploaded correctly into the Microsoft Outlook.

As you know, it's a little different. I was very comfortable working with the previous version of Outlook; I'm having to relearn how to use this new version of Outlook. It's a little bit different, so there'll be some growing pains as we get comfortable with this new version of Outlook. It's the Outlook 365.

Database updates, our data management team is still working on coding records in the database. They're also looking at better ways to organize those codes. We had thirteen, fourteen different staff members entering
information, and so the codes were slightly different, and kind of throws it off. So they're trying to make sure that there's some continuity with that.

We also have the GIS interactive maps are on our website, are online, and can exist for an entire year without much maintenance at this point.

In the near future, we're going to replace the shapefiles that the public downloads with files that will include the accompanying metadata. So the files that we previously had don't have the metadata, which is population, the breakdown, and so forth. We're going to include that in the new -- next version of that. Nothing's going to change on the shapefiles except for adding that additional information.

Are there any questions so far? Okay.

Moving on, in regard to the budget, as was mentioned yesterday, we're very close to finalizing the pre-map expenditures and the projections through June 2022 and beyond. The subcommittee will be providing additional information. The budget worksheet summary that we had previously presented, we'll be updating that information with more details as we've been finding that information, or getting that information.

I will say that the majority of the invoices have been received. There may be a couple that are still
being processed, in particular, the line drawer one, we recently received it. It was an additional 120,000, so that puts us at total expenditures for that particular item at 1,722,000, which is a little over -- $90,000 over our contracted amount. So we're working on updating the contract to make sure that they're being paid.

Legal services, the total contract or invoice -- all the invoices have been received, as we know of. And that contract ended up expending 1,082,000. The total contract was 1.2 million, so we were under that contract by a little bit, so that was a good thing.

And so like I said, we will provide additional information. The subcommittee will have this information to review and make sure that they're comfortable with it before we provide it to you all, and we'll move forward with that.

I wanted to go ahead and move on to referencing the BCP, budget change proposal, that was submitted. We did send it through Department of Finance, and are working with them to answer any additional questions. We did make some adjustments to increase the ask, specifically for the fiscal year '22/'23, to include salaries and benefits for staff, as they will likely be working on closing operations beyond June, probably into October, so we made some additional changes to that projection.
We've also added funding for contracting, either through a vendor, or a personal service contract, for someone to update our website to make it available to transition over to CDT, Department of Technology.

So our budget officer will continue to work closely with DOF as they have questions, and will provide additional information as needed, and will keep the subcommittee informed of what's going on and any additional requests that are being asked of them, or of us, I should say.

It is likely that we may have to ask for additional funds. Once we have this budget summary completed, we're going to look to see what our total expenditures will be through the end of the fiscal year, 2022 and thereafter, and seeing where and what amount we would be requesting, if we needed it. So that we'll be working on, that'll be coming forth -- forthcoming to you all. But again, I'll defer to the subcommittee to provide additional information when they're ready.

Are there any questions regarding the budget?

VICE-CHAIR FORNACIARI: I do see a question from Commissioner Kennedy, and then Commissioner Fernandez.

COMMISSIONER KENNEDY: Thank you. This is the, I think, I mean, I've been aware that if we wanted to convert the website to something that could be handled by
CDT that there would be some significant work to be done. This is the first time that I'm hearing that it is planned or there is a plan to go in that direction, and I would like to ask that the website subcommittee be provided with some more information on what all is involved and what the plan is, since we have oversight of that area. Thank you.

MR. HERNANDEZ: If I may respond, Chair? So you are correct. The decision hasn't been made, but we wanted to make sure we had the funding. This is our opportunity to ask for funding, so we wanted to include it in there.

We are looking at, and Marcy will be updating this information. We're looking at the templates provided by CDT and seeing what can be done with those, and then we'll have to present the subcommittee with the options moving forward, whether we go with an outside vendor, or we go with the CDT templates.

The plan is to have whatever we decide on available to CDT, for them to maintain through the next eight years. Otherwise, it's unlikely that we'll have anybody maintaining it during that time frame. So that's going to be the challenge, and where the decisions will have to be made. Thank you.

VICE-CHAIR FORNACIARI: Mr. Fernandez?

COMMISSIONER KENNEDY: If I can follow-up?
VICE-CHAIR FORNACIARI: Oh, yeah. Commissioner Kennedy?

COMMISSIONER KENNEDY: Yeah, I mean, as far as maintaining over the next eight years, and that we do also -- it doesn't have to be a staff position. We do also have the option of an outside contract to maintain it on its current platform. So that's -- I think that's something that, you know, if you can provide the website subcommittee with all the -- with everything that you're looking at, we can look at those two options, as it were, and come back to the full Commission with a recommendation. Thank you.

VICE-CHAIR FORNACIARI: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. Just -- Mr. Hernandez, if we can continue to provide updates on the transcripts of our meetings, in terms of when we expect all of them to be available and online, that would be helpful, not only for this meeting, but for future meetings. Thank you.

VICE-CHAIR FORNACIARI: Yeah, Director Hernandez?

MR. HERNANDEZ: So we've come to the point where we've asked our previous vendor to provide us transcripts that they have. They are not able to do so. So we're moving forward to have the new transcriber take those on and complete those transcriptions. So we will provide
additional updates as those get completed.

We've been more than flexible and understanding with the previous vendor to try to get them up to speed and have them provide us those transcripts. We've asked, and asked, and asked, and have not received them. So we've come to that point where we've got to move on, so we'll be working with our new vendor to try to have those updated as soon as possible, but more information will come on that.

VICE-CHAIR FORNACIARI: Okay, I have Commissioner Akutagawa and then Commissioner Kennedy.

COMMISSIONER AKUTAGAWA: Yeah, just to ask, then, clarification questions, because I'm sure there may be members of the public who might also be wondering this question.

So what happens to all of those transcripts that we were expecting from all the previous meetings? Did we pay this vendor that has not executed on what they were paid to do?

MR. HERNANDEZ: No, they weren't paid. They're paid when the transcripts are delivered, so they're not -- they have not been paid for something that they haven't done yet.

COMMISSIONER AKUTAGAWA: What about the transcripts that then weren't done; how is that going to be resolved?
MR. HERNANDEZ: So we're going to have the new vendor look to see how they can help us in that effort. So I don't have that answer, but they're going to look to see if they can transcribe based on the video, or you know, watching the video, or taking what is available to them, and then actually certifying them as the transcription. That's the piece that's missing.

So there was -- the information was captured, but it wasn't certified as transcription. They have to go through a process to certify it as an official transcript. That's the piece that we didn't get to, and so that's the piece that the new vendor will likely be able to help us with.

VICE-CHAIR FORNACIARI: Did you have a follow-up?

COMMISSIONER AKUTAGAWA: Yeah, I do, thank you.

Just -- the Zoom I know, and I don't know if we have that capability on Zoom, but I know that they do provide transcripts of recorded meetings; is that -- I hear what you're saying about the official. Is that something that could be used as the basis to create the official transcripts, since -- and I don't even know if we have that available on Zoom, either.

MR. HERNANDEZ: The court reporters capture the information, and that information is then given to the transcriber. They have to review it, edit it, and they
have to put their official stamp on it for it to be considered an official transcript. So we do have -- some of the work has already been done, but it hasn't been reviewed for the final approval.

VICE-CHAIR FORNACIARI: Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. You know, in the category of water under the bridge, I think this was allowed to go on for far too long. It seems that we were aware a long time ago that we were not getting performance, and I think we've let the public down, as far as the availability of these transcripts. I'm deeply disappointed. Thank you.

VICE-CHAIR FORNACIARI: Is there anymore, Ray?

Okay. Is there any more, Director Hernandez?

MR. HERNANDEZ: No, that concludes my report. Thank you.

VICE-CHAIR FORNACIARI: Normally we go to the communications director report. Is that going to be Director Kaplan handling that at this point? Okay.

Director Kaplan, thank you.

MS. KAPLAN: Hi, I'm just going to a combo, communications and outreach report.

So Martin has been supporting with the archiving process for State Archives, so that is close to being done. The big bulk -- the biggest lift was the -- all
the documents in the past meetings. So again, just for
your reference, this is for State Archive purposes, but
also, should we need to be rebuilding out a website,
we'll have all the content. So everything is being
archived by date and document title, also by category of
the website.

And so the last remaining items are the outreach
materials and language folders. So this should be
completed by Friday, as well as files that are on our
YouTube from Commission presentations or other videos
that were created by the Commission.

And then another item that he's working on is
through the switch to Outlook, and moving away from
Google docs. There's some relinking throughout the
website that needs to happen, where there were larger
files that were stored in Google Drive. And so that
process will hopefully be completed next week.

And also social media archiving, that's close to
being completed as well for State Archives.

And we also met with -- I forgot the name of the
subcommittee, but Commissioner Yee and Commissioner
Sinay, what's the subcommittee name?

COMMISSIONER YEE: Redistricting Engagement.

MS. KAPLAN: Redistricting Engagement, as mentioned
yesterday, and we're working on talking points and
support for PowerPoint, as well. And that's my report.

VICE-CHAIR FORNACIARI: Thank you, Director Kaplan. I understand there are no updates from the Chief Counsel at this point?

MR. PANE: That's correct, Chair, but I'm happy to take any questions, if anyone has them.

VICE-CHAIR FORNACIARI: Okay. So at this point, we finished with the director reports, so let's call for public comment on that agenda item, please?

MR. MANOFF: Sure thing, Chair. Katy's here to help us.

PUBLIC COMMENT MODERATOR: Good morning, Chair.

VICE-CHAIR FORNACIARI: Good morning.

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 live stream feed. It is 877-853-5247. When prompted, enter the meeting ID number provided on the live stream feed. It is 85298300771 for this meeting. When prompted to enter a participant ID, simply press the pound key. Once you have dialed in, you will be placed in a queue. To indicate you wish to comment, please press star 9. This will raise your hand for the
moderator.

When it is your turn to speak, you will hear a message that says the host would like you to talk, and to press star 6 to speak. If you would like to give your name, please state and spell it for the record. You are not required to provide your name to give public comment.

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

And at this time, we do not have anyone in the queue.

VICE-CHAIR FORNACIARI: Thank you, Katy. We will wait until the feed is caught up, and then give another minute or so. So thank you.

PUBLIC COMMENT MODERATOR: You're welcome. Sounds good.

The instructions are complete, Chair, and we do not have anyone in the queue.

VICE-CHAIR FORNACIARI: Thanks, Katy. I'll wait a little bit longer, and then we'll move forward.

Okay, it doesn't look like we have anybody calling in for public comment on that agenda item, so at this point, we are going to go into a brief closed session
under the pending litigation in security exceptions, so I expect about a half an hour or so, and we'll be -- so that would put us back approximately 10:30, yeah. Okay, so we'll be back around 10:30. Thank you.

(Whereupon, a recess was held from 9:54 a.m. until 10:40 a.m.)

VICE-CHAIR FORNACIARI: Welcome back, California.

We -- I just want to report out from our closed session. We did discuss some litigation and security issues, but no decisions were made, so I have nothing to report out.

With that, we are going to go into our subcommittee reports. I think it would be -- I don't want to go through the whole list; I don't know that there are going to be too many subcommittee reports, so subcommittees that have reports, I would just ask you all to raise your hands, and we'll get to you in the order that you raised your hands.

So I have Commissioner Sinay.

COMMISSIONER SINAY: You're ready for us now?

VICE-CHAIR FORNACIARI: Yes.

COMMISSIONER SINAY: Oh, okay. I didn't know if you were making a list. Sorry about that.

So Commissioner Yee and I -- so weird to go back to using our last names. Commissioner Yee and I on the, what's it called again?
COMMISSIONER YEE: Redistricting engagement.

COMMISSIONER SINAY: Engagement. On the redistricting engagement subcommittee -- have been busy just kind of getting organized and trying to figure out what are the parameters of what we can and can't do, and whatnot. So just some of the thoughts that we have had, based on conversations with legal counsel and also, you know, input from the community and meeting, is that a lot of what we hope to do about promoting independent redistricting councils, both in the State of California and nationally. It's a really good and important cause, and it's obvious that we would be ideal leaders in that.

From the beginning, we've always said that the CRC, the institution of the Citizens Redistricting Commission, wouldn't lead in this effort, but that we would support efforts that are happening that others are doing, and so we do recommend continuing as supporting efforts versus leading efforts.

We want to just make clear that the time that we spend on doing these things, be it writing an op-ed, or doing a speech, or going to a conference, or writing a publication; all of that is our time pro bono. And it is -- we don't charge our time to the Citizen Redistricting Commission. And also that we can't request per diems because this is -- again, outside of kind of
what the legislature had set up this Commission to do,
but it is important that we do it.

And then, also staff can't support this work, so
they can't help in organizing our travel or sending out
your head shots, or things like that. Most of it is
already on the website, but this will have to be, you
know, done independently.

Having said that, we are creating talking points,
and we are creating PowerPoints, and we will have a
folder with all sorts of different op-eds, and people --
so we're trying to create the tools so that you -- it'll
take the least amount of time. You can adapt it, you can
change it and all of that, but again, the staff won't be
able to, if you decide to create a new slide or whatever.
So we're kind of working around those parameters.

And then finally, because of this, and this is kind
of all new, we have created -- oh, so before I say final,
we did create a grid, and we've put, like, everybody's --
all the opportunities that have come to us, and those
that have come directly to individuals, just so that we
all have it in one place. We're still updating it, based
on a lot of different things.

So I know we had talked about different state op-eds
and we did -- Russel, sorry, Commissioner Yee submitted
one on -- got one placed. We have one placed in Ohio.
Things change really quickly, so some of the ones we thought we might do, we aren't doing, and there might be some new ones. Same with presentations, they come, and they go, and they change. And so we're working out all those details, and we will have a place where people can go and look to see, okay, where are we on this; do we have a deadline; do we have any updates.

Also, we are trying to share the opportunities with everybody who is interest. And we know with these new parameters, some people may not have the bandwidth to do it. So please let us know. We're going to assume that you do still want to be engaged in redistricting promotion efforts in the State of California and nationally, unless we hear from you. So -- but anytime we send you something and it's too -- you can't do it, just say no, you know. I always say that the most honest answer you can ever give someone is no. So feel free to do all that.

And that's why the requests and things will be coming to -- again, Russell and I, because staff can't be involved, so we're still trying to manage all those pieces and there's some questions around it.

I see a lot of hands up, and hopefully Anthony is on the call so he can answer them. No, go ahead.

VICE-CHAIR FORNACIARI: Yes, so I think Commissioner
Akutagawa and Commissioner Fernandez have reports that they put their hands up for. I didn't know about Commissioner Yee. Did you have a follow-up on this --

COMMISSIONER YEE: Yes.

VICE-CHAIR FORNACIARI: -- or it is something different? Okay.

COMMISSIONER YEE: Yeah, a follow-up. So just to amplify.

So we're in something of a transitional period, you know. I mean, right after the maps were done, you know, Fredy was going full board to get our story out, right, wherever we could get that story told, and so a lot of staff time.

But now we're kind of transitioning out of that period. So it seems appropriate to still have staff put in some time to develop kind of a final wrap-up slide show that we can all use going forward. Still have a minimal amount of staff time just to track our engagements, but not going forward using staff time to promote and do, you know, actively, proactively work on engage -- developing engagements, you know.

So this is a change from what we have been discussing earlier. You might remember, earlier we had a discussion and there were mixed feelings about whether or not this was properly the work of the Commission as such,
and so with legal advice, and then you saw the League of
Women Voters letter and so forth, our decision is to in
fact pull back. And as Commissioner Sinay said, to only
use very minimal official staff time going forward, and
to make this really a pro bono effort.

And so reducing engagement, then, as such, is really
reducing its work plan. And we'll still be doing some of
this, just on our own because we just happen to be in the
position to do it. But you know, all of you are getting
invitations and so forth as well, so some coordination
around that, but not an official Commission full-bore
staff-supported effort behind it. Hope that makes sense.

COMMISSIONER SINAY: I don't see it as we're
reducing our -- I mean, I feel like we're increasing our
work, but maybe decreasing our --

COMMISSIONER YEE: Official subcommittee work.

COMMISSIONER SINAY: Yeah, I guess that's a critical
question for Director Pane, is do we -- is even the idea
of having a subcommittee, I mean, Commissioner Yee and I
can volunteer to help out on this on the side and do it
all as volunteer, or can we officially still be a
subcommittee, even though we're not charging -- yeah, we
won't be charging our time or any of those things, but
you know, we can report out and still coordinate. Does
that make any sense?
MR. PANE: Yeah, I think there's nothing wrong with having a subcommittee. That's totally fine. I think we just have to be mindful of the activities that we're -- that the Commission were to engage in, to make sure it's not advocacy in other states, or you know, on -- in different jurisdictions while using taxpayer funds. That's just the careful thing to be, make sure we're watching out for.

COMMISSIONER YEE: Right. So once we get this slide show, this wrap-up slide show together, and talking points together and out to all of you, I think the official work of the committee as such will be reduced to very little, yeah.

VICE-CHAIR FORNACIARI: Okay, I think Commissioner Fernandez had a follow-up, and then Commissioner Andersen.

COMMISSIONER FERNANDEZ: Yeah, just quickly, thank you.

Commissioner Sinay, you -- I was trying to remember if we were open or closed session, so I have to be official now.

Commissioner Sinay, you mentioned the grid; so is it -- will it be something that's accessible so then I can just post it directly? Okay, perfect. Thank you.

VICE-CHAIR FORNACIARI: Commissioner Andersen?
COMMISSIONER ANDERSEN: Same question that --

COMMISSIONER SINAY: Sorry, I mis-answered. It will be accessible so that you all can see it, but you won't be able to make changes and such, because then it becomes serial meetings. I know there's another word for it. So you all can just send us your changes or updates, and then we'll put it in there.

So that -- we can only have two Commissioners who have access to changing the document. We will be sharing it at -- we just haven't had time before today's meeting, just because there's -- as you can see, there's been a lot of moving parts, and the main one was we want to get to the talking points and the PowerPoint. But -- so we'll be sharing it, and it will be public, but you can't make the changes.

VICE-CHAIR FORNACIARI: Commissioner Andersen, did that answer your question? Okay, thanks.

Okay, then we will go to -- if there are no other questions, we'll go to Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yes, thank you.

I am going to be starting off the reporting for the long-term planning subcommittee, and then Commissioner Fernandez is going to take over.

So we just wanted to update the Commission and anyone else who is watching that we did have a meeting
with the legislature, and I don't want to mess up all the
nenames. We met with Diane Griffiths, Ethan Jones, and
Michael Wagaman, and Chief Counsel Pane was also with us
as well, too.

What -- the purpose of that meeting was to share and
just be able to explain some of the conversations and
thinking that we had behind each of the legislative items
that we are considering. We did let everybody know that
this is still not a complete list. It is a list that is
still in process and pending further discussion.

We also did let everybody know that was there that
it would also be informed by this week and next week's
lessons learned meeting, but in the interest of being
able to start ensuring that there's at least an
understanding of where we're going, because some of it
will require potential legislative changes or
constitutional changes. We wanted to make sure that we
did not miss an opportunity to start a conversation where
the legislature is also understanding the areas in which
we're particularly interested in seeing potential changes
that will hopefully make the work of the independent
Citizens Redistricting Commission more efficient.

With that, I'm going to turn it over to my co-sub,
my partner in crime, my co-subcommittee member,
Commissioner Fernandez.
COMMISSIONER FERNANDEZ: Thank you.

One of the important things that came out of it is that in order to for a bill to move forward, it needs to be introduced and read, and so that needs to be done by the end of April. So our deadline to forward any potential changes would be mid-April.

They were also gracious -- we will, based on what the Commission votes to move forward, we will draft as much as possible, but they were also gracious; they do have a slew of chief counsel -- or counsels that can wordsmith it to whatever legalese, you know, what it needs to look like. So it will look different than what we submit, of course, they know what the writing should look like.

It was a very beneficial meeting for all of them, because they gave us perspectives. They were all involved somewhat in the 2010, so it was good to have some of that historical information as well, as we move forward. And of course, you know, we were sure to differentiate between governmental changes versus constitutional changes, and what those two different avenues look like.

VICE-CHAIR FORNACIARI: So I'll jump in with a question, and then we'll go with Jane.

I mean, what's the time frame, then? Do we -- I
mean, what's the time frame for us to make a decision
that we want to propose changes X, Y, and Z?

COMMISSIONER FERNANDEZ: Right. So what we're
hoping, we have the lessons learned this week and next
week, and then I think we have another meeting at the end
of March, and what we're hoping is by the end of March,
that the -- we'll have a list of those items that we are
looking to move forward. Again, there are other years
that we can, but we have an -- Assembly Member Bryan is
willing to author and carry this bill, so we don't have
to search for someone, which we're very grateful to him.

And so we'd really like to take this opportunity to
move forward those that -- those items which the
Commission feels we can move forward with. Again, we can
move forward with other items in future years, other than
those years that end in a 9, 0, and 1, something like
that; I forget what the code section says, by the end of
March.

VICE-CHAIR FORNACIARI: Okay. Quick follow-up. Did
they -- I mean, did they provide any feedback on we're
supportive of this idea and not this one, or anything
like that?

COMMISSIONER FERNANDEZ: I don't -- they really --
you know, they're not in a position to provide support,
right, because it's the Commission's request. And it was
more of, they were listening to us and then maybe

providing comments in terms of, like, for example, one of

them was to move the date from August 15th to September

15th, and Michael Wagaman informed us that the 2008

proposition actually had the September 15th date, and the

2010 proposition changed it to August 15th.

So they provided more of like a historical context,

and also sometimes I -- Linda was more like, the 2010

also thought of that, but then they didn't move forward

with it, so it wasn't more -- it wasn't we agree or

disagree, it was just more of wanting to understand the

different areas and why, if that makes sense, like the

background to it.

VICE-CHAIR FORNACIARI: Okay, thanks.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Just to follow-up on that,

so did they happen to say why it went to August 15? Was

it -- because you said for, like, was that the

congressional level, different time frame, or?

COMMISSIONER FERNANDEZ: No, it's whoever -- whoever

authored the language.

COMMISSIONER ANDERSEN: The language, okay, all

right.

COMMISSIONER FERNANDEZ: Right.

COMMISSIONER ANDERSEN: My actual question was, and
I'm sorry, I was just trying to get the people you were
talking to. It was Diane Griffiths, Ethan Jones, Michael
Wagaman?

COMMISSIONER FERNANDEZ: Yes. And Anthony.
COMMISSIONER ANDERSEN: Oh, then Anthony, okay.
COMMISSIONER FERNANDEZ: Chief Counsel Pane, yes.
COMMISSIONER ANDERSEN: Great. Perfect. Okay,
thank you.

VICE-CHAIR FORNACIARI: Oh. Great job.
COMMISSIONER ANDERSEN: (Indiscernible).
COMMISSIONER AKUTAGAWA: Thank you. And if I could
just add, I just do want to emphasize again, too, they
were seeking to just understand the thought processes
that we had in raising it. We were also careful and
wanted to emphasize to them that this is still -- nothing
is final; we are all still discussing it, but we wanted
to, as Commissioner Fernandez says, you know, we wanted
to start the dialogue because we are under a timeline and
we didn't want to just wait until everything is done, and
it was helpful also in terms of hearing their historical
perspectives. They were also very careful; they did not
state, you know, for or against anything. They just
wanted to give some of the history.

So again, as we had a conversation, it was really to
just further understanding of context.
VICE-CHAIR FORNACIARI: Commissioner Yee?

COMMISSIONER YEE: Thank you. Thank you for this good work. I just wanted to comment about an item I had sent to Anthony for consideration as a legislative change, and that had to do with the old post-maps consulting help to counties that I'd been pursuing. And since I sent that, I had met with reps from the California Association of Clerks and Election Officials and heard more about the situation and what happened this year, and so forth.

And we decided -- actually, it wasn't -- the need is not to a level where we need a statutory change, so I'm going to withdraw that and introduce some lessons learned recommendations, and then I'll inform you about some changes they're making on their end for best practices for election officials, but not to add this to the statutory language for the Commission.

And I haven't -- yeah, I was going to send an email for that, but didn't get to that, but thought I'd mention it now.

VICE-CHAIR FORNACIARI: Okay.

COMMISSIONER FERNANDEZ: Thank you for that. Oh, I'm sorry. Can I just follow-up on that?

So we just shared the list that we had shared with the full Commission and that had been public, so we had
not added that, Commissioner Yee, but thank you.

COMMISSIONER YEE: Okay.

COMMISSIONER FERNANDEZ: I'll make sure not to add it.

COMMISSIONER YEE: All good.

VICE-CHAIR FORNACIARI: Okay, let's see. We're up against our break right now, so what we'll do is we'll take a break until 11:15. We'll come back, see if there are any other updates, subcommittee updates, we'll take public comment on the subcommittee updates, and then we'll go back into our Lessons Learned exercise. So see you all in fifteen minutes.

(Whereupon, a recess was held from 11:00 a.m. until 11:15 a.m.)

VICE-CHAIR FORNACIARI: Welcome back. We were in the midst of our subcommittee reports, so let me check in. Are there any other subcommittee reports or questions or comments on the reports that have been given thus far?

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. I was just going to go over finance and administration just briefly. We are continuing to work with our executive director and our fiscal staff on the budget, and we're scrubbing the numbers, as he mentioned.
At this point, we may need to move forward with an additional request to release additional funding, based on our projections for the end of -- expenditures for the end of this year, as well as next year. And we will just continue to follow the budget change proposal, the status of that and respond accordingly, if we have to. And I think that's it.

Commissioner Fornaciari, did you have anything else?

VICE-CHAIR FORNACIARI: Okay, well, if there's not anything else, then Katy, we'd like to take public comment on the subcommittee reports, please.

PUBLIC COMMENT MODERATOR: Absolutely, Chair.

The Commission will now take public comment on the subcommittee reports. To give comment, please call 877-853-5247, and enter the meeting ID number, 85298300771 for this meeting. Once you have dialed in, please press star 9 to enter the comment queue.

The full call-in instructions were read at the beginning of this meeting, and they are provided in full on the live stream landing page.

And at this time, Chair, we do not have anyone in the queue, and we'll let you know when the stream catches up.

And we do have someone in the queue. Caller 2829 -- what just happened? Caller 2829, if you'll please follow
the prompts to unmute. The floor is yours.

MS. WESTA-LUSK: Good morning, Commissioners. This
is Renee Westa-Lusk. I have two questions.

Regarding your budget that you're submitting to the
committee for future years, is there any provision for
the Commissioners possibly to go and educate voter --
voter constituencies about redistricting two years prior
to 2030?

Because I have to be honest with you, a lot of
people don't even know about the process, and especially
the rural areas are left out, are totally oblivious, and
I think it would be a good idea if there was some money
down the road, like the last two years of your terms,
where you could go and travel to educate other parts of
California about the process coming up in 2030, so people
are even aware of it.

And then I have a second question regarding
archiving or preserving the records from this Commission,
and also the 2010 Commission. Is there any provision to
preserve the 2020 Commission? Because I think down the
road, California's going to gain more congressional
districts in future censuses, and we're going to go back
to having more than fifty-two congressional districts.

Those are my questions. Thank you.

VICE-CHAIR FORNACIARI: Thank you, Ms. Westa-Lusk.
Let's see, we have Commissioner Kennedy, I think he's
going to jump in on question 2, would be my guess, parts
of question 2.

So go ahead, Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair.

And yes, Ms. Westa-Lusk, I have met with staff from
the state archives specifically to discuss with them how
our materials are going to be archived, as well as
getting an idea from them of what they have from the 2010
Commission.

What I've asked them for is eventually to produce a
full listing of the materials that they have from both
Commissions, including instructions for the public on how
to access those materials, so that we can then turn
around and place those instructions and the list of
holdings on our website for widest public access.

So we are indeed working to ensure that our
materials and the 2010 Commission materials are as
accessible to the public as possible. And just really
want to appreciate your interest and support throughout
this process. Thank you.

VICE-CHAIR FORNACIARI: Yeah, and I would also add
there's an effort going on right now to get the -- all of
our documents organized in a way that they'll be -- the
current documents for the current Commission -- organized
in a way that -- and accessible on the website. It was
definitely one of the areas that -- well, we'll recommend
that the 2030 Commission is -- does a more effective job
in allowing their access to the documentation.

And then as far as your first question, that's
certainly a big part of what we're going to be talking
about in our lessons learned in the outreach and
strategizing.

You know, what the outreach strategy would be in,
you know, at the end of this decade to reach out because
I think we all think there needs to be more effective
approach. I think Commissioner Fernandez as a comment on
that also.

COMMISSIONER FERNANDEZ: Yes, thank you, Chair.

Yes, in our budget change proposal and prior
meetings that we've had, we did include funding for
continuing -- continued redistricting education
throughout our entire term, but then really focus the
last couple years and coordinate with the census to
continue to educate in conjunction with the census
outreach efforts.

So thank you for that reminder, and hopefully it
gets approved and we can move forward with that.

VICE-CHAIR FORNACIARI: Does that answer your
questions?
MS. WESTA-LUSK: Yeah, and I didn't mean to interject anything. I just want to say thank you for that valuable information.

VICE-CHAIR FORNACIARI: Well, and thank you for your ongoing participation, interest in our process. You take care.


VICE-CHAIR FORNACIARI: Okay. With that, we have no other callers, so we'll transition from our business meeting to lessons learned. I'm not sure who I'm going to pass it to.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. So just as a reminder, yesterday we were able to make it through discussion on the formation and composition of the Commission including comments on the recruitment process, selection process, et cetera. We talked about support and staffing from the earliest days through the out years. We talked about training and team building, particularly what subjects were covered, when they're covered, how they're covered.

And we were able to jump into the topics initially scheduled for today which were finances, looking of externally, how we get funding from the state for what we do, how much, when, the process of getting that funding,
as well as our own internal processes, reporting, policies, procedures, et cetera.

We had not finished our discussion on finance and admin. The prompts for that include financial, organizational, and personnel policies and reporting, financial controls, contracting, recruitment, procurement, the org chart, public comment policy, computer, cell phones and cyber security, and office space. And so we left the discussion open to continue today. We did request that a copy of the latest org chart be available or today's discussion. And so I will kick things off there.

I see Commissioner Fernandez has her hand up.

COMMISSIONER FERNANDEZ: Thank you Commissioner Kennedy. I just wanted to -- I remembered one thing, of course, as I was driving home, that I forgot to include in yesterday's, so should I just send it to you via email or just say it now. I mean, it's really quick.

COMMISSIONER KENNEDY: Say it now.

COMMISSIONER FERNANDEZ: Okay. The one thing with the staffing that I feel is needed and is lacking and I don't think we really thought about it until now at the end is, there are fourteen of us and we have revolving chairs. And we have one executive director that reports to us. So I -- my Lessons Learned for that would be for
the future Commissions to think about maybe having, like, a subcommittee that could have that direct link to the executive director in terms of providing direct -- consistent -- for consistency, like, direction and feedback and mentoring.

Because there's fourteen of us and just like anything -- it's hard to have fourteen bosses and to provide that supervision and higher management level. I think we could have done better in that area. And that's pretty much all I had to say on that part.

And in terms of the org chart, I did ask for that information and it was forwarded to me this morning. I haven't really reviewed it yet to make sure that it has everything. So I'll take a look at that really quick.

COMMISSIONER KENNEDY: Okay. I'll go ahead and toss in -- well, no, I'll wait then. I've got it down under meetings but just discussing whether there is a useful distinction to be made between the function of the chair and the function of meeting facilitator. Are they necessarily the same as their scope or splitting those two. But we'll take that up under meetings.

Are there -- are there other thoughts on finances, externally facing -- we're admin and finance internally at this point? Commissioner Andersen.

COMMISSIONER ANDERSEN: I'm just sort of verifying.
One of the recommendations that we are making I believe is for us to leave, essentially, draft RFPs and Scope of Work for all of the different positions; is that correct?

You know, basically, essentially examples that the 2030 Commission could either use or throw out. Similar to what we had heard it from the auditor -- state auditor on, many of our positions. Was that -- if that wasn't a recommendation, I recommend that we do that for all positions. Again, so they have a framework to go like this or throw I out.

COMMISSIONER KENNEDY: Yeah, I would certainly say that the more materials like that that we can provide to the 2030 Commission, the better we -- the discussion yesterday was focusing a bit more on the current positions, whether we want to look at the possibility of upgrading any of those positions because it did prove difficult to attract staff on some of the -- for some of the positions given the salaries which are based on the position descriptions and our experience that in many, if not all cases, staff duties ended up going well beyond what was in the actual position description.

So it -- at the very least, an updating of position descriptions to more closely reflect reality, I think, is something that there was significant interest in yesterday. And I personally was -- was advocating for
seeking approval of additional positions that could be, obviously at this point left open. And then the 2030 Commission could make their own decisions as to which of those positions they wanted to -- to fill.

But you know, my thinking on this is, and based on Commissioner Fernandez's input yesterday, that it's much easier to modify a position than it is to establish a position. You know, I think that the 2030 Commission should have full scope to modify any and all positions that are there be we would very much like to save them the time and trouble of establishing positions that they might need, to the best of our abilities in the meantime.

COMMISSIONER ANDERSEN: Yup. My intention was that we would make drafts of all of those, including those updates, as well as the RFPs, like the RFPs for all, you know, the consultants as well. A draft for all of those. That's my recommendation.

COMMISSIONER KENNEDY: All right. Thank you for that.

Commissioner Fernandez, did you want to provide any further input on this topic?

COMMISSIONER FERNANDEZ: I do have the org chart, if you wanted me to bring that up. Did you want me to --

COMMISSIONER KENNEDY: Sure. Perfect.

COMMISSIONER FERNANDEZ: Alvaro, did you want to
bring up the org chart?

MR. HERNANDEZ: Yes, I'll get that up. Just one second, please.

COMMISSIONER FERNANDEZ: Okay. I've got it open.

Oh, is this -- oh, wait a minute. Is this -- is this the one? Oh, never mind. I'm sharing. Okay, now I've -- is this one it, Alvaro? Yes? Yes, okay. How to make it -- oops. Can everybody read that okay? Okay.

So this is where, I believe we ended up, correct, Mr. Hernandez -- and these are full-time positions?

MR. HERNANDEZ: Not all of them are full time --

COMMISSIONER FERNANDEZ: Okay.

MR. HERNANDEZ: -- you have the support staff -- the last row of field staff are -- were part time.

COMMISSIONER FERNANDEZ: But, okay, I guess my question is, are they established positions?

MR. HERNANDEZ: Yes.

COMMISSIONER FERNANDEZ: Okay. So maybe moving forward we can differentiate between established positions versus RAs or temporary positions. So I think what was important for the Commission was to know which positions are -- would move forward to the 2030 Commission. So those would be fully established positions under the Commissions hiring authority. So I believe it -- it should be all the positions, except for
the student assistant. And then, obviously, where it says, "contractor," those are contracted positions.

But I just, hopefully, confirm some of these other positions would be beneficial. Thanks.

And just -- I just got this a few minutes ago, so I haven't had a chance to really go through it. But this give you an ideas of the positions that we -- we had authority for or that we did hire for. And then whether or not the field lead staff was an associate level analyst and the field staff was staff-services analyst which is lower than an associate. Again, these positions, these field lead and field staff could be different classifications. We just have to write different duty statements for that.

COMMISSIONER KENNEDY: Okay. Thank you for getting this up for us all to take a look at.

Director Hernandez.

MR. HERNANDEZ: Yes. I just wanted to point out which ones are retired annuitants. So under chief counsel, you have three different legal counsels. Those are all retired annuitants. You have the student assistant, which is not a position, per se. The contractors are not positions. And then you have the administrative assistant, which I believe is an RA, that is not a position that we have. All the others are
positions that are established that would transfer over to the next Commission.

Ravi's position is permanent -- oh, I'm sorry, I meant the office tech -- I'm sorry, my eyesight is a little off. The office sec is the RA. The admin assistant is the -- is Ravi. And that's a permanent position.

COMMISSIONER KENNEDY: Okay. And the office tech is the IT person as I understand it?

MR. HERNANDEZ: No. That was Wanda, is the office tech?

COMMISSIONER KENNEDY: Wanda is the office tech, okay.

MR. HERNANDEZ: Wanda is the office tech. The IT person would be an RA and that would be the IT manager. That's right below that. That's another -- that's Corrina the IT manager.

COMMISSIONER KENNEDY: Okay. So in the case of positions that are currently filled by retired annuitants, those are nonetheless established positions and they could be hired against given budget availability. They could be hired against and filled with full-time staff; is that correct?

MR. HERNANDEZ: I'll have to look into that but my understanding would be, yes. You hire RAs because
they're available. You have specific needs that they provide that you wouldn't otherwise be able to get. But IT manager, I would think, can be an established position. So I'll look into that one.

COMMISSIONER KENNEDY: Okay. Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. Thank you very much for this. Could we actually have this with who -- what -- two things. What the positions actually are, like, you know, they're all real positions and, like, Commissioner Fernandez was saying that's an assistant tech level, you know the different levels of them. And also, and even if on the second one, who everybody was. Because, you know, I don't think we ever actually knew who all the people were doing everything. And so, I think -- so, you know, it'd be two different ones. But, you know, I think it would be extremely helpful to have this document with what are the levels, so we can actually understand which ones were trying to change and where -- how that all fits together, please.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen. Commissioner Turner.

COMMISSIONER TURNER: Yes, thank you. Director Hernandez, is Raul on this chart?

MR. HERNANDEZ: Yes, Raul is on the chart. He's the
deputy administrator. He's in between the administrative assistant and the office tech.

COMMISSIONER TURNER: I see it. Thank you.

COMMISSIONER KENNEDY: Yeah I would think that for Lessons Learned purposes, you know, it might be useful for us to see all of the -- to have both this document as well as all of the underlying descriptions, just to take a look at. But Director Hernandez, I'm interested in your thoughts on the adequacy of this staff for this organization chart for a Commission that is likely going to be under significant more time pressure and whether there are any changes that we might want to propose in order to smooth the way for the 2030 Commission.

The one other observation that I would have on the chart is that chief counsel should have a dotted line to the Commission. Yes, administratively, chief counsel is always going to follow under the executive director but is able to report to the Commission rather than reporting through the executive director. And I think that's an important modification required for the chart.

So if you have thoughts now on the adequacy of this for 2030 Commission, I'd be interested in hearing that, otherwise I'll pass the floor to Commissioner Turner.

MR. HERNANDEZ: I do have a couple of thoughts about this. You know, a lot of this evolved from us having to
pivot a number of times due to the census delay and COVID. And so I think the next Commission will not have the -- hopefully, they won't have a pandemic to deal with and having a moving target, essentially. So a lot of the positions could be brought on at the same time, early on, to get a lot of the work done, I would say from the administrative perspective. And I think it was mentioned yesterday, getting the budget staff person or persons, I would recommend more than one because again, there are fourteen Commissioners and very limited staff to do a lot of the work for those fourteen Commissioners.

So additional staffing on the budgeting and accounting I think we would be ideal early on. As early as possible, even before the Commission is actually set would be ideal. And I think that's part of the recommendations that will be discussed later on as part of the long-term planning. And how to do that is where we have to figure that piece out.

Additionally, I think yesterday I had to leave the office but I was listening in on the phone, the idea of having a deputy executive director -- I like the idea. I think this time when I came onboard as the executive director the question was asked of me, do I need a deputy executive director. And realistically, I considered it but I felt it was more important to have that position be
focused on outreach. And that's where we just changed
the title to the outreach director. So we didn't not
fill the deputy director position. We just renamed it as
director of outreach. I wanted to clarify that piece of
it.

It is important that we have communication director
onboard beforehand. So I would agree with a lot of the
recommendation, discussion that went on about that
yesterday as well. You know, I think you just need
more -- more staff doing the administrative activities.
Most departments will have an entire department -- or
entire division dedicated to accounting or budgeting. A
whole division dedicated to contracting. We had to do it
on a very, very tight budget on a very, very tight leash.
Raul was the one person that was the constant in doing a
lot of these activities and working with a lot of the
outside entities.

And I know that it has been discussed to have
liaisons but you still need someone to do the work
internally. So I think having additional folks in that
area may be spreading it out a little bit better for the
future would be helpful to the 2030 Commission.

Now, I don't know if you're going to find one person
who has the experience or exposure to everything that is
done by this Commission and how it's done, or how it's
been done. But that's one of the advantages that we had with having Raul onboard is that he had that and he had exposure to doing the different things that needed to be done and was able to help us move things along a lot quicker.

For the 2030 Commission, that is going to be a huge challenge. And I don't think you can find one person who will be able to do that moving forward. So you may have to split it up into additional folks. To break it up and to ensure that they can focus just on contracting or just on just on H.R. or just on the budgeting side of it.

Those are my initial recommendations in that regard. So, you know, additional staffing would definitely be something I would support.

COMMISSIONER KENNEDY: Perfect. Thank you for that input. Commissioner Turner.

COMMISSIONER TURNER: Yes. Thank you. So along I think those same lines, in approving budget for what we thought we needed for a lot of these positions, I feel that there should be some sort of report or synopsis of what was being done in all of these positions. I don't find that there's a great way -- and we gave a lot of oversight, and of course, to our executive director, that's great. Even in that, we had responsibility over executive director.
And so I feel like a lot of the positions, I know there was a lot of excellent work done by some of these employees, by our outreach team, but I feel like we did not get the good, full picture of what was being done in saying even Raul helping us move things along. Raul was a great help for me. I appreciate that. But I know we didn't pay him the money that we did just to work for me. So those things that he helped us through, I don't feel like we knew what they were.

And so at least, me I'll say, even if in retrospect at this point, not knowing what all the working or the billings on we're behind the scenes. And so from that standpoint, not to take up all of the time and all of the meeting, but to have some sense of report of -- for our -- just to name one, for our office tech. These are the types of things. These were a full-time position.

And if I had to right now state what most of them did full time, I don't know what they were doing.

And I think, though they weren't a direct report of mines, I think we should as Commissioners, have a sense of what the positions entailed and what a day looked like or a week or a month or a year for the positions that were there.

And so we had job descriptions. We hired people on. I think it would just be nice, maybe not required but it
would have been nice for me to know, even to be able to
celebrate some of the things -- some of the things we
found out after the fact, you know, like, oh my God,
they're doing all of that work. And I don't know that it
was my thought process that even that there was a
renaming of Marcy's job to -- what was it, wrote it
down -- oh, director of outreach versus the deputy
director. I would have liked Marcy to be fully focused
on outreach and not having to pick up what would have
been considered deputy director support as well, if that
was the case. I'm not sure what that comment was because
that's not what I thought was happening. I thought that
there was just a determination that there was not a need
or desire for the deputy. And you know -- we all know
why we initially was going to go with the deputy
director. And then after we bought Alvaro on, we didn't
continue with the deputy director. But the outreach
should have been free to fully be outreach coordinator
and outreach manager and all of those different terms.

So just kind of going backwards on staffing. I
think all of that -- not even a critique, because I
didn't know to ask for it. But as we're thinking about
it now and as I'm looking at the org chart, outside of a
description, I would have to guess at and assume all of
these positions did whatever they were hired for. And
we're talking now in terms of lessons learned to see if we want to continue keeping them. I don't know if I want to continue or not because I don't know what they all necessarily did. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Turner. I have Commissioner Fernandez next who is sharing her screen and unable to raise her hand but it's her turn now.

COMMISSIONER FERNANDEZ: Thank you. I've got a couple things and I -- I'm going to echo what Commissioner Turner just said because yes, outreach director turned out to be more than an outreach director. So in a sense, I feel that it wasn't fair to that position or that person that was in that position to downgrade the position when in actuality had more duties than what an outreach director would do.

And I agree, completely agree with Commissioner Turner. It's important that we look at all of the duties that each one of the positions did because then that would help the next Commission determine the appropriate level -- classification of level for that position.

And also, as Mr. Hernandez just stated, in 2030, if we have a list of everything that the positions did, it will at least give the 2030 a roadmap as to what some of those duties and responsibilities will be. I think, you
know, I didn't want to say a procedural manual or a desk manual, because I don't want it to be to that detail. But a high-level of the duties that each position performed.

And then in terms of the org chart, Mr. Hernandez, if we could just go through it and do, like an analysis of what positions are authorized by the Commission. Maybe in one color. And then another color would be those positions that are temporary, they're not full time. So they're not established positions. I want to make sure that we make a difference between established positions because that would be the authority that the 2030 Commission would have.

Commissioner Andersen brought up, right now what we're seeing are working titles. So I think it's important that we have the working title as well as the state actual classification. And the person's name if that's what we choose to have.

And then also, I believe under legal, we also at one point had a legal aide or legal analyst or something that I don't see on here. And at some point we also had a language access coordinator. So there may be other positions that might be missing, or maybe we never established them. But regardless, I think we need to provide a picture of all of the positions that we had at
some point in time, be it fully established or temporary
so that we can move forward.

So if they could -- there could just be some sort of
analysis done, that would be great. I think that was all
that I had at this point. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner
Fernandez. Director Hernandez.

MR. HERNANDEZ: Yes. Just wanted to clarify that
this is what we ended with, I would say, through the
completion of the maps and before the offboarding. This
is where we ended. There were some positions that
changed, moved, or were altogether eliminated. That one
in particular that you're referring to from legal was a
paralegal, I believe it was. And so that -- we didn't
backfill that position. So I just did not include it on
here. But I can certainly put together a list of these
different positions that we've had over the course of the
time, as well as whether they're -- what's the word that
was used --

COMMISSIONER KENNEDY: Established.

MR. HERNANDEZ: -- established. Thank you.

COMMISSIONER FERNANDEZ: Can I just do a quick
follow up to that, Commissioner Kennedy? So when --

COMMISSIONER KENNEDY: Yes, please.

COMMISSIONER FERNANDEZ: -- so when you said that
the paralegal, at one time it was full-time, filled
position. And you didn't include it on the org chart.
But if it's an established position, it should still be
on the org chart because we still have authority for that
position.

MR. HERNANDEZ: Yes. And that's what I will be
working to provide you. This was the org chart as it
stood at the end of January with the positions that we
had. Not the established positions but the actual
positions that we had filled.

COMMISSIONER KENNEDY: Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. So on that note, I
think what we need is we need a -- this org chart as full
as it ever was. You know, like, you know if there were
more there, you know, like, even where -- at the full --
these are all the positions that we ever had, period.
Then go through, these are established positions, these
are not. These are RAs, these are not. And then
ultimately, like he did in parentheses, who the names
were. But that could be a separate one, you know, same
thing, but all the names. Because that would be
personal.

So when we understand it, oh, okay, right, that's
what that person was doing, because it would help us
understand, even if you give us descriptions we could,
you know, identify that. Thank you.

I think -- is that, you know, I think that's what we're all saying. Because we want to know how many positions we ever had out there. So to give that to the 2030.

COMMISSIONER KENNEDY: That, I mean, I would say that that's my understanding. And I would also say in particular, in relation to the issue of the deputy executive director position versus the outreach director position, if we think there's any likelihood that the 2030 Commission might need both, and we currently only have one of those as an established position, we should go forward and make the case to establish the other to give the 2030 Commission the opportunity to have both of those -- or to fill both of those without having to spend the time and go through the effort when they're going to have much less time than we did for these sorts of things.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I think, isn't the confusion because, you know, while we hired director Hernandez originally as executive -- executive deputy director, that position wasn't established yet. So he actually was the outreach director. And Marcy was our outreach manager. And then when we did the switches, you
know, everyone sort of moved up. And we just didn't fill -- but I don't know -- I don't even know if when the executive deputy actually ever became an official position. I believe it is an official position now but, you know, for a while there was a title only but you were actually doing the other work is my understanding.

COMMISSIONER KENNEDY: Commissioner Fernandez, would you like to --

COMMISSIONER FERNANDEZ: Yeah.

COMMISSIONER KENNEDY: -- clarify?

COMMISSIONER FERNANDEZ: Yes. I'll just clarify. Mr. Hernandez, he did not come on board until the deputy executive director position was established, which was in December. And Marcy Kaplan, who is currently our outreach director, she was already hired as outreach manager. And that was executive -- prior Executive Director Claypool made that hire. And then once Mr. Hernandez was put into the executive director position, he then opted to change the title of a deputy executive director position to the outreach director. And then that's when -- right, there was an open search for that because now it became an executive level position. And Outreach Director Kaplan was then promoted from manager to director. I hope that makes sense.

COMMISSIONER KENNEDY: Thank you, Commissioner
Fernandez.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Okay. Now, I have a clarifying question. So at this time, we actually have, is it four executive -- executive level positions established, communications, outreach, executive director, and chief counsel? I don't know if deputy administrator is an executive. So do we have five or do we have four? Anyone know?

COMMISSIONER FERNANDEZ: In terms of what we considered executive level, it was the executive director, communications director, outreach director, and chief counsel.

COMMISSIONER ANDERSEN: Okay. But --

COMMISSIONER FERNANDEZ: The deputy administrator position was already established.

COMMISSIONER ANDERSEN: As executive level?

COMMISSIONER FERNANDEZ: No.

COMMISSIONER ANDERSEN: Okay. Yeah, so we have four established executive level positions? Or is it five? Just numbers. Doesn't matter what they're called.

COMMISSIONER FERNANDEZ: There's four, plus deputy administrator is not considered executive --

COMMISSIONER ANDERSEN: Okay.

COMMISSIONER FERNANDEZ: -- that leaves -- or
Commissioned and not considered as executive.

COMMISSIONER ANDERSEN: Okay. So the outreach director was the executive director -- deputy executive director position, just renamed? We didn't establish, essentially, like, in this this chart, you couldn't have both, unless you established another position? Is that correct? Yeah. I'm seeing a few head nods.

COMMISSIONER FERNANDEZ: Yeah, okay. I'm sorry. I missed the first part. But so we have the deputy executive director position established and that was reclassified to outreach director. Yeah, so we did not have a separate outreach director and an deputy executive director. It was one position.

COMMISSIONER ANDERSEN: Okay. So we've only ever had four.

COMMISSIONER FERNANDEZ: Yes.

COMMISSIONER ANDERSEN: Got it. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen.

Director Hernandez, I saw your hand briefly?

MR. HERNANDEZ: Yes. A recommendation would be to have, you know, five. You know, having the deputy executive director would, I think, be helpful for the next Commission. When I was hired, my understanding was I was going to be focusing predominately on the outreach
activities and therefore, when I became the executive
director, I turned that attention specifically to do the
outreach activities for the outreach director. That was
my thought process at that time.

Thinking back and looking back as a Lessons Learned,
there is so much to be done and not enough folks to do
it, I think looking back it would have been helpful to
have both. So I would make the recommendation that
they -- they -- the future Commissions have another --
five executive level folks. But again, it depends on what
they'll be doing as well. So they'll have to make those
decisions at that point. But I think it would have been
helpful this go around. Thank you.

COMMISSIONER KENNEDY: Right. Yeah, I -- again, you
know, they can make the decisions that they want to make
as far as reclassifying, filling or not filling. You
know, I've gone through this enough in the U.N. system
and it's, I would say as burdensome as the California
State system as far as establishing a position.

So my take on this is, and is likely to continue to
be, let's leave as many established positions as we think
the 2030 Commission might need at any point in their
process. And then they can do as they see fit and as
they have budget. They can upgrade, they can downgrade,
they can fill, they cannot fill. But it's so much harder
to do those things if the positions are not already
established in advance.

So Director Hernandez, I also wanted to give you an
opportunity to comment, share your thoughts on
Commissioner Fernandez's recommendation to establish a
subcommittee to liaise with the executive director. I
mean, I agree with Commissioner Fernandez that having a
rotating chair probably makes the executive director's
life difficult in any number of ways. And it's important
to look at how best to establish that relationship
between the executive director and the Commission,
acknowledging that, you know, it's much easier to have
one point of contact than fourteen points of contact. So
I just wanted to give you an opportunity to share your
thoughts on that.

MR. HERNANDEZ: Thank you. I appreciate that. You
know, I've really benefited from a personal development
perspective, from working with the different chairs.
Each chair brought something a little different. And
each chair encountered different challenges that we had
to work out and work together through. So I appreciate
that part of it.

Was it challenging at times because now I'm shifting
on what their interests are and their approach and so
there's that lack of continuity? Having a subcommittee
might help that process. I think there needs to be
clear, I wouldn't say boundaries but guidelines on how
that subcommittee interacts with the executive director
and takes information from the Commission.
You know, if it's going to be a go-between, I think
it's going to be challenging. A lot of the decisions
need to be made by the Commission during open session.
And so that's where a lot of the directives are given.
So having the subcommittee is maybe a follow up, you
know, to help support in that effort to clarify any
questions I think would be helpful. But I think there
needs to be specific guidelines on what their role is and
how they're going to support both the Commission and the
executive director.
And I would say it wouldn't just be for the
executive director. It would be for all the directors,
communication, you know, if you're going to have a
subcommittee, it should be focused to help all the
executive level staff. Thank you.
COMMISSIONER KENNEDY: Thank you for that.
Commissioner Andersen -- actually, before I call I you,
Commissioner Andersen, Commissioner Sinay had had her
hand up.
Commissioner Sinay, did you want to --
COMMISSIONER SINAY: I had my hand up --
COMMISSIONER KENNEDY: -- jump into the discussion?

COMMISSIONER SINAY: -- yeah. I had my hand up and then I thought of it -- it was going to be later. But now that you've called on me, I think we would have to be really careful about creating a subcommittee. I mean, I think we need to have a good conversation about that managing of -- of managing us. It's really managing the Commissioner versus managing staff. But I don't believe a subcommittee is the way to go. I mean, yesterday we kind of talked about how -- in my -- this is my perspective, the finance and administration committee got so big that a lot of times it felt, you know, that it was like an executive committee to us. And I'm not a big fan of executive committees because the work should be done by the full board or the full Commission.

And so I -- so I just -- I want us to think through that -- how to define it and, you know, we had been hesitant to have that conversation as we hired staff. To actually have a facilitated conversation of what would be the role of staff and what would be the role of the subcommittees and what would be the role of the committees. I'm glad we're doing it now on the backend. But we had tried to do it on the frontend. Just so there was that -- that clarity. So -- and I'll leave my other comments for when we get to that part.
COMMISSIONER KENNEDY: Okay, great. Thank you.
Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. I think we could also talk about what, you know, basically, my understanding from the 2010 Commission, and then also talking to the 2010 Arizona Commission Chair, the reason why the rotation was important is to basically have everyone participate and make sure it isn't like, well, they essentially run the Commission.

And I feel if you do a -- it would be a very fine line -- it would be a very dangerous line if there's executive subcommittee. Because then, essentially, they're the chair and vice chair. And basically, yeah, like, well, yeah, you're -- you're the token chair, but you really aren't. And that could end up causing rifts and splits in the Commission. I could see that happening. And I was told that that is why they -- because actually, it was really emphasized to me, don't let them just say, well, we'll be the chair and you'll be vice chair but everyone will share and participate, because there's going to be trouble.

And I think that -- doing a subcommittee, unless it was really, really well defined or -- yeah, I -- I see problems with that. I kind of like what we ended up doing with the document of everyone kind of putting their
ideas out and then became much, much simpler. There was
a continuity of what was going to happen next meetings.
And so it wasn't, like, and -- you know, the idea it --
well, in all the boards I've been on, there's a past
chair, a chair, and a vice chair, for continuity's sake.

   Now, because of Bagley-Keene, we can only do two.
But -- and that is why though, you know, there's the
chair, vice chair, so when they take over, there's
supposed to be the continuity through that. Which I felt
we got into as the time went on. But anyway, those are
my thoughts on it. But I agree with Commissioner Sinay.
If we're talking about that sort of section in the
meeting section, I think we should maybe talk for a
little at that point.

   COMMISSIONER KENNEDY: Very good. Thank you,
Commissioner Andersen. Commissioner Fernandez.

   COMMISSIONER FERNANDEZ: Thank you. And maybe I did
not explain myself, right, in terms of the subcommittee.
It would be more of, normally an executive director,
maybe the first time that that position -- it's more to
provide the mentoring and the feedback and even the
evaluation. So it's, you know, it's like having -- if
you have fourteen supervisors, who's keeping track of
everything? And I understand what you're saying,
Commissioner Andersen, in terms of continuity between the
vice -- the chair and the vice chair and it carries
forward, but you also lose that continuity in terms of
someone knowing all of it. Does that make sense, like,
whatever feedback or mentoring or issues potentially that
have come up.

Either way, at the 2030 Commission, they can deal
with it. If there is no subcommittee, it's up to them.
I'm just wanted to -- it wasn't to replace a chair and
vice chair, it was just to provide more of an oversight
and mentoring.

COMMISSIONER KENNEDY: Great. Thank you
Commissioner Fernandez. While we're -- since we're on
this topic at this point, I wanted to put out for
thoughts, comments, you know, is this something that
needs to be reflected in the legal framework? You know,
government coding 253(A4)(ph.) says, "The Commission
shall select by voting process the prescribed," blah,
blah, blah, "one of their members to serve as the chair
and one to serve as vice chair." You know, does that
need either further elaboration in the government code or
is this one of those instances where a subordinate
regulation giving further detail and saying explicitly
that the Commission has the option of deciding that the
chair will rotate, you know that -- that's something that
I just wanted to get thoughts on.
Commissioner Turner and then Commissioner Andersen and Chief Counsel Pane.

COMMISSIONER TURNER: Thank you, chair. I don't want to derail your last comment. I just -- I went back on forth on raising my hand because I wanted -- I saw Commissioner Fernandez suggestion about the subcommittee that gives oversight for the hiring, totally separate from rotation of chair and sub -- any of that. To me it was reminiscent of difficulty we had in trying to give due evaluations because there was no one person or not too many people that took that upon themselves to follow through with -- for the entire year and did feedback. And it almost felt like it wasn't fair for those that we were trying to then in retrospect give an evaluation for.

So I -- I'm in support of it from that perspective. Just wanted to say that. Thank you.

COMMISSIONER KENNEDY: Thank you. I think that is an important point. And you're right. We did -- we did get to that point where we needed to do the evaluation and we were kind of looking around saying, okay, now, how do we do this.

But, yeah, Commissioner Andersen.

COMMISSIONER ANDERSEN: Commissioner Turner -- turn on that one -- I agree, actually could have -- maybe should have made a hiring subcommittee would be -- been
evaluated as well as opposed to, like, executive management. Because it's -- that would be -- I think that's probably what Commissioner Fernandez was calling for.

So now, I'm sorry, we were talking about the regulation. You know, I am a person to say, look, less is better as far as regulations. Let people have more flexibility. But I do see where people could say, no, you have to have a chair and vice chair, that's it. In which case, I do think, explain it a little bit more about the possible flexibility. And say the 2010 and 2020 Commission did that.

And that would be my understanding, subregulation. So I think that's probably a good idea because there are people who are very strict at reading interpretation that fact and I don't believe that was what the intent was.

COMMISSIONER KENNEDY: Thank you very much for that.

Chief Counsel Pane.

MR. PANE: Thank you, Commissioner. So I'm happy to -- certainly, this is a policy discussion. I would say you could further either, probably by policy, you could certainly effectuate a statutory change. What has occurred in other state bodies is they further delineate in their statute when elections are to be held for chair and -- or the chair and vice chair and any other offices.
So it's very explicit when it occurs. That further I think clarifies the frequency, which I think is really the question here.

You have always had a chair and a vice chair. The difference is how often they rotate out. So the statute is, I think, you've certainly been upholding the statute. The question is, are we thinking it's one chair for the entire, you know, ten years of a Commission? Or are we, like, how often? What is the frequency we're thinking? Most state bodies have a chair and vice chair for one year. And it's usually in the statute. And it says that. And there's a formal vote. And things along those lines.

You could certainly chose to mirror that. And in that case, if that's how the Commission decides to go, I'd recommend a statutory change. I think, alternatively, you could probably just, you know, the 2030 Commission could even do a policy and say, there's one chair and it's to be held by election and so forth. Certainly could do it that way as well.

So I did want to chime in on the language. You have always had a chair and vice chair. I think the question is frequency. And I don't know what the comfort level is of this Commission versus the next Commission on the frequency of that. Thank you.
COMMISSIONER KENNEDY: Yeah, I think my -- my idea is a definition or some further statement at the level of regulation, saying, you know, nothing shall impede the Commission from deciding to rotate the chair throughout its terms of office. There it is. It's clear. It's permissive rather than prescriptive. But it doesn't leave any doubts in people's minds. You know, I've said a number of times, one of my favorite sayings that I came across when I was in high school was, you know, the purpose of language is to make it -- isn't to make it possible to be understood, but to make it impossible to be misunderstood.

And I think this is a case where it would be nice to make it impossible to misunderstand the statutory language. Anything further on finances or admin and finance?

Okay. Okay. We will be -- okay, Commissioner Andersen.

COMMISSIONER ANDERSEN: One thing we had down in here under this, I realize, is public comment policy.

COMMISSIONER KENNEDY: Um-hum.

COMMISSIONER ANDERSEN: Did we want to discuss that further? I thought we had ended up nicely with, you know, we sort of varied a little bit, but we always had public comment that was very consistent we just -- in
terms of time. I thought we ended up with a very good policy on that, though. I don't know if we wanted to discuss that further or if everyone thought what we have is great. I think what we have is good but -- I was the only one for comments so move on.

COMMISSIONER KENNEDY: I don't think -- Commissioner Sinay.

COMMISSIONER SINAY: You know, I think if -- what could be good to leave around, but we don't know where technology is going from here to take you out eight years from now. And how we can accept public comments and all that. We kind of had to make it up as we went along. And I think Director Kaplan and her team, for being as creative as we did -- we pushed for -- but so it is helpful to in our Lessons Learned, again, share that, you know, for us, it was very important to have public comment and to be accessible. And for us, accessibility meant using all vehicles, all technology, and others, and being to take comments, written, in video, you know, and as you move forward there will be more opportunities to use technology and other means to be as accessible as possible. I mean, I think that piece is really important.

I don't think prescribing how to do it or, you know having two hours or three hours or the end of each
meeting or whatnot is not as critical as some of the pieces. And I would say one of the pieces that has been commented on the most was having just the forum during the line drawing. That people didn't have to wait in line. That they could submit something as they thought of it. And so how do, you know, how does that create a -- throughout the process so people -- and we did it in different ways.

But I personally feel that if the Commissioner were to meet in two years from now, there would be new -- even more technology to help us. We were just at that point where the pandemic happened and people were trying to figure out how to do public meetings virtually. But things are just going to get more and more accessible and exciting.

COMMISSIONER KENNEDY: Very good. Thank you for that, Commissioner Sinay. Any other input on admin or finance issues before we move on to legal?

Okay. Well, I would also offer to Commissioner Fornaciari -- where did he go? Instead of going from -- there he is. Instead of having lunch from 12:45 to 1:45, we also have the option of going 12:30 to 1:30.

VICE-CHAIR FORNACIARI: We could do that.

COMMISSIONER KENNEDY: Okay. With that, I'll turn it over to Commissioner Yee.
COMMISSIONER YEE: Okay. Well, we've got nine minutes to begin -- to start on the top of Lessons Learned regarding legal aspects of our work. So on the prompt we have Counsel Present in Participation in Meetings, Counsel Work Outside of Meetings, Closed Sessions, Handling PRA Requests, Selection and Use of Outside Counsel, VRA and Litigation Counsel, The Existing Statutory Provisions and Regulations, The Experience we have Filing a Petition for a Deadline Extension -- that we did not get, And also the Experience of Getting Sued -- that Moreno suit, which got dismissed.

So all of that and anything else on topic of legal -- the legal side of our work, fair game for this part of our discussion.

Commissioner Fornaciari.

VICE-CHAIR FORNACIARI: Yeah, Commissioner Andersen mentioned earlier leaving behind job descriptions, detailed job descriptions. I think, you know, especially for the executive hirers, really critical to leave really detailed job descriptions. But in addition, I think Lessons Learned about, you know, what we would look for in legal counsel, specifically. And I think that is important because we learned a lot of lessons around that. And I don't think we'd want to lose that.

So -- and I'll just say, you know, also just from my
personal perspective, the, you know, I think Anthony did
a great job and, you know, the way we were able to
interact and work with Anthony, you know, as individuals
as, as chair, as subcommittee, and I think it was
critically important to have that open access to our
legal counsel and so, you know, certainly recommend the
next Commission ensure that they have free and open
access to counsel.

COMMISSIONER YEE: Thank you Commissioner
Fornaciari. So you're thinking we need beyond just the
job description, adding additional description or
narrative of the -- what we needed and what was important
to us in our chief counsel?

VICE-CHAIR FORNACIARI: I'd like to see us do that.
That would be a recommendation.

COMMISSIONER YEE: Okay. Thank you. Commissioner
Turner.

COMMISSIONER TURNER: Thank you. I just wanted to
say how critically important it was for me to have
counsel in Anthony, specifically, that was accessible,
that was engaged on a regular basis, that was open to
receiving Paul's (ph.) questions, responding, repeating
all of those things.

So I think the note that I would like, and the
recommendation is in addition to his expertise, in
addition to all of the legal aspect of what's needed, it is crucially important that there is legal counsel hired that you can have that interaction with, that it does not feel like they're, you know, unavailable or unwilling to support.

So we are not all experts in law. So I think sometimes you can hire people in, and they're being so caught up in their brilliance that they don't have an opportunity to interact with people.

So I just want to make that -- that, to me is important because sometimes if people don't seem approachable, you won't ask the questions you need, and consequently can end up, you know, having problems later on for just something that you did not know.

So yep, I just want to comment on that piece. I think it's probably the only thing I want to say about legal. Thank you.

COMMISSIONER YEE: Thank you, Commissioner Turner.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Thank you. Yes, echo what Commissioner Turner and Fornaciari have said. Definitely you need someone that's, like you said, open to feedback and actually will talk back to you at a regular nonlegal level, which is, you know, easy to understand for us. I like to say, in Alicia's language. So thank you for
that.

I do want to hear from Chief Counsel Pane because I do feel -- I mean, he's absolutely wonderful, but he probably could've used more help earlier on, and maybe not. But it just seemed to be juggling so many things at one time, like the policies, the lawsuits, everything else that we were throwing at him. And he did great and wonderfully, and I honestly didn't expect to send an email at 11:30 at night and have him reply right away.

But thank you for that. I appreciate it. But I also, you know -- we need to get sleep.

So I would like to hear from Chief Counsel Pane.

MR. PANE: Thank you, Commissioners. That was very kind.

So yeah, there was quite a bit when I started in May to juggle. I think that's partially, I think, a product of any new job, just kind of getting your hands around all that is new, all that you're going to be dealing with.

I just want to, you know -- I think the entire Commission, including the executive director were very open and available to helping transition my, sort of, knowledge download and getting my hands around things as quickly as possible, given sort of, the circumstances.

I also appreciate the flexibility of having the
positions ready, and I was able to pivot. And so I appreciate the earlier discussion as well when we're discussing the learn chart, that I wasn't pigeonholed into having a paralegal, for example, because that's what we had.

I had a flexibility to hire -- and certainly with the Commission's acceptance -- but the flexibility to sort of diagnose and assess and figure out what probably made the most sense. And didn't force me, as chief counsel, to have to utilize, you know, one legal counsel as a retired annuitant, and one paralegal. I could switch it out if I needed to, and if I certainly needed to substantiate and justify it. But if there was a justification for it, we could move from on that and were able to. So I really appreciate that.

I think from looking forward, I do think there's likely to be an increase in legal services. There probably was more in 2020 than there was in 2010. And I think 2030 will probably have more. I think it was helpful to have the flexibility of additional legal counsel, specifically retired annuitants. Of course, they're capped by hours. But having two was helpful.

Had there been significant increase in litigation, notwithstanding the fact that we have outside counsel, but there would be more liaising and more managing of
just communication and related legal issues, as well as
any, you know, increase in PRA requests. Just all of the
administrative details that go with just having a
department in state government.

I could easily foresee at least one of those retired
annuitant positions being a full-time legal counsel
position. That wasn't necessary for 2020, but I think if
there's an increase in legal work, I do think that could
be a possibility.

But again, I appreciate the flexibility, and I do
think it's important to make sure that you have someone
who has Bagley-Keane experience, who is familiar with
state government for all the reasons that you all have
already said. But those are my initial, and thank you
all again.

COMMISSIONER YEE: Thank you. Okay. We are at
12:30. I'm wondering, Chair, if we should go ahead with
lunch, or we actually have a couple hands up. Should we
just cut at 12:45?

VICE-CHAIR FORNACIARI: Why don't we just carry on
while we have the thoughts in our mind.

COMMISSIONER YEE: Okay. Chief Counsel Pane, while
you're speaking, I'm wondering if you could add a little
bit more about what happens from here on out, and remind
us kind of what your position will be, you know, the rest
of this year, yes, but after that, you know, until 2030, how does legal counsel to the Commission work, and what can we expect for that?

MR. PANE: So legal counsel always -- whoever is retained and serves as counsel to the Commission will always carry with it that attorney client privilege and will be able to assist the Commission in whatever meetings and whatever private communication, email communications are needed.

As far as positions go, certainly subject to -- besides the decision of the Commission, but also budget authority. You know, I believe in 2010, eventually it went down to a half. There was a half of a PY, and I think maybe we kept a retired annuitant on for a certain number of years.

I think you will certainly want to have legal counsel during your meetings. I think you will have a need for outside needing legal help. So I would recommend, at a minimum, having maybe the retired annuitants to stay on so that the Commission still has legal counsel.

I would not think that you should assume that the attorney general's office could fill that role, primarily because of their position, has been somewhat adverse to the Commission in previous litigation filings.
That could mean that maybe they could put -- a different wing of the AG's office might be available. But that is not, I would say, as likely. And you already have existing authority.

So what I would recommend, and I think Commissioner Fernandez did this, is request additional funding for legal services. And so certainly, whoever fills that role would be able to assist the Commission with any of the legal questions that you have. And again, would always recommend that you do have that for as long as you're having meetings and have legal issues.

COMMISSIONER YEE: Okay. Thank you.

COMMISSIONER TURNER: I'm going to put my hand down. Sorry.

COMMISSIONER YEE: Okay. Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. I just want to say because Commissioner Toledo and I were in charge of the hiring of counsel, and we put, you know, the RFQ, I guess it was, together, which actually spelled out very, very specifically the required abilities, and then the desired abilities.

You know, Bagley-Keane was absolutely in there, that was required, contracting was in there. I believe we ended up saying the state experience was -- I can't
remember if that was required or needed, but it was very, very specific having realized what we really did need.

And the reason I want to say that, in terms of it actually is pretty good. I'd like to actually have Chief Counsel kind of review that for us in terms of do we think that really covers everything that we would propose for the 2030.

And the one thing that Chief Counsel is saying, you know, in terms of there was a specific reason to have that, yes, they can add extra people when they need them because as he sort of mentioned, there are very different topics, which not all of, you know -- we were lucky to have Chief Counsel Pane apply, who pretty much did cover everything. But a lot of them don't.

And you need that flexibility to have your -- you know, hire another RA who can actually cover or is more specialized in contracting something. Something like that.

Also, we have done a whole bunch of -- we've gone through the contracting, startup of the managing before Chief Counsel came on. So while yes, a full time was really all we needed, I could see that we should really have that ability to possibly have two, or at least have -- which we've pretty much always did. We always put our initial part -- we had just one, an RA, but then
we quickly had -- because she brought someone else in as well.

So I can see, given the 2030 shorter time period, that we really need that extra flexibility in case we do need full time -- two full time. So I really appreciate all that input about that.

Oh, the other item that I really want to say about contracting for legal, recruitment, you cannot just have that go to the state employees. And also, our level of pay eliminated a lot of potential candidates. A lot. Because legal, of course, they tend to get paid more. And we did bump it up. But it was, you know -- that's another item you really have to look at for the legal pay, and also the recruitment has to be wide.

We actually went to legal regs (phonetic), once realizing originally we weren't getting anyone, and it was because, oh, it was only posted to state government. So once we went out to legal regs, then we got more people in.

So I just wanted to make sure that those are the Lessons Learned. Thank you.

COMMISSIONER YEE: Thank you, Commissioner Andersen. Believe it or not, this is the first time in my life that -- with the Commission, the first time in my life I'd ever worked directly with lawyers on anything.
And so Chief Counsel Pane, working with you has been such a pleasure and set a very high bar for any interactions I may have in the future with any lawyers.

Let's see. Chief Counsel, I wonder if you would like to comment at all on your work with outside counsel and any recommendations you have for how that went, who we brought in, the selection process or how we managed that relationship.

MR. PANЕ: Sure. My recollection was, I think the Commission had largely gone through the selection process and actually did actually finalize it by the time I started. Certainly had a good working relationship with the firm that the Commission has and is with.

And I do think maybe this is maybe a slight appendage to what I was just mentioning. I think it is also important to make sure that the chief counsel has probably a demonstrated work experience working with outside counsel.

And an outside counsel for a state attorney could mean the attorney general's office. But oftentimes, departments are able to hire private law firms for particular reasons. And so I think that is certainly something that any future Commission chief counsel would probably need to be able to work well in that space because the RA counsel is going to be needed in 2030.
And while the statutes don't require that it be outside counsel, I think it would have to be, just given the nature of the law, and the nuance, and how specialized that is.

So I don't think you're gonna find someone that is going to have a lot of that background. So I think being able to work with outside counsel will be needed, and hopefully that chief counsel will have been able to have demonstrated for the Commission that they would be successful in that.

But I would say it's been very positive. A lot of -- a lot of communication, a lot of collaboration, a lot of addressing issues to making sure things run smoothly behind the scenes, to making sure that -- and while still obviously letting them work with all of you as well. I mean there's a -- there's a relationship between you and the firm. And so just making sure that the trains are largely running on time, or there's that communication and that availability, and allowing them to do their work that you all hired them to do.

I think that's certainly an important piece as well.

COMMISSIONER YEE: Looking back, that fact that you were not in the selection process for outside counsel, I mean, did that -- how did you feel about that? Or if you had been, would that have changed very much? I don't
MR. PANE: You know, I think that as far as could that be a possibility or be helpful, I think it would be helpful. I think that's certainly something to consider. That said, I personally don't consider it necessary. Frankly, I think any chief counsel should be able to work with whomever the Commission hires.

So I don't think that's necessarily required, but I think it could be helpful from a legal perspective for the hiring panel.

COMMISSIONER YEE: Thank you. And any thoughts on legal?

COMMISSIONER TOLEDO: Yeah. I'm just curious for Chief Counsel Pane if he would've done anything differently or you know, coming in -- because he did come in towards -- when the work started getting -- a lot of the redistricting work started happening.

I'm just curious, anything he would've done differently or you wish the Commission had done differently.

MR. PANE: No. But I think if I were in a perfect world and I had come on earlier, I think I would've been -- I would've been able to sort of grow in the VRA world a little bit more, rather than kind of -- just the
time frame of when I started, it was kind of almost right
into the deep end on it, or close to it. And so I
could've had a little bit more of a ramp up. And so I
think that's certainly a benefit for any content that the
Commission is being exposed to, to the extent possible
that your chief counsel is also exposed to it as well so
he can help navigate issues along with you. But you
know, that just -- that's just not how it worked out.

So I don't have anything to say we could change
otherwise. But magically, if we could go back in time
and I were brought in in January instead of May, you
know, there could've been some VRA components that, you
know -- that I might've been able to help you all with as
well.

COMMISSIONER YEE: We did get some public comment,
you know pushback against the amount of closed sessions
that we used and continue to use. Wondering if you have
any thoughts on, you know, could that really have been
that much different? Should it have been -- you know, we
haven't changed very much, our practice. So I think we
still feel good about it, but I'm wondering if you can
give any more perspective on our use of closed sessions.

MR. PANE: Sure. And I think when I started -- when
I started, I provided an open session, sort of a
background on Bagley-Keane and some of the exemptions
that are available to state bodies. And we certainly
were using those.

I think any time you get two lawyers in a room,
they're going to have slightly different opinions on how
the law should be. And so not exactly surprised that
there might be a difference of opinion on those.

That said, we always want to make sure that we're
following the law and that we have good authority for
what we're doing, and we did. So you know, I wouldn't
make any changes. You know, could certainly -- and I
think this was emblematic of some of the questions that
occurred with two-person subcommittees. It seemed like a
lot of the criticism was that these two-person
subcommittees were improperly meeting.

And the law certainly -- the law draws the line at
three is -- it requires noticed agenda public recorded
meetings. That's just where the law is.

So you know, the Commission can certainly make
different policy choices if they want. But the
Commission was certainly adhering to the law and where it
was. And so I think once we -- you know, once the
public, I think maybe was made more aware, although that
was also in the Bagley-Keane trading that I did an open
session. You know, I think when they became more aware
that the line is at three and not at two, I think, you
know -- I think some of the criticism might've, I think, kind of dissipated a little bit.

But it's tough to sort of always guess where a lot of the -- where the disagreement comes from. But I think that's why I think it was helpful for me to do that, at least to put it on record, sort of how the Commission would meet and under what conditions.

But again, this is more than just the Commission.

Bagley-Keane applies to all state bodies.

COMMISSIONER YEE: Okay. Chair --

VICE-CHAIR FORNACIARI: Oh, yeah.

COMMISSIONER YEE: -- it's time for our one-hour lunch. So I see a few hands, but maybe we can hold those until after lunch.

VICE-CHAIR FORNACIARI: Yes. Thank you. So we'll be back at -- yeah -- in an hour, 1:45.

COMMISSIONER YEE: Okay. Bon Appetit.

VICE-CHAIR FORNACIARI: Thanks.

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

VICE-CHAIR FORNACIARI: Welcome back from lunch.

Hope everyone had a nice lunch, and had enough time, and all that good stuff.

We will turn it back over to Commissioner Yee, who was on legal.
COMMISSIONER YEE: Thank you, Chair. We are back to our Lessons Learned discussion, focusing on the area of our legal staff, and dealings, and that part of our work.

Before lunch, I believe we had Commissioner Fernandez and also Commissioner Toledo had a hand up. I don't see him.

Commissioner Fernandez? No? Let's think. Who was it?

Commissioner Sinay. Okay.

COMMISSIONER SINAY: I don't remember who was the second hand, but I was one of them.

COMMISSIONER YEE: Okay.

COMMISSIONER SINAY: So it was probably Commissioner Toledo.

So I wanted to just -- you know, I piggyback on everyone's appreciation of how easy and open Director Pane was, how patient because I think all of us have asked him the same question six different ways to see if we could get him to bed or break or whatever.

So thank you for that.

And I think what I would recommend for 2030, the guidepost I'd leave with, besides what other people have said about, you know, you just don't want -- you want a legal person who will smile and laugh. But because we've all had different types of legal, and you want to be able
to feel comfortable that you can approach them and ask
questions and not worry if it's too stupid or just by
asking the questions, are you breaking the law or
breaking a rule or whatnot.

But I did appreciate that we had multiple trainings
on Bagley-Keane and in different ways at different times.
And also, this is kind of separate, but it's still legal,
on VRA. And it goes back to our training conversation we
had yesterday. I think that the beginning, you kind of
need it broad, and then you go more and more detailed,
not right away because I think what happens when you
start the legal conversations going straight into the
details, you just have everyone paranoid.

And I just remember when staff got their first
Bagley-Keane training, trying to explain to them, hey,
don't worry. You know, we've been told we're going to be
sued, that we're going to make mistakes. But let's talk
this through. Like everything was no, no, no. You know,
it's very easy to say no when you're afraid.

So just I would -- so that's my recommendation is to
really look at having multiple trainings and going deeper
each time, using exercises with actual trainings, versus
just, here's the law. This is what it looks like, and
walk away. You know, being able to say, okay, what if we
do this. Allow as many what-ifs as possible so people
can feel comfortable really understanding it because in our case, we had fourteen people who had fourteen different ways of thinking. And I don't think you're ever going to not have that.

So that was just the one thing that hit me.

COMMISSIONER YEE: Thank you.

Okay. Commissioner Fornaciari?

VICE-CHAIR FORNACIARI: Yeah. Just one more thing I want to add. Critically important characteristic of the attorney is a problem-solving partner, not a interpreter of the law. You know, how do we do what we want to do within the law, not you know, the law says you can't do it.

COMMISSIONER YEE: Absolutely. Okay. Any other thoughts on legal?

All right. Mr. Kennedy.

COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

Just drawing colleagues' attention to the fact that we do have, under the prompt, existing statutory provisions and regulations, and I understand that that's an awful lot to review and comment on, and we don't have to do it now. We can take this up later under cross-cutting issues or when we get to recommendations, but I really would encourage colleagues to take a look or think back, you know, are there any specifics in the existing
legal framework that you would think should be changed to
make life easier for the 2030 Commission? Thank you.

COMMISSIONER YEE: Thank you, Commissioner Kennedy.

Yeah, that would certainly apply to the lesson --
the legislative updates work we're doing as well.

Commissioner Fornaciari.

VICE-CHAIR FORNACIARI: Yes, that's my question. I
mean, so we worked with -- yeah, Commissioner Fernandez
and Akutagawa's subcommittee -- I don't know what it's
called -- and you know, we have a list of potential
suggested changes. And so how do we -- how do we
understand what the process is for us kind of reviewing
that, deciding that -- reviewing everything that we
talked about and deciding what we're going to go forward
with? I mean, do we have a plan for that, or do we need
to figure that out?

COMMISSIONER YEE: Let's see. I know Chief Counsel
Pane did provide us with an outline of different ways
different levels of law, constitutional regulations, you
know, get changed. And of course, that doesn't spell out
exactly how we plan to do that, but I don't know.

Maybe Counsel, did you want to give us a quick
review of that and your suggestion for how we go forward,
or next steps?

MR. PANE: Yeah. So I guess my question is how do
COMMISSIONER YEE: Or maybe we can hear from a long-term planning subcommittee member.

COMMISSIONER FERNANDEZ: Yeah, I think I did understand what you were asking, Commissioner Fornaciari, in terms of -- Commissioner Akutagawa and I have come forward with a -- an initial listing of information that we gathered, I guess, throughout our tenure as being Commissioners, and that's what we move -- what we brought forward to the legislature with. And I guess what I was envisioning was we were going to take another look at what's on that list, plus potentially add whatever is coming out of this Lessons Learned, and I was thinking this would be discussed at -- like, at the end of the Lessons Learned, like day 6, in terms of where there's agreement as to which issues or items or language changes we want to move forward with. That's how I saw it. And some of it would be governmental statutorial changes versus constitutional changes. So that's my understanding on how it would happen.

COMMISSIONER YEE: Chief Counsel, any other observations on process or how we will take this forward?

MR. PANET: No, I mean, that's certainly how the
Commission wants -- chooses to move forward is a policy matter up to the Commission. Certainly, the vehicle that Commissioner Fernandez was just referring to is certainly a way to go about it. It's certainly the Commission's call.


Okay. Anything else on legal?

Commissioner Sinay.

COMMISSIONER SINAY: So have we been adding things to that list through this Lessons Learned? I mean, you know, I think it's -- it is good to just call it out and say, this one will go on there, you know, just so that we can all be on the same page as how we're moving forward and what's being added and when things aren't added. Because I think one of our things is we like to talk and bring up ideas and stuff, but sometimes we don't know if they're going anywhere; so that was just a thought.

COMMISSIONER YEE: Commissioner Kennedy.

COMMISSIONER KENNEDY: And you know, basically, reiterating an earlier comment that when we get to the recommendations portion of this exercise late next week, that's going to be a time for making sure that we have a list that we're all in agreement of what's on the list and we can talk some as well about how to move the list forward.
Although, from the earlier discussion today, it also seemed that using some time during the March 30th meeting for that particular part of the discussion -- how we're going to move the list forward -- you know, that can take some time at the March 30th meeting. But certainly, by the time we end this exercise, I would like us -- like to see us having a list that we're all agreed on that we can move forward with. Thank you.

COMMISSIONER YEE: Thank you, Commissioner Kennedy.

Commissioner Fernandez.

Yeah, you know, and I'll just -- I guess I could use some clarity, too, being on the Lessons Learned Subcommittee. I mean, I've been writing everything down, but not trying to categorize it into levels of changes.

So maybe Commissioner Fernandez, your comment, including are you making -- have you been keeping that list going, or?

COMMISSIONER FERNANDEZ: I have been. I just showed Commissioner Akutagawa I've listed four different -- just based on the conversations and those that relate specifically to code language, I have been making a list myself -- again, hoping I'm capturing everything. I don't think I've missed conversations, but I could have been distracted at the time, so I -- I'm only human, but I have been trying to keep up with that.
COMMISSIONER YEE: Excellent. Yeah. And I have great confidence in collective ability to be a member and generate a full and complete list. Yeah.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah. Thank you, everybody for this conversation because I think we might have all had a little bit of a -- slightly different idea of how things were happening. Is there any way we could, you know, see, like, the total list of review things? I've had a standing appointment on the -- Friday afternoon on the 18th -- I made several, at least four months ago, so we'll miss the last afternoon, which, it sounds like that's when we're planning on actually putting all this stuff together. So is there any way we could get, like, a list of, you know, the items so at least I can give my input ahead of time, or you know, like, yes, yes, yes, don't forget this, or something rather, just for everyone to have a look at before we do that final exercise?

COMMISSIONER LEE: You know, for Lessons Learned, I think it would be great to maybe put together a handout for that meeting of -- you know, a draft of potential action items. I'm not exactly sure how to do that right now with the two of us on Lessons Learned, and then the two on long-term planning, since we can't meet outside this setting.
COMMISSIONER ANDERSEN: Well, you could just -- you know, each of you just essentially, you know, hey, this is the lessons I have and send that to (indiscernible, simultaneous speech).

COMMISSIONER YEE: Yeah, possibly. Yeah, just have two --

COMMISSIONER ANDERSEN: And we can all --

COMMISSIONER LEE: -- overlapping hands.

COMMISSIONER ANDERSEN: That way it would -- yeah, and that way we wouldn't lose anything.

COMMISSIONER YEE: Yeah, yeah, yeah.

COMMISSIONER ANDERSEN: Yeah, so. Great. Thank you. I'd appreciate that.

COMMISSIONER YEE: Okay. Anything else on legal? If not, I think we --

Commissioner Fornaciari.

VICE-CHAIR FORNACIARI: Yeah, I just -- we've said it a number of times, but this is where it goes, so. I think hiring and your VRA and your external counsel will begin the hiring process as soon as you can.

COMMISSIONER KENNEDY: Yeah.

VICE-CHAIR FORNACIARI: And then your VRA analysis, again, that as soon as you can. Although, there -- you know, I mean, the information needs updating as you go along, but at least you can get started earlier.
COMMISSIONER YEE: Yeah. And the whole question of keeping the RPV analysis confidential, having the VRA outside counsel actually do the hiring of the RPV analyst, and we ended up going with Plan A on that. Don't think there was any second guessing or regrets about that, but would love to hear otherwise.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Commissioner Yee.

I will say that I'm at least somewhat persuaded by the argument that these are public funds and that a single RPV analysis could be useful not only to this Commission, but to every other redistricting process in the state. You know, the local entities, some of them have struggled to get the information or compile the information they need as far as VRA -- or sorry -- RPV analysis. And I really feel like there is a good case -- maybe not overwhelming case, but there's a good case to share that RPV analysis with other redistricting bodies in the state since it is paid for with ultimately state funds.

COMMISSIONER YEE: Um-hum.

COMMISSIONER KENNEDY: Thank you.

COMMISSIONER YEE: Thank you.

Anything else on legal matter? Okay. We can move ahead then to Agenda Settings/Internal Communications.
COMMISSIONER KENNEDY: Commissioner, we have --

COMMISSIONER YEE: Oh, I'm sorry.

COMMISSIONER KENNEDY: -- Commissioner Sinay, sorry.

COMMISSIONER YEE: Commissioner Sinay. I'm sorry.

Commissioner Sinay.

COMMISSIONER SINAY: All right. So this is one of those examples where someone brings something up and I feel like we need to discuss it so that it doesn't just fall into the never-never land. If people think, no, that's not a good idea, then it can go into never-never land. But if not, it just hangs out there and it's like, how do we keep -- how do we move forward? And so if it's possible for the facilitator to really keep us -- you know, make us talk on those tough topics that -- you know, we need to make decisions; there's no more pushing it off. This is where we push it off was to have these tough conversations now.

COMMISSIONER YEE: Right. Well, I appreciate that. You know, my thought was -- so you know, I wrote down the comment, and in my mind, would plan to include it, you know, kind as a minority opinion on this point in the section of the Lessons Learned document.

COMMISSIONER FERNANDEZ: I have a -- I have a hard time adding it as a minority opinion without -- I didn't know that that's what was happening. So that's my whole
point --

COMMISSIONER YEE: Yeah.

COMMISSIONER SINAY: -- is then a report comes out, and I'm like, wait, I didn't -- you know, so I guess I just want to make sure -- I guess we should've started by what's this report going to look like, what's the idea? But what I'm just saying is let's not try to add everything and the kitchen sink into this report.

I think from the very beginning, you were the best one to say that, Commissioner Yee, that nobody wants to read a really long report. So I would -- I'm just encouraging us to have these conversations now.

And it's okay to have a minority opinion, but -- and I'm -- I've gone back and forth on this one, Commissioner Kennedy, should we or should we not? I definitely wish we would have had better, you know -- so it's a tough one, and I don't want us to walk away without having the conversation. It's a good question.

COMMISSIONER YEE: Sure. Okay.

Commissioner Fernandez, and then Commissioner Kennedy.

COMMISSIONER FERNANDEZ: Yeah, thank you.

I was not of the opinion that right now -- I think right now we're just throwing everything out there, and then we'll discuss, because there have been ideas out
there that I don't agree with, but I think it's important
to get them listed out, and then we can discuss later.

COMMISSIONER YEE: Okay. Commissioner Kennedy.

COMMISSIONER KENNEDY: So as Commissioner Sinay was
saying -- or at least my understanding of it was, you
know, if not now, when? This has been kind of the
target, the pot into which everything got dumped for
later discussion and now -- later is now. And you know,
I think that, you know, it is important to get all of
these out. You know, we've tried to schedule adequate
time to have discussions, not just straightforward
listing of things, and you know, not specific to this
issue, I would encourage those who want to discuss to
pursue those discussions now. You know, if we start
running behind on the schedule, we can reassess, but I
think, you know, we did try to ensure that there was time
for these discussions, and I would encourage colleagues
to take advantage of that. Thank you.

COMMISSIONER YEE: Yeah, absolutely. And as it
stands right now, we're about half a day ahead, so.

Yeah.

Commissioner Fernandez.

COMMISSIONER KENNEDY: With as much as respect as I
can give right now, that would have been good information
to know when we started this in terms of if you disagreed
with something or had a differing opinion to discuss it then. But with that, in terms of -- so I'm just going to move forward, I guess, with this, and I'll go back over my notes tonight and see if there's something else I want to bring up for tomorrow. But I actually would like to hear our chief counsel's opinion on this issue.

MR. PANE: Ms. Fernandez, exactly with what piece?

COMMISSIONER FERNANDEZ: With the piece that Commissioner Kennedy brought up regarding public funds with the single RPV analysis, that it should be used for all other redistricting efforts throughout the state.

MR. PANE: I mean, that's a -- that's -- so the report itself and the analysis is attorney-client work product and is privileged, and so it's something whether the commi -- first of all, I think we have two threads here. One, is it something that we have as part of the attorney-client privilege that the Commission could choose to waive that privilege? And if so, then it's something where the Commission could make something public that they would not otherwise have to.

I think a second and related issue is whether the analysis itself is proprietary to Strumwasser and whether that's something that is even something that is discoverable or something that the Commission could waive. I would defer to Strumwasser on that. I'd have
to kind of have some discussions with them about whether
that is even a possibility, but let's just assume that it
is for purposes of this Lessons Learned discussion. I
mean, that's -- the choice to waive privilege -- waive a
document that's otherwise protected -- is certainly
always with the client, and the Commission is the client,
so there really isn't a legal lens on that waiving of
that choice, waiving of that privilege.

That said, I think the reason why some of the
privileges exist is to protect the client. In any
attorney-client relationship the reason why the -- any
privilege exists is to protect the client and arguably
protect this -- keeping this privilege protects the
client from litigation, or at least minimizes the risk of
litigation. I think the release of it probably increases
the likelihood of litigation. It's the likelihood of
litigation, it's not the actuality of litigation. But
that's why privilege exists between the attorney and the
client. So that's from the legal lens.

The policy end of it is certainly the Commission's
as to whether or not they would ever choose to waive a
privilege. Certainly, in this debate for 2030, it's --
if you don't -- if it isn't something that is -- to use
Commissioner Yee's point or perspective or phrase: Plan
A -- it's something that is always potentially able to be
waived. So it is something that a future Commission could maybe, however they worded it, would word it in their contract, it could be something that maybe could be produced to the public for the reasons or the rationale that Commissioner Kennedy has mentioned. The fact that it's set up as an attorney-client privilege communication work product doesn't mean it can't be, it just means it's up to the Commission as to whether or not it discloses what otherwise is a privileged document.

COMMISSIONER YEE: Right. And so I think there's two things going on here, one is a discussion of what goes into Lessons Learned final report, you know, which we're coming up with the draft content for right now. You know, at this point, thinking we would mention the RPV analysis and how we handled it and the advice we got to keep it confidential, would mention other arguments that maybe we -- are the reasons why you might not do so, including the ones Commissioner Kennedy mentioned, and then it's up to 2030 to do what they want to do. But that's separate from the question of, okay, of course, we always have potential to waive that privilege for the report, you know, as long as we're still seated until 2030. Are there reasons to consider that? Now, you know, if someone -- you're always welcome to make a motion. Anyone can make a motion to that effect if you
think there's a reason to do that now, but that's a separate question from the Lessons Learned report, right, and what we put in it.

Okay. Commissioner Fornaciari, and then Akutagawa.

VICE-CHAIR FORNACIARI: Okay. So based on what you just said, Commissioner Yee, I guess the proposal --

And I'll just ask Commissioner Kennedy, the proposal is to offer that as an option for 2030 to -- for them to think about is sharing the -- oh, okay, I -- because we had lots of discussions about whether or not we were going to share, and I thought we had made that decision as a group. Okay, then I'm okay with that. I just -- I guess my question would be about the applicability of the analysis at the level of statewide offices to local redistricting efforts, so.

COMMISSIONER YEE: Okay. Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Thank you.

I guess -- yeah, I -- okay. Let me just start with the process. I think to follow-up on the process that we're following now, I think given where we are, I'd like to suggest that we collect some of these open items and then we come back to the ones that we need to discuss since we've been on this track of, you know, just kind of more putting things out there, but not really necessarily trying to resolve some of these open questions in real
time. Otherwise, then I think we would have had a
different conversation even yesterday. And there may be
some value in allowing people to just kind of think about
what's been brought up and to be able to come back and be
more thoughtful about our responses, that may also help
facilitate a more efficient conversation. So that would
be one.

I think on the RPV analysis -- and I think this got
ques -- this got resolved. I just feel like I think we
may all process in different ways. But I think what I'm
hearing is that there -- there's the suggestion to make
the RPV analysis public, and I think Commissioner
Fornaciari said this for 2030, that would just be a
suggestion that would be in the Lessons Learned, versus
the other question, which is, do we make this last RPV
analysis that we used public? And in the context of this
Lessons Learned document, I think the first -- second
question was resolved, I think, in terms of Lessons
Learned. You know, we -- I mean, we can make any
recommendation, but ultimately, it's going to be up to
2030 what they're going to do. Thank you.

COMMISSIONER YEE: Thank you.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Yeah, I apologize for any
confusion. I was not intending, in any way, to try to
revisit our decision, I -- and I certainly would not favor changing our decision or our course of action in relation to the RPV analysis exposed. I mean, the -- and I think I've said this before that, you know, if it -- if there were any thought given to releasing it, that should be a decision that's made well in advance of, you know, even of Commissioning it. I think that is the time to make that sort of decision, not as an ex-post decision. So I apologize for any confusion that I may have introduced into this, and I'm in no way favoring releasing the RPV analysis that was done for us, just putting it out there as something that 2030 may want to consider. And if they were to consider advocating, that they consider it, you know, before Commissioning the analysis, not after. Thank you.

COMMISSIONER YEE: Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. My -- I understand that suggestion and -- but my point is it's -- it all depends. Because if the RPV analysis in the report -- it all depends on how the report actually reads. Because if the RPV analysis that they did on the current districts is not hard copy, but it's kind of a rough draft, and then the report is actually only on the RPV of actual -- how they've have been modified for the redistricted
districts, then that's at state level, and that information isn't that helpful to local because they wouldn't have the background to then divide it up of themselves. It's like, you know, how you -- like, all the back -- all your research work, and then there's the final product. Unless we're saying any research work that also happened to have -- happened to go around -- in which case, you know, as a researcher, you'd really have to have that -- it would require an entirely different format. And so I don't know how appropriate that would be, or helpful at all, for local districts, anything other than our state level. So that's one thing I would clarify in a recommendation, which is why one of the reasons why we did this, because it's not that helpful until it's kind of all done, so.

You know, and that's -- again, that's more of the intricacies of doing an RPV analysis. It's like, you know, I'm thinking about if someone says, look, we want to have all your calculations for all of your buildings, but going, okay, you want just the final counts, right? And that doesn't -- isn't necessarily going to give you all variations. And if you want to do, well, I really want to have all the analysis of a particular joint -- or you know, a particular section of the building, which is kind of what we're doing. I'm like, it doesn't
necessarily follow through to be useful at all and be -- could be extremely confusing. So I just want to bring that up. You know, we can make that recommendation, but we need to have a clarification.

COMMISSIONER YEE: Thank you, Commissioner Andersen. You know, I think there's a few separate things there. There's the prin -- just in principle, as Commissioner Kennedy mentioned, and just in principle, should taxpayer-funded research be -- you know, be made public?

You know, in terms of who wants it or who could use it -- you know, local jurisdictions, as I recalled it, the greater interest was from CBOs (ph.) who were doing their own statewide, and you know, maps, and wanted the data that we were using then, so.

Commissioner Sinay, and then Fernandez.

COMMISSIONER SINAY: Yeah, I mean, I recently learned that we -- that someone, probably our legal team, had asked (indiscernible) for their VRA analysis on how they did their maps, and they said, no, you know? And so it is -- you know, people do keep it close.

What I do want to say about VRA analysis, though, is it has to happen way, way ahead of time. I think there was too many excuses and too many things. You don't need to wait till the census data comes out to do a VRA
analysis. And so I don't know if it made sense that we -- you know, I don't know if we should have -- you know, maybe looking at how we hired the legal team, where it was like, here's a legal team, they hire the VRA lawyer, and then there's the VRA analysis -- maybe we need to pull that out and change that a little bit.

Again, I thought part -- sometimes we didn't move forward on things because we were afraid of costs or this or that; that one, I know was a lot of different pieces. But I do recommend that we look at all those time lines and remember that people are going to have even a more compressed time line than we did, and we're saying that we didn't do it early enough. So at some point, I don't know if it needs to be a closed session, but we do need to talk about what happened there with the VRA.

COMMISSIONER YEE: Right. And as a member of the Legal Affairs Committee, my recollection is that it was delayed about a month, and that was basically contracting delays, you know, that we did not anticipate. We just were new with it and didn't realize, you know, all it would take to get the contracts finished and signed, and it ended up taking about a month longer than we planned.

COMMISSIONER SINAY: And I guess I'm talking about the bigger picture, the big VRA picture. That --

COMMISSIONER YEE: Yeah.
COMMISSIONER SINAY: -- might be a closed session conversation, but. And I don't know how we then give that -- those Lessons Learned to the next group, but we -- the -- we -- yeah.

COMMISSIONER YEE: Yeah. Okay.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Thank you.

In terms of disclosing or allowing the local governments to use the same RPV or VRA analysis, I would not agree with that. I do feel it's proprietary. I see Lessons Learned is something that we could have done better or differently. And in terms of the decision we made, I completely agree with keeping that information as attorney-client privilege and proprietary to us. I do agree that it needs to be done earlier -- much earlier. And part of that -- for me, Lessons Learned would be to -- for the 2030 to consider contracting separately for that so that you have more control over when the analysis is due and you have deadlines instead of having a middle person that you're relying on. So that would be a huge Lessons Learned on my part for the 2030. Again, they can choose not to do that and to go with whoever they hire for the VRA attorney, but I think they should really consider having the RPV analysis done separately under their control.
COMMISSIONER YEE: Thank you, Commissioner Fernandez.

Chief Counsel Pane, I remember there was an issue about that, about if we contracted for RPV analysis directly, there was a question -- a different status of confidentiality and if an outside counsel contracted for it. Can you refresh us on that?

MR. PANE: Briefly, off the top of my head, I think you maybe don't have the proprietary piece to it as much anymore; I think that was an additional layer, an additional argument. It still would be attorney-client privilege and work product that would still be available, but I think, you know, if it's something where it's -- it was contracted but it was something of a hiring entity, then I think you have an argument at least. I don't know how persuasive it is. But you have an argument that it's not even -- you know, it's proprietary to the firm and not and to the Commission. So I think it's an additional argument. You still have attorney-client privilege and still work product in the example that you just recently laid out.

COMMISSIONER YEE: Yeah.

MR. PANE: So I wouldn't say you all the sudden don't have a privileged document anymore if the Commission has a separate contract for it.
COMMISSIONER YEE: Okay. Commissioner Andersen.

COMMISSIONER ANDERSEN: Sorry on that one. No. I mean, unless the person doing the RPV analysis is an attorney, it's not attorney-client privilege. I mean, you know, it's like saying, you know, Q2 do the work for us, and then it's an attorney-client privilege. No. If they're -- you know, they're just -- they do racially polarized voting analysis; they're not attorneys. That's why the attorney hired them; and that was our VRA attorney who hired them. But we -- your -- you know, if we hired the person, then it's not a contractor.

MR. PANE: Right, Commissioners, but --

COMMISSIONER ANDERSEN: -- unless they are attorneys.

MR. PANE: I think that was the assumption. I don't think you can --

COMMISSIONER ANDERSEN: Yeah, and --

MR. PANE: I agree, you can't have an attorney-client privilege without an attorney and client.

COMMISSIONER ANDERSEN: Right.

MR. PANE: I agree.

COMMISSIONER ANDERSEN: And they're usually -- the analysis people are analysis experts; they're not usually attorneys. In that case, ours wasn't; she was an analysis person -- ex -- that's what she did -- very,
very good, but she wasn't an attorney.

MR. PANE: Yeah.

COMMISSIONER YEE: Okay. Any other thoughts? And any other thoughts on any of -- anything legal?

Commissioner Sinay.

COMMISSIONER SINAY: I would like to hear from legal counsel, in the ideal world, how would the requests for information -- you know, the PRAs, PRIs, FRIs, whatever -- how would they be processed? You know, I guess one recommendation is just letting future Commissions know -- and in some ways, we were told -- but hey, anything you write down, any email may be subpoenaed; and it -- and you know, and it was. But just making that very clear. But how in the real world, how would you -- what would your recommendations be to 2030 about how to be prepared? Because these will come up and they're so fun.

MR. PANE: So what I might do is I might go back in time and instead of being hired in May, I might be hired in January or December of the previous year. And I might have an open session or some one-on-one attorney-client recommendations and legal advice to individual Commissioners to discuss options or something like that. Because I do think an independent Commission, they're going to be -- you know, unlike Commissioner Fernandez,
they are not going to be well-steeped in state service
and know a lot of the intricacies about administrative
procedures and just public disclosure requirements.
I mean, you don't have to be in state if you're in
the school board or you have other public local -- you
have very similar disclosure requirements and public
transparency. I mean, that's just in government. But I
think it would be helpful to a new Commission to have a
real, you know, deep dive with strategies and options for
what transparency is and all those forms that it could
take. And frankly, every department in the state of
California has Public Record Act requests. That's
something that is everywhere; it is not unique. And you
do get Public Record Act requests, so how a given
department responds to them is certainly something that
everybody in the department should be aware of, and
certainly having those going in, knowing that, I think,
Commissioner Sinay, would be helpful.

COMMISSIONER YEE: Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I had one last thing
on this end of the legal. The different subcommittees, I
thought that worked well in terms we had a hiring
subcommittee for the hiring of the legal counsel, and
then we had a separate one that worked hiring the outside
litigation counsel and VRA counsel, and then we had a
extra separate one who would actually then work with the
VRA attorneys. You know, I don't know -- and I'd like to
know -- I thought that was a good idea.

You know, Commissioner Lee, Commissioner Toledo, and
then I'd say, Commissioner Sadhwani, did you guys think
that was a good idea? Did other people think that was a
good idea? You know, I certainly like the idea because
you're hiring the, you know, the chief counsel, and then
you're hiring outside attorneys. Now, they could be the
same, might not be, but those are sort of distinct tasks,
and just, I thought I'd throw that out there for in terms
of Lessons Learned, you know, was there something we
like -- did not go as well as we were hoping? So from my
perspective, I thought it went pretty well, but I was
not -- I was only on one of those (indiscernible).

COMMISSIONER YEE: I think there were only two:
there was Legal Affairs Committee, which was three
people, and met publicly, then there was a VRA
subcommittee, which was two people.

So Commissioner Toledo, (indiscernible, simultaneous
speech) --

COMMISSIONER ANDERSEN: And the hiring, yeah.
MR. TOLEDO: And the hiring committee.
COMMISSIONER YEE: Oh, yeah.
MR. TOLEDO: I thought it worked well. I thought it was -- I think communication was good. The Legal Affairs Committee, I think maybe where we could have done a little bit better is just clarified, like, the roles of each a little bit more. But I think because there was a little bit of overlap, I think it was -- I think it was -- we were able to -- in terms of membership, we were able to keep those separate while also ensure that that communication was moved to the Commission. Because we were meeting so regularly, we could report back to the Commission, we were all on the same page. So if we hadn't been meeting so regularly, perhaps there would have been some gaps in communication.

COMMISSIONER YEE: Thank you.

Yeah, might also come in on the hiring process. I remember the -- we did have a paralegal at that point who was invaluable -- I mean, was essential in helping do the background check work on an applicant, legal firms. And there I was with my zero legal background, you know, learning very quickly how to interpret all that.

Chief Counsel Pane.

MR. PANE: Just -- thank you. Just a quick comment about committees since Commissioner Andersen raised that. I think Commission -- 2030 Commission is going to need to figure out how frequently they want their chief counsel
staff with individual committees and subcommittees.
Chief counsel was part of the Legal Affairs Committee and
was, I think, on -- was on Line Drawing Subcommittee and
a -- you know, a few other ones, but not in every one --
not in every subcommittee. And I don't know that that's
even necessary; that's up to the Commission to decide.
But certainly, a thought needs to be, I think, where you
want your chief counsel if the next Commission decides to
go to a similar role of having various subcommittees and
committees, which ones make the most sense for counsel to
be there for and which ones are not needed.

COMMISSIONER YEE: Thank you.

Yes, Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I was just going to
say, yes, paralegal is helpful, but normally that would
have been the chief counsel, but we were sort of in
between at that point. So that's why I think the -- you
were using the paralegal to help those contracts and that
whole portion. So just a -- basically because I like the
sort of setup when you have a chief counsel, and then
they'd have the flexibility to have other attorneys and
do all -- like, we don't just sort of set -- you have an
attorney and a paralegal. I think that flexibility
was -- actually worked out very well for us.

COMMISSIONER YEE: Sure. Right. But even it was
like work, like digging up campaign finance records, you know? I mean, maybe a chief counsel would do that, but you know, a paralegal is perfect for that kind of work. Yeah.

Commissioner Sinay, and then Toledo.

COMMISSIONER SINAY: Yeah, building on -- kind of on what Director Pane said -- and this goes mainly for all committees -- just like we're talking about job descriptions, it would be helpful to create, you know, descriptions on each of the subcommittees so it can be chosen, you know, so they have a better understanding. For instance, our new one that none of us can remember the name -- you know, that -- you know, it's not self-evident -- or PDI, you know? You know, there's just different ones that might not be evident and we might want to just explaining them -- explain them a little bit more.

The other piece on committees is they have to have a staff member assigned to them and that staff member has to play that liaison role along with legal and communications, or whoever it might be. But there wasn't always a staff member assigned and it was -- it could be frustrating, and it ended up -- especially at the beginning, you know, we didn't have enough staff, but it did end up being sometimes work on the individual -- you
I know, the Commissioners versus -- so I would strongly -- I would put in there a strong recommendation to make sure as subcommittees are created and the chairs define who's on them, that a staff member is assigned at the same time.

COMMISSIONER YEE: Thank you.

Commissioner Toledo.

MR. TOLEDO: Yeah, I'm just thinking about Commission-specific requirements and regulations. I think back to -- and the help interpreting those -- I think back to the significant amount of work that was spent on grants -- of our grant program that we were developing and just having the legal support to really understand that and to get guidance on that, but also go through the contracting, the procurement aspect, because it was something that we spent so much time on, and then -- for many reasons; it wasn't just this -- but I think a significant portion of it was just interpretation and guidance, and then going through the appropriate processes.

And it was very disappointing to many of us on the Commission that we weren't able -- that we spent so much time on some -- on this and weren't able to do that. And fortunately, we're able to redirect the funding, but -- to other worthwhile projects, but it was something that
I'm not sure how we would solve, but certainly having, you know, good procurement -- legal procurement -- and specifically, expert legal advice on our specific -- Commission-specific regulations.

COMMISSIONER YEE: Thank you.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I was trying to read between the lines to what Chief Counsel Pane said and -- as well as the other comments, and I do agree that there should be a staff person assigned to each sum -- subcommittee. But then as a Commission, and then also as the executive director, that needs to be managed because we can't have our chief counsel on all of them or the majority of them because they also have other duties. So part of it is managing that piece of it that should be by the Commission as well as the executive director. And then for the 2030 is to just -- to be aware that if I have a staff person assigned to me, that's not the only thing they're doing. So also understanding that my role as Commissioner is not necessarily assume that one hundred percent they're mine or to provide direction and responsibilities of what they should be doing, because I think you can have mixed messages and it makes it difficult for the staff person that might be caught in the middle. So it just needs to be managed better.
I don't think we managed that piece at all in terms of the Commission in terms of which staff we're on, which subcommittees, and I honestly think -- I don't know if our executive director knew everyone -- you know, which staff persons we're working on which subcommittees. So we really need to be -- 2030 really needs to be sensitive to that, one, to not overwork staff, and then, two, maybe that means that you require additional staffing for that. Thanks.

COMMISSIONER YEE: Thanks. Well said.


We'll turn it back over to Commissioner Kennedy as we turn our attention to Agenda Setting/Internal Communication, and Subcommittees.

COMMISSIONER FERNANDEZ: My bad.

COMMISSIONER KENNEDY: No, that's fine. This is a --

COMMISSIONER YEE: Well, good.

COMMISSIONER KENNEDY: -- perfect segue --

COMMISSIONER YEE: Good segue.

COMMISSIONER KENNEDY: -- into this. Yeah.

COMMISSIONER FERNANDEZ: Can I just move it to this one then, whatever I said?

COMMISSIONER KENNEDY: And you can say more.
Please.

So what we have for prompts here is the array and use of subcommittees. And I think, you know, Commissioner Sinay's suggestion of ensuring that we pass on a written description of each subcommittee is certainly a good one. Subcommittee oversight and reporting, and I think, you know, we just, you know, touched the surface of that one, as well as role of staff, role of chair and vice chair -- this is chair and vice chair -- the rotating chair and vice chair of the Commission, Bagley-Keene compliance, overall communications flow, the use of Google Office. So it's really a pretty wide-ranging topic.

We're at 2:36. We have a break at 3 o'clock, but we will continue this after the break. So let me open it up there. And again, happy to not just have notes, but have an active discussion on these topics.

Commissioner Fornaciari.

VICE-CHAIR FORNACIARI: Just because your chair allowed everyone to have a leisurely lunch, the break is not till 3:15.

COMMISSIONER KENNEDY: Thank you.

Director Hernandez.

MR. HERNANDEZ: Yes, thank you. I just wanted to offer some thoughts in working with many of the
subcommittees. I think I'll go back to something that Commissioner Sinay mentioned to me early on. We do need to be clear on the role of both the Commissioners, the subcommittee, and the staff. There was a lot of overlap, and I would say at times there was direction being given by the subcommittee that wasn't necessarily approved or agreed on by the Commission; so there was a little bit of that going on.

And I think to be clear for the 2030 Commission to identify specifically the parameters for the subcommittee -- likewise for the staff and the Commissioners in how to -- those will intertwine throughout the process. Because as we got deeper into the process, things just needed to get done, and so a lot of things just had to -- someone had to take it on, whether it was staff, whether it was Commissioners, and I saw that. And I do want to acknowledge that and really thank the Commissioners for taking on a lot more active role in a lot of the activities that were being performed early on. And even as we got into the line drawing and the mapping, that probably -- they wouldn't have otherwise gotten involved in had it been a different set of circumstances, so I want to thank all the Commissioners for doing that.

But at the same time, moving forward, the 2030, you
want to make sure that the Commissioners can focus solely
on their task of line drawing, understanding the RPV
analysis, and things of that nature. So the other
activities are performed by the staff and there's that --
there's no gray area of overlap, and there's clear
direction from the subcommittees, as well as from the
Commission.

A number of times we did ask the Commission to
provide a decision, make a motion as to the direction
that staff should go just to make sure that we were all
on the same page. So I would encourage that being the
case moving forward, that there be that decision point
where this is what we're agreeing to do, and then we move
it forward so that there is no ambiguity or it's not
clear what staff should be doing and the direction they
should be taking. So those are the couple of things I
wanted to mention about the subcommittees.

I -- as far as assigning a staff person to the
subcommittee -- to each subcommittee, I think that's a
good idea, but it will depend on the staff and how
much -- how many staff people you have at that time when
the subcommittees are created and what activities are
being performed by that subcommittee as well. As we
moved from one activity to the next, we shifted staff,
and I think that should be kind of the model moving
forward is, as some things come to an end, they pick up
in another area to ensure that they are fully utilized
staff in transitioning into the next activity, whatever
that may be.

So those are my thoughts. I will have to step away,
but I will be listening in and provide additional
comments via email if anything does get triggered in my
mind. So thank you.

COMMISSIONER KENNEDY: Thank you, Director
Hernandez. And just in response to the last -- you know,
I definitely want to get as much of this live as
possible; not rely on email. And in response to both
Commissioner Fernandez as well as my own thinking back on
some of the topics that we've already covered, I've
already started a list of things that I forgot to mention
at, you know, a given point in the process. So I'm
thinking maybe tomorrow we might actually start off with
the "oops, I forgot to mention" session, and as I say, I
have a few for that myself, so. We can move from there.
But thank you, Director Hernandez.

Commissioner Andersen.

COMMISSIONER ANDERSEN: I might jump into agenda
settings. How we first started, essentially, the
executive director was -- like, we'd email ideas of what
we wanted for the agenda, we'd send it to him, and that
he would essentially work with the chair and vice chair
to set the agenda; however, that didn't work. And we
switched to -- at several of our insistence, and then
really pushing and kept it -- moved it that way to a
document where everyone could put their ideas, whether it
was something we needed to do, on a general document that
everyone could refer to, go, ah, okay, I can't put mine
in there, or oh, you know, I don't have the space. And
that way, nothing got lost; because the previous way, a
lot of things got lost. And I thought that worked out
very well. It's -- we actually kind of tried to
standardize it.

It didn't quite get exactly standardized because
people didn't necessarily follow it all the way through,
but having a listing of when you had to post it by, when
the handouts were due -- you know, so it was all there in
one document, so to keep us, like, on track and it really
helped in terms of line drawing -- I know for myself --
laying things out. You know, I have to have this
information done by that day, and so I would kind of try
to put down when, you know, the Line Drawing Subcommittee
had to have items on the agenda. I would really
recommend that, because again, all ideas get in one
location and they don't get lost. And it was a document
that everyone could refer to, as opposed to, oh, we all
send it to executive director, and then it might come back, it might not. So I would recommend that. So that's my bit on agenda setting.

COMMISSIONER KENNEDY: Okay.

COMMISSIONER ANDERSEN: And sorry, and also on that document, we --

COMMISSIONER KENNEDY: Yeah.

COMMISSIONER ANDERSEN: -- got to put the -- we got to also put the rotating chairs, so that was all connected so you knew -- like, sometimes you go, oh, wait, they're going to be the chair. Okay. No, I need this, say, when so-and-so is the chair because they're -- they understand a lot more about it, or you could actually shift it to appropriate times or not appropriate times, and I thought that was actually all very convenient.

COMMISSIONER KENNEDY: Thank you, Commissioner Andersen. I -- my one question on that, and this may be a question for Chief Counsel Pane -- if that kind of shared document is used in the future, you know, is that something that needs to be a publicly accessible document?

MR. PANE: Sorry about the background noise, I'm printing something. If -- are you talking about for purposes of Commission meeting?
COMMISSIONER KENNEDY: Yes.

MR. PANE: Yeah. I mean, if it's something that -- so the general rule is if we're going to have a document that's being discussed by the Commission, it's something that we should post as a Commission document, as a handout for some -- something else. And so you know, I --

Commissioner Kennedy, you had a follow-up?

COMMISSIONER KENNEDY: Well, I mean, it's not so much a document that would itself be discussed by the Commission; it's the agenda-building document, the shared document that everybody tossed agenda items into that the chairs then used to build the agenda, and the run of show.

MR. PANE: So there's a -- I'm going to take a little bit of a step back. And there are many ways you can fashion an agenda for a public meeting. One of the ways to do it is -- and you may notice that on our agendas we have general public comment or public comment for items not otherwise on the agenda -- various state bodies have used that agenda item -- a member -- a board member to say, I'd like at the next Commission meeting to discuss this topic, and the chair is going to decide whether that is something that is discussed. That is a way to do it; it's not the only way to do it, but that is
how various boards have done it. That is usually within -- what makes it on the agenda is usually the purview of the chair. I'm not saying that's the only way to do it, I'm just saying that's the way quite a few public bodies do it.

If instead, and in a different way, you wanted to have a standing document that says everybody can sort of feed into it, you know, that's something -- and the Commission were to say, look, this is something that is how we're going to put together a document. I think we can still keep that as something where -- and I think you need to use a clearinghouse in the same way that we use clearinghouses and other ways to make sure that we don't have serial meetings. But I think that's a prefatory document; I don't think that is something that has to be sort of created in public or edited in public or otherwise provided in public. The ultimate document is public and so not really sure there's much any -- or really any deprivation to transparency, if, you know, the previous iterations are something that aren't otherwise publicly disclosed. So but again, there's more than one way to do that. And the -- you know, a third way is to do it all in public -- you certainly could choose that, but I don't think that's a requirement. So if there's -- there are a few ways in how you can create an agenda, but
those are at least a couple of ways I think you could do it.

COMMISSIONER KENNEDY: Thank you.

Director Kaplan.

MS. KAPLAN: Just a recommendation for the subcommittee work. I think there was -- there's definitely a lot of growing pains in terms of, you know, when a subcommittee would have recommendations to bring back to the full Commission to then direct staff to do something, and I think eventually we got to a process where we developed more of a template around how to create a document. But I think ultimate -- and like, you know, the process, whether we were voting on decisions one by one or a full scope, I think, you know, with any Commission when you're creating something new, you're going to go through that, but it may be helpful to kind of give some guidance on where the Commission landed a bit on that or provide any template or perhaps just provide a recommendation to kind of create a template to have some consistency there. Because I think not only for the Commission, but also for the public in order to follow consistently. And then, you know, what was the ultimate motion, and how did that relay back to the original proposal as well. So that's it.

COMMISSIONER KENNEDY: Yeah. I mean, I'm fully
supportive of that. I had shared with staff early on, and then, I think, again, later on, templates that we had used on the election Commission in Afghanistan in 2004. Any document that came before the Commission basically had a coversheet, was assigned a serial number. If it was something that was just for information, it was, you know, just called a document. If it was something that was, you know, intended to result in a decision, then it was called a submission. Those had separate numbering series. And then every decision was, you know, on paper, add wet signatures, and that was -- you know, those were numbered. So it made it much easier to keep track of all of that. This was a system that was adapted from something that a former Australian electoral official had put in place back in East Timor 47 years ago. So yeah, I'm all for a little more formality in that and making it easier to keep track of documents coming before the Commission and decisions coming out of the Commission.

Director Kaplan?

MS. KAPLAN: Those were never shared with me, so that would have been helpful if there was that. So anyways -- I mean, I think there is just so much that everyone is balancing, so I don't think that, you know, this is something, in retrospect, when there would have
even been time to create that, so I think that's a thing
to think about for 2030 to help them with that going
forward.

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yes, just, when I was just
explaining to Commissioner Fernandez, I just want to --
just so that everybody knows, we're sitting next to each
other.

COMMISSIONER FERNANDEZ: Yeah.

COMMISSIONER AKUTAGAWA: But I -- and I figure, I
should just say it out loud only because I think it's
form making sure that I'm understood -- I'm understanding
what was just discussed and asked, so that I didn't
mislead Commissioner Fernandez.

So my understanding was that the question at hand
was about the process by which subcommittee decisions are
then transmitted to the full Commission for a potential
action or decision. Was that -- and looking for a
process, right. So that there was multiple processes,
and then we finally got to a place where there was a
little bit more of a streamlined process to -- yes, no?

COMMISSIONER KENNEDY: Director Kaplan?

MS. KAPLAN: I mean, I think that and just the way
it was formatted, the documentation, I think there wasn't
necessarily a --

COMMISSIONER AKUTAGAWA: Okay.

MS. KAPLAN: -- like, you know, a consistency around that. And I think we got to a point where there was more, but there was times where it was, you know, whether it was certain input meetings, or however they were going to be run, and the parameters around which the Commission then directed staff within these parameters to move forward. But there wasn't always -- it just wasn't always done consistently, per the formatting of what's done consistently. I think we eventually got to that, but --

COMMISSIONER AKUTAGAWA: Okay. Thank you. That wasn't my original point. I just wanted to make sure that I was transmitting the right information.

I think, just on this item of, I guess, internal communications to subcommittees, I also see the role of the chair and the vice chair. And I don't know if more also in the next one to Commissioner Kennedy, but I'll just mention that along the lines of having some consistency, I think this came up in an earlier conversation around maybe a training or maybe a briefing on how to run meetings.

Maybe having something so that there is in place -- not just necessarily expectations, although it could be
that -- but maybe a process by which, you know, the chair
and vice chair will operate so that there's also
consistency in the way the meetings are run and
communications may also take place.

I think there was a degree of, let's just figure it
out and we'll just kind of, you know, do what the last
person did, and then we'll just kind of add our own style
to how we run meetings. But I think maybe having some
consistency, both terms of how we communicate internally
but also how communicate and run the meetings might be
helpful so that then there's some guidelines, maybe some
guidelines for, you know, someone who, you know, might
not be sure. But also it also creates some consistency,
and maybe that might also address some of what Director
Kaplan was also talking about as well too.

COMMISSIONER KENNEDY: Thank you. Great. Do you
want to provide some more detail on any of those?

COMMISSIONER AKUTAGAWA: I mean, it's not so much
detail so much that -- I mean, again, I was just -- I
think what I'm saying is more just in response to some of
what I'm hearing and what I've been reflecting on in
terms of, you know, just how meetings are run, how
sometimes decisions and other things might be made. It
wasn't anything specific, but it's just more a broad set
of maybe general guidelines that may be helpful to
somebody, you know, because we're all pretty new to this, and then we're just kind of like in the early months. To be honest, I think there was a little bit of, we're just kind of figuring it out as we go. But if we have some -- maybe perhaps some guidelines in place, we can create earlier on some consistency in the ways in which meetings are run, the ways in which conversations also take place, the ways in which the staff is also directed to do certain things so that then we're not just kind of trying to guess at it.

And again, this is just a suggestion. And I guess maybe a little bit of a Lesson Learned in terms of, again, creating some consistency in the way we operate or -- we were operating, and that hopefully some of that Lesson Learned could then be transmitted to the next Commission so that, again, for both efficiency and also clarity of what is being done, both for our -- for the Commission, whoever the next Commission will be, but also for the public as well too, so that it'll make it easier to follow along so that if there's kind of a certain consistency to process then everybody will know, okay, now, we're on to this, or this is what's going to happen, so that they know kind of like what to expect. And same for the Commissioners. I don't know if that was helpful. Thank you.
COMMISSIONER KENNEDY: Great. Thank you. It was.

You know, and especially the part about, you know,
focusing some of that clarity or the need for some of
that clarity, specifically in the area of how
instructions are conveyed to staff. And, you know, what
I'm hearing is the more consistent future Commissions can
be in how instructions are conveyed to staff, the better.

Yeah. Agree. Thank you.

Commissioner Yee?

COMMISSIONER YEE: Yeah. On that point, so it's a
question of how does a subcommittee idea become
actionable direction for staff? And, you know, does that
need to go -- does the chair need to make an explicit
statement, you know, at some point, or -- I can't imagine
everything would become a motion. That would be too
much. You know, in the same way that line drawing. You
know, we all threw out idea, but line drawers mostly did
not move a line till the chair said to. So with that
being the case -- you know, I just wanted to say all that
in the abstract.

I'm wondering, Director Kaplan, can you think of an
eexample when direction was unclear or conflicting? You
know, not to rehash whatever example you come up with,
but just so I could work out what we think about when
this work or didn't work.
MS. KAPLAN: It wasn't necessarily that direction wasn't clear from the Commission. It was when there were decisions -- something that a subcommittee was working on, and then we would bring it back to the Commission to have the full discussion to decide on the procedure going forward. There wasn't like a standard format on here's the language for the motion, and here's all the components for it. So it was, you know, we were just creating documents. But there wasn't necessarily consistency.

And then there were times where, you know, guidance -- I'm thinking, for an example, for the public -- for a particular public input meetings, like for the group presentations or the draft maps, there was a certain amount of discretion given to staff to resolve certain things. But then, you know, we didn't always think about everything that could possible come up. So then there were times when we had to wait to go back to a Commission meeting to make a decision on something because staff couldn't make a decision on something and there were other issues that arose.

So I think there were examples like that, or, you know, there was -- I think when we did the COI meetings, originally we went through one by one on all the components of the COI meeting and did multiple motions,
versus later on when we had, you know, a proposal for
other public input meetings, it was like the -- it was
one motion approving everything.

So I think, you know, a lot of that is the growing
pains of learning the process and not necessarily having
like even enough staff to devote a consistency to
creating a template, and so I think we did the best that
we could, but that's just a recommendation to save 2030
some time on, I think, to kind of help with some of that
procedural process.

COMMISSIONER YEE: Thanks, Director Kaplan. And,
yes, I agree. Yes, I agree.

COMMISSIONER KENNEDY: Yeah. And that's exactly
what we're here to do is to figure out how we can pave
the way so that 2030 has an easier time on them.

Commissioner Le Mons?

COMMISSIONER LE MONS: Yes. I have a little bit
different take, I think, in -- not on procedural pieces.
I think certainly maybe some of our lessons learned are
more just cautionary expressions of our experience
without a desire to feel like we have to solve it and
tell them, you know, this is the way we found that works
kind of thing.

So I just wanted to make that caveat to -- I don't
know what our goal is with the level of specificity that
we're really looking to provide to 2030. We talked a lot yesterday about respecting the independence. And of course the 2030 Commission will know that they can do whatever they want to do, and we really want to help them. But I think even in the level of detail with some of our discussions, I think we are beginning to get a little prescriptive, so I just want to caution us about getting too prescriptive where unnecessary.

I also wanted to highlight that I really enjoyed all the different tenors and tones of who was running the meeting. And I think it's more representative of our society that, you know, we get so used to this idea that there's a way it should be done. And either people have been doing it for 30 years have mastered how it ought to be done, but trust and believe they've left out voices and left people from the table who would do it from a whole different way.

So I thought that while it was cumbersome at times and nerve wracking at others, we really had to adapt and I think it was part of what we got organically about seeing how different people are.

2030 may have one chair, or, you know, not do what we did this whole rotating chair and vice chair and maybe take a different approach. But I just wanted to lift up that I think there was some value into all these
different sort of approaches. And I notice as time went on we evolved our own approaches. Like, there might be something that Commissioner Turner started to do that people was like, oh, I like that, and they put it into their approach, you know, and others.

So I thought that part was fun. And retrospectively, I think there was some value in that. I would hope that that wouldn't -- we wouldn't forget that part of the experience as we zero in on some of the growing pains. Thanks.

COMMISSIONER KENNEDY: Thank you. No, that's great. A nice reminder of everything that we experienced together.

Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Well, I just looked at our agenda. I think some of this might got into the meetings. They're kind of like intertwined a little bit, so --

COMMISSIONER KENNEDY: Please, feel free.

COMMISSIONER FERNANDEZ: You want me just to say it?

Okay. Good. Thank you.

COMMISSIONER KENNEDY: Yeah. Because this is all 3B because C is education, so feel free to --

COMMISSIONER FERNANDEZ: Uh-huh. Okay. All right. I don't want to do a Fernandez, we just go on to the next
agenda item. I'll add that to my list.

One thing -- and I caught myself doing, is when I was a chair, I really had to be very cautious and remind myself because you are -- you do have information that the Commissioners may not have yet because you're waiting for the meeting. But then also I needed to remind myself, well, if it impacts the subcommittee, we need to make sure that they're aware of it prior to the meeting as well. So just a reminder, you know, lessons learned, that we do that.

I did like the -- we set a meeting -- Commissioner Yee did the whole schedule and everything, but we pivoted, which was great. And I think that's -- a great lessoned learned is don't be so stuck as to the decisions and -- that you made at the beginning, you know, week one, you know, it can change. And that's okay to change. It's probably great to change it because as chair we all know that there is this additional -- what do you say -- I don't want to amp level. You're amped a little bit higher because you just got to be read and on, and you can only do that for so long. So it's okay to pivot and turn if, you know, it's going to be every two weeks, or every week, or whatever the case may be.

And I did -- as Commissioner Le Mons said, I did enjoy rotating. I enjoyed having every Commissioner
rotate and be the chair. And on the flip side of it, I think there's a true appreciation once you do it to the challenges that the next chair has to go through, and you're more than happy to hand it off. So that's just my feedback. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner Fernandez.

COMMISSIONER TURNER: Uh-huh. Thank you. Yes. I wanted to talk a little bit more about subcommittees because I believe in some sense our subcommittees were the lifeblood of the Commission, and I'm certain we could not have accomplished as much as we did without using the subcommittees.

On the other hand, I want to say that sometimes they, to me, were also a challenge. In that, for subcommittees, typically expertise joined subcommittees. And I do want to name that, earlier, when I commented about -- we were talking about the role of executive director and some of those other position, as far as getting a report, I feel like sometimes the subcommittees came back with a request for, yes, decision, vote perhaps, but it seemed like there was also lots of conversation that was had in subcommittees that didn't come back necessarily to the full Commission,
particularly where there was shared expertise. It was a matter of, we know line drawing, so this is what we decided, if this is what we've talked about and we've moved on. And I don't think it all the time afforded the full Commission the background and understanding of what went into the conversation.

And nothing to the point where there was lack of trust because you do have to balance and trust subcommittees to do the work. But I want to name that you are giving up a piece of involvement in being able to be on the ground in all of the conversations that are held.

And I think it's a necessary release, but never the less, you are don't get the fullness of every conversation. And when we had to reach out and get information from other departments, no different than the data and anything else, it's not just anybody in one subcommittee. I think I just wanted to name the that is something to me that is a tradeoff with subcommittees. You can't be in all of the conversations in the firsthand on whether talking with the line drawers, whether it's having -- whatever it is.

And so I want -- I think that's good to name that the full Commission does not get the full benefit of all conversations of the ground.
And for subcommittees, I think the suggestion I would make too forward is to ensure that there aren't -- if it is a matter of legal, that there aren't the legal people and attorneys on it. That there is a concentrated effort to ensure that there's someone that does not have at all the experience, coupled with someone that does, because it makes a difference even when we get ready to share information out. If everyone in the room has the same level of understanding, then you don't even know questions to ask for people who don't have that same level. It's an assumption again that everyone is on the same page.

And so then I think good and valuable questions then could get overlooked and not asked because we all assumed we had that information already.

So subcommittees, invaluable. Don't think we could have done it without. And I also think that maybe even just a full report out synopsis. These were the back and forth conversations. This is what we've talked about. And ultimately, this is the directive, or this is the recommendation that we have for the Commission might be -- serve a little bit better. Not that that didn't ever happen, but it did not consistently happen. Thank you.

COMMISSIONER KENNEDY: Thank you, Commissioner
Turner. That's great.

Commissioner Fornaciari.

VICE-CHAIR FORNACIARI: Yeah. I want to start by appreciating Commissioner Le Mons' comment about, you know, we need to think about balancing between sharing your experiences and being prescriptive in how 2030 should do it. I think that was insightful.

I think this has all been -- what I'm going to say has all been kind of sad, but I want to be really explicit about it and ensure it's very explicit. At the beginning, we had a -- I'm not sure exactly how to put it, but there was sort of a decision making vacuum -- a decision making sort of -- it was unclear who was making decisions, and explicit guidance was being given by subcommittees or staff to do stuff without the full committee -- without the full Commission voting on it. And it got to a point where, you know, staff members were going in different directions because subcommittees were wanting them to do that. And so, you know, it came to the executive director and the executive staff to push back on subcommittees to bring back motions so that the full Commission gives explicit direction, and I think that's a Lesson Learned. You know, I mean, I think there was a lot of spinning of wheels going on behind the scenes because there was just uncertainty about, you
know, decision making authority.

COMMISSIONER KENNEDY: Yeah. Thank you for that. I would echo that and say, yes, that's definitely a Lesson Learned from this experience.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yes. Thank you. And I really appreciate everything that's been said. You know, Commissioner Le Mons, I think you're right. I mean, I did enjoy the different styles of each chair. I think I said what I said in terms of like a recommendations in terms of some guidelines, just in case, you know -- not to exclude somebody's personality, but to at least just give, you know, maybe perhaps some frameworks for those who may want it. And again, also to enable a little but more consistency for staff later on.

And I think that also comes back to the subcommittee, and I guess maybe a Lesson Learned, just kind of building upon what Commissioner Fornaciari just talked about.

And it's not about maybe intending to be prescriptive. But maybe there are some, you know, again, a framework to say, look this happened. A Lesson Learned that, if we were to go back and do it, is that we would have a little bit more of a clearer guideline that subcommittees are important, you know, in terms of the
work they do, but ultimately needs to come back to the full Commission so that it can be both reported upon, discussed, and then acted upon if needed. So then that way there's that clarity of what the expectations are. Otherwise, again, you know, we concede that everybody's going to be all over the place.

I think in terms of what Commissioner Turner said, I think she was just really right. I feel like we were also balancing the tension between like having the two-people subcommittees, which enable us to move a little bit more quickly or easily because we didn't have to follow Bagley-Keene in terms of -- not in that we were trying to skirt transparency, but it was more a matter of, okay, if we do three people we have to, you know, agenda the meeting and then that means two weeks out at minimum and making sure that we have the agenda.

I think there were times when there were multiple people who were interested in it, not because they had expertise, but they were just kind of curious, or they had an interest in a topic.

In other cases, you know, it was -- there were just -- you know, maybe just a couple people who were a little bit more passionate about something. And so I think that that is always going to be that balancing act that any Commission is going to have to figure out, is
1 how do they want to run, you know, their subcommittees
2 because I agree with what Commissioner Turner said about,
3 one they're the lifeblood. You want to have that kind of
4 diversity where you're going to have people who don't
5 know about something, but then it also it helps to have
6 somebody who knows a little bit so that then, you know,
7 you can have productive conversations.
8 And sometimes you may have it that you don't have
9 either one that knows anything and it's a little bit of
10 the blind leading the blind, but they learn and they move
11 things along, and they ask and think about different
12 things that others wouldn't necessary do too.
13 So I think it's just acknowledging that there's
14 always going to be the tension, and that it's not a bad
15 thing, it's just there. Thank you.
16 COMMISSIONER KENNEDY:  Great. Thank you,
17 Commissioner Akutagawa.
18 Commissioner Fornaciari?
19 VICE-CHAIR FORNACIARI:  Yeah. You just reminded me
20 of something in this document we got -- Lesson Learned
21 document we got from the outside groups. And, you know,
22 they were saying, subcommittees that oversee critical
23 issues such as legal issues and public input design
24 should hold their meetings publicly.
25 And I think, for me, you know, I think that was a
good Lesson Learned that for the public input design, you know, we had a subset. I think there were seven of us. And I think it was really interesting, and I think worked out well to have those meetings in public. We invited in some groups, you know, but it was small and more manageable -- and I guess we're up against a break here, so I'll just stop there and send us to break, and we'll be back at 8:30 and get to Commissioner Turner. Thanks.

UNIDENTIFIED SPEAKER: Thank you.

(Whereupon, a recess was held from 3:15 p.m. until 3:30 p.m.)

VICE-CHAIR FORNACIARI: Thank you, and welcome back. Let's see. I was -- I just had one more thing to add before we turn it over to Commissioner Turner. I was talking about the Public Input Design Committee. And, you know, we had seven Commissioners. We were able to invite folks from the outside. And we also -- but we also had a number of staff there. And I, you know, I don't know, I'd turn it to Marcy to tell us how effective it was, but it seemed to be a little bit more effective to enable us to really kind of hash through process and come out with a better process, at least I thought. But Marcy, she'll tell me if I'm not right -- if I'm not. But anyway. Thank you.

MS. KAPLAN: Did you want me to respond?
I mean I think that was an exploratory process that really allowed, I think, staff to be a part of that, you know, really -- it -- to really kind of define what those were going to look like. So I think, especially for some of the -- I remember Patty was on those. And so, staff that weren't typically part of the Commission meetings. So I think it did allow for that opportunity to be -- for them to bring in their expertise also and participate in that process.

VICE-CHAIR FORNACIARI: Thank you, Director Kaplan.

Commissioner Turner.

COMMISSIONER TURNER: Thank you.

Yeah, I think I want to start by just being really clear that, Commissioner Kennedy, I'm so grateful for this process that we're going through now, and the Lessons Learned. And it has been such an honor to serve, so irregardless of the upgrades, et cetera, I wouldn't trade anything for the experience. So I want to say that and be clear about it. And then also under staff support, the meetings, the hotels, transportation, all that, I think, has to be streamlined. I don't know why in the world there's not just a -- Ravi did a great job later in the process, but from the onset, I would recommend that that is a given for us to need to read thousands of documents and listen and catch up on
everything and try to figure out where there's a $95
hotel it's just too much. I feel like that that is
something that should be handed -- this is where the
Commission is staying. This is where they're going.
This is how they're going to get there. And let me sign
my name to it or whatever. But take care of me, if I've
got to do everything else in that. So staff support is
needed fully, and that kicked in at varying levels later,
even down to meals. Trying to choose a meal in the
middle of a meeting just was, again, a challenge. And as
a -- as chair, almost impossible to do. So those are
just some little logistical things that makes a
difference in the process. And like I said, I believe it
got better as we went. But for a lot of it, trying to
get that figured out and -- I can't even imagine what it
was like from the staff trying to wait on, you know,
people like me to make up their mind, you know. And we
were trying so many lovely different dishes, it was not
an easy decision to figure out what some of it was. So,
yeah, just a person, some stuff in advance, all of that,
I think, will be really helpful. And then also on the
videography and the Zoom and the meetings, I can't say
enough great things about Kristian and his team and Katy.
I don't know what that would look like. Surely, all
positions should be fair and equitable, and people have
an opportunity to participate. I don't know what it would look like if we were having to try and work someone in new and train someone in. I think that was such a huge part of the process, part of the timekeeping part of telling us, okay, it's time to get back, checking all of the audio, the sound, the -- they were top notch, and if it's not going to be them again every -- I don't know how many ten years, they have in their lifespan, but the problem is that we would really have to figure out or the next Commissions would really have to, I think, pay some sincere investment of time and attention to what that would look like if it's not going to be this same team. Because they make things where it's seamless and easy, I think for this Commission. Owe them a great debt of gratitude and appreciation.

There's an element here that talks about timekeeping. And I'm not sure from what frame the timekeeping goes, but my mind went to -- even we received counsel from 2010 to just really be cautious about how much time we were spending in which phase of line drawing, in which phase of -- you know, timekeeping from that perspective for me. We thought we were watching it, but, again, it's one of those things that you can't know till you know. And it's interesting in this same comment and this same section, it comes up about public
comment. We got better at public comment. And there were -- there was critique initially about if we were allowing enough public comment. And there's something in the balance of trying to keep things on track, so that you can ensure maps are completed on time and allowing public comment. And when the public comment that we want -- that we've requested, that we can't do our job without, gets to be so much public comment to where you're now stuck, and you can't move forward. And so, I just say that I think we did -- I think every decision that we make concerning public comment made sense from my side of the table from what we were doing to ensure that we were able to actually get to the point of being able to deliver, you know, draft maps and final maps. And I don't know if it will -- if there will ever be a time where the public feels that they fully got to, you know, comment audibly. But with the systems and with the tools that we put in place, I don't feel that anyone had their voices muted. I think people could always comment based on the tools that were made available. So I thought it was a good balance. Something to keep an eye one, but I thought it was absolutely a good balance. And then the last part for me in this section, at least, is about the meeting venue. I thought we had great meeting venues.
at -- in San Diego, in Los Angeles. I think that we perhaps need a different meeting venue. It just was not long term really comfortable in that setup there. And so, yeah. So for the most part, I think the videos were fine. And of course, our home in Sacramento was adequate. It was just that one with the setup of the chairs and tables and stuff I would just make note that long means makes a difference in the opportunity you have to long term and focus. Thank you.

VICE-CHAIR FORNACIARI: Thank you, Commissioner Turner.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I was still, sorry on the subcommittees. I didn't know we switched to meetings or are we just kind of blurred them together or return to the subcommittee --

VICE-CHAIR FORNACIARI: We're blurring them together. Yeah --

COMMISSIONER ANDERSEN: Okay.

VICE-CHAIR FORNACIARI: -- because they're all part of 3B.

COMMISSIONER ANDERSEN: Got it. Okay. I'll just look for these -- I just want to say that we should recommend, you know, our subcommittee has standardly been tuned, but I thought there was -- at times we went to a
multimember subcommittee, there were real reasons, and it was very valuable. You know, there was areas where we need to put several different communities together, because we need their input back and forth. And so, I thought that was very valuable. Then, you know, some of them changed, and, you know, towards the end we got rid of them. But I think we should definitely suggest that to the new Commission. On the meetings themselves, and, you know, the one -- there are many things I could say, but the Zoom hybrid meetings, absolutely we definitely want to say you want to do a hybrid type of meeting. You want to have the ability to have the public -- the way we did that, I thought that worked very well. Now, you know, there's a great reason to have us together, but the idea of how we did Zooms, I thought that was very, very effective. The other thing I want to say about meetings and public comment, we had different types of meetings. There were, you know, our business meetings. There were our input meetings. There were our COI meetings. And each of those, I think we should sort of say this was this kind of meeting, this is how we had public comment, and this is kind of why. Because I thought we actually did that rather well. You would we could, you know, for all the different reasons, there were different time slots for people and the "public comment" but really it
was actually input. And I think making that distinction
would really help the 2030 Commission. So I will stop
there.

VICE-CHAIR FORNACIARI: Thank you, Commissioner
Andersen.

COMMISSIONER YEE: Yeah, just -- well, my apologies
for missing the bullet point there to go from BA, 3B, 3C.
I wish it would have been 3D. But it looks like it all
looks now since the topics go together readily. Yeah, I
just wanted to echo Commissioner Turner's praise for
Kristian and his team. Really, you know, took him for
granted, because he just made things so smooth running,
kept time for us, and, I'm not sure, it's just, you know,
the whole range of responsibilities; timekeeping,
managing the ASL, and the transcriptionists. How that
ended up in the videography contract? I mean it worked
out magnificently, and, Kristian's been -- and his team
have been superb at it. But how was that decision made
or -- the -- I mean, it surprised me a little bit as I
thought about it, but I mean it all worked out.

Does anyone know how we cross that bridge?

COMMISSIONER KENNEDY: Kristian, you're welcome to
chime in.
MR. MANOFF: A lot of the format for the video that we are using now was part of a conversation that came out of the applicant review panel process. And, as you will recall, when we started the applicant review panel process, there was no Zoom. There was no need for anybody to be by remote, so everybody was in person, including the ASL folks. The only people who were remote were our remote transcribers that do the open captioning. So everybody else was in person. And we began to develop a style for the video based on feedback from the folks at the state auditor's office. So then when it came time to integrate Zoom, a lot of what we were doing was to incorporate the same elements that we were able to accomplish in person but to incorporate those, you know, from remote video feeds. So it was sort of an evolution. And because the style was liked, like everybody seemed to be cool with it, we were getting good feedback about it, we just carried it over when we won the CRC contract. So it was a natural process, and it's always good to get feedback on what people want to see on the video, and as well as what you need from an accessibility standpoint.

COMMISSIONER YEE: So was that all, in fact, included explicitly in the contract, including in our timekeeping and so forth?
MR. MANOFF: No. Typically, the roles and responsibilities of a production, that's an iterative process. And so, once you begin working with a different board or Commission, they all have their own style. Sometimes technical direction is handled by somebody completely different than the videographer. But due to the fact that I kind of ended up handling all of the invites for Zoom and everything else, so I ended up being a sort of the point of contact on it. But that role could, you know, that could be shared by somebody, you know, quite easily.

COMMISSIONER YEE: Oh, yeah, so not as easy to do it as well as you though.

MR. MANOFF: Thank you for that though.

COMMISSIONER YEE: By the way, while we -- while we still have -- while we're speaking with you, the 2010 public comment, was that entirely in person? Did they do any phone comment like we did?

MR. MANOFF: No, in 2010, public comment was completely done by -- in person. And that is one thing that I'm curious to see what will happen, you know, with Bagley-Keene is that usually the public has to be in person to give comments. So this is a sort of a new ground, not only for the CRC, but for other boards and Commissions. And their question is out there of will
remote comments be allowed for the public going forward. And I haven't gotten an answer about that from any board or Commission yet. So -- because I don't think we know. So that is out there.

COMMISSIONER YEE: Great. Thanks so much.

MR. MANOFF: You're very welcome. Thank you.

COMMISSIONER KENNEDY: Thank you, Kristian.

Thank you, Commissioner Yee.

I wanted to follow up on Commissioner Andersen's previous point about input and comment. And, you know, this ties back to the existing statutory provisions and regulations and the discussion that we've had periodically. You know, do the colleagues feel the need to revise the code and/or provide additional clarity in regulation on the difference between public input into the mapping processing and public comment in general, understanding that, you know, there are requirements. There is the requirement in the government code that meetings for the purpose of public input have to have longer lead time, as far as notice. And we got into the discussion very early on long before there were census data, long before we were even really thinking about, you know, what mapping would look like and what public input would look like during mapping, you know. Was general public comment, or was public comment on director's
reports, was that something that subjected us to the
longer lead time and requirement, or was that something
that, you know, any meeting is going to have to have, but
it doesn't require a longer lead time? So I wanted to
get that on the table and get input from colleagues.

With that, I'll call on Commissioner Andersen.

COMMISSIONER ANDERSEN: I had a different item. But
on that, yeah, I actually, because that was confusing.
And it is -- I -- it needs a little more clarification
than it does in the code. I mean we read that, and it's
clearly talking about something different, because you
have to have different time frames of it, but it doesn't
delineate that. And I think a little more delineation --
I would recommend that we make a little more delineation.
Again, not specifics how you have to do it, but just, you
know, input for public maps isn't -- is different than
general public comment. You know, and that -- and the
meetings can, you know, how that's handled could be, you
know, write policies and recommend to write policy about
that. But I do think a little more of delineation on
that would be appropriate.

A slightly different matter that I was -- I wanted
to bring up is we should -- also about meetings is just
mention to, you know, the 2030 the length of meetings and
why we have shorter meetings versus longer meetings, pros
and cons, but also times of meetings and days of
meetings, again, pros and cons. And how we sort of, you
know, we broke things up in a couple of periods of, you
know, Monday, Tuesday, or everything's like that to
get -- just to give them the idea of you can flexible
with it. Thank you.

COMMISSIONER KENNEDY: Go ahead, Commissioner
Andersen.

COMMISSIONER ANDERSEN: Back to meeting venues. We
didn't have a lot of experience with this, because it was
just when we left some place it was only us. But I do
know that there was a lot of information about, you know,
well, when you go public, you know, we have to have at
each venue certain things that you would have to have.
And it would be nice to sort of, again, sort of delineate
that for the 2030 Commission. Unfortunately, we don't
have -- we didn't say the things that we needed what we
might believe that they would also need, but,
unfortunately, we don't have a lot of experience at that.
But it is an item that you don't necessarily think about;
specifically all the videography, the security, all these
different items that, again, I don't believe 2010 will
left us a great deal with. If they did, we should just
pass that part along.
COMMISSIONER KENNEDY:  Very good. Thank you, Commissioner Andersen.

COMMISSIONER FORNACIARI:  So we'll see in response to your inquiry about, you know, a better definitely of -- well, let's see. So I think implied in what you said, Commissioner Kennedy, about, you know, ten-day versus fourteen-day meeting, what's -- we have to define what redistricting matters are, what, you know, get those definitions a little more clearly. And I guess from my perspective, I enjoyed the ambiguity in those definitions. And I enjoy the ability for us to define them ourselves. So I mean I guess we -- I mean -- and there also kind of think back and -- how impactful was the extra four-day requirement? I can't think of any specific examples where it caused problems, but I -- in the back of my mind I'm thinking there were one or two meetings where it would have been helpful to only have ten days. But if we could do it without being too restrictive and onerous about defining redistricting matters, then, you know, that might be helpful.

COMMISSIONER KENNEDY:  Thank you, Commissioner Fornaciari.

COMMISSIONER TURNER:  I love that -- enjoyed
the ambiguity. Under education, I just wanted to say that I thought that this Commission that we did a really good job on our materials under the districting basics video. I thought was great. I loved the process where we got an opportunity to do the presentations and the tracking of them to ensure that we were including a broad range of people from different backgrounds. I loved the course that came in. I can only imagine 2030 there should be many, many more requests now that the word is out. So yeah, I thought that's another highlight of this particular Commission. I think it was done really well, the educational events and even being invited to events and the -- just the support that was received. The -- we'll talk about comments later. But the talking points and being able to follow the script and the PowerPoint, I thought top notch all the way.

VICE-CHAIR FORNACIARI: Thank you, Commissioner Turner. And I anticipate that we'll spend most of tomorrow on education, communications, and outreach. Are there others, at this point, on our meetings and agenda setting, internal communications, subcommittees?

COMMISSIONER SINAY: So I'm still not convinced that we need to use Robert Rules of Law. And for some meetings, we threw it out; like the Public Input Design
Meeting. And so I -- you know, we were kind of told --
we were sent to books at the very beginning that, you
know, but that's a choice that that that each Commission
needs to make. And they should -- you know, we never
really quite talked about what other options there were
and other ways of conducting meetings and facilitating
and making it engaging. But I would like, if possible, I
would -- just a little footnote, saying, you know,
explore different facilitation tools. It doesn't have to
be Robert Rules of Law. You could use Roberta's Rules of
Law, which there is a whole book on that.

VICE-CHAIR FORNACIARI: Well, that's interesting. I
hadn't heard that. You know, I -- there is a
prescription in the legal framework that the first eight
must use Robert's Rules. As I recall, we never found
anything in the legal framework requiring the full
Commission to use Robert's Rules. As I recall, we never
formally decided one way or another. We would
occasionally, if we found ourselves needing help in
resolving something, we would occasionally refer to it.
But I would say we didn't necessarily go by Robert's
Rules. We certainly had them there as a resource if we
needed something. But I've watched, you know, the
Michigan Commission and maybe bits and pieces of other
Commissions that, to me, seemed much more formal than we
were, as far as rules of procedure.

Commissioner Andersen, I apologize for making that statement before calling on you, but go ahead.

COMMISSIONER ANDERSEN: No, that's okay. I was just going to say the first date we were told, okay, because it is. The first date has to right, use Robert's Rules of Order. But there's a simplified version, which is what we officially adopted as the rule -- as a group of eight. And then we did make a recommendation to the full Commission to use the simplified, which is kind of where we sort of started. And we didn't really officially adopt that. We kind of started there, and then we sort of degraded a little bit. And then, as I said, certain types of meetings were very different. But, again, those are, as I'm talked about, we had different types of meetings. We kind of came back to it, the simplified version. And not strictly. We sort of -- we made a simple, simplified version, sort of. So that was kind of the whole evolution of it -- where we ended up, with the exception of meetings that we totally modified for input, map drawing, and that sort of stuff.

VICE-CHAIR FORNACIARI: Thanks for that reminder. We've got five minutes until public comment. I don't want to go any farther than where we are, as far as our prompts and our outline today. But do colleagues have
any further thoughts to our -- maybe now is the time for
the whoops, I forgot to mention input. And as I said, I
certainly have at least one, maybe two, if I can bring
the second one to mind.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Just thought we have, you
know, ASL captioning and transcription. We could say,
you know, that yes, we always had ASL. And in terms of
our translations and those sorts of things, I think we
should make those recommendations. I'll bring that
information forward to the 2030 Commission. And also,
you know, basically what will indeed be the legal
requirements for 2030, in terms of, you know, do you
always have to have particular languages at that point?
I would be surprised if that was not the case. But I
think we should bring that forward to the 2030.

VICE-CHAIR FORNACIARI: Thank you, Commissioner
Andersen.

Okay. Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Actually, what Commissioner
Andersen just brought up, I guess it falls under the
meetings category, and it may come back again in some of
the other areas. But language access, I know we had
quite a bit of conversations around it. I know that
being able to at least provide minimally the Spanish
translation as we got into a line drawing was, I think, important. There were early requests to provide, you know, at least Spanish translation if -- and if not, other translations for other languages for, you know, our business meetings as well too. Perhaps that is just something that we just note as a Lesson Learned that as inclusive and as expensive as the 2030 Commission can be, perhaps the tools to provide simultaneous interpretation will be a lot more available, in terms of the technology. And I think that speaks to making not only the meetings accessible, but also perhaps also making it so that a wider array of Californians can also potentially feel like they too can also apply and participate on the Commission as well too.

VICE-CHAIR FORNACIARI: Yes. Thank you for that. That's certainly something that I've been pushing ever since we were the first eight, and I was and remain convinced that redistricting is an election-related activity, and that we should consider ourselves covered by the VRA language access provisions, which would require statewide access to our meetings and activities in Spanish from beginning to end.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Sorry about that. That just reminded me, we should have actually all accessibility;
language, you know, the different types of fonts, you know, for visually impaired, you know, hearing impaired, you know, all -- hearing impaired is -- but it -- and so, that should be a broader -- not just language accessibility, but all accessibility.

VICE-CHAIR FORNACIARI: Yeah. And we do have that on the schedule under cross-cutting issues.

COMMISSIONER ANDERSEN: Oh. Sorry. Thank you.

VICE-CHAIR FORNACIARI: The second line, beginning of the third line; language and disability access.

COMMISSIONER ANDERSEN: All right.

VICE-CHAIR FORNACIARI: So as Commissioner Akutagawa, you know, indicated, some of these things we will come back to and look at them as cross-cutting issues, because I agree that is important to look. And, yeah, just while we have one minute before 4:00, I'll say that my -- I forgot to mention earlier when we were talking about formation and composition, I had suggested at the time that we were the first state in looking at those remaining in the three subpools. I feel it would have been helpful to have people's language skills, foreign language skills on their applications. I -- you know, I still think that that's the case, and I would certainly advocate for making that change in the future.

Commissioner Akutagawa.
COMMISSIONER AKUTAGAWA: Yes, since you since you
brought it back up, it just reminded me of something that
I was trying to figure out where I could bring this up.
I think I mean -- this is what I mean by, like, coming
back to some of the things that we talked about later
might be good only because, you know, once you have time
to think about everything that, you know, has been
discussed or even said, you know, other thoughts might
come up. So I was thinking about what I said about the
State Auditor's Office in the selection process, and I
think I realize it's like I should be clear about what I
meant. One, I think being clear about what criteria kind
of like the six criteria that we had to work against, I
think being very clear about that, I think, for the
Auditor's Office would be helpful. Secondly, I guess I
shouldn't -- I didn't mean to say that -- whoever ends up
being part of the selection committee, hopefully, that
is -- they're going to be guided by that. But with that
said, I guess I should have also mentioned that I also
understand the -- having a diverse panel is also equally
as important, because even if you're following certain
kinds of criteria, I think there's also a -- I don't
know. I don't want to say optics, but maybe there is
about that that that, you know, there is this kind of
idea that with our -- with the diversity on a on a panel,
we, you know, each individual person is, obviously, going
to bring a different kind of perspective to even the kind
of criteria that's there as well, too.

And I guess -- I feel like I guess for us as a
committee, a Commission, I think that we've all brought
lots of different perspectives, because of our diversity
as well, too. And yeah, I thought I'd just add that in
there as well too that I think for Californians, it --
having -- being able to see that even the selection
committee or the applicant review panel being diverse is
going to be as important as us, the Commission being
diverse, is equally as important. But making sure that
we, you know, whoever ends up doing all of this work,
that we have these very clearcut criteria by which we're
following, just like we follow the six criteria to draw
the lines. So I thought I'd add that. Thank you.

VICE-CHAIR FORNACIARI: Great. Thank you.

And Commissioner Andersen, you'll be the last one,
and then we'll open the lines for public comment.

COMMISSIONER ANDERSEN: Just on that, I think that's
a suggestion. I don't think we can say mandate that
because I know how it worked. They actually had, you
know, volunteers, but I know for a fact that none of them
in the State Auditor's Office, they don't actually
know -- no one knew what party any of the other guys
were. And so, they might not have, you know, a full, you
know, they might not be able to make panel if they --
either you have to have a broad diversity. You know, I
know the first three, you know, we're more diverse where
this three were -- they're all white -- all of one race.
They do represent different portions -- well, originally
they were from different parts of the country, but --
state. But I think we can make that suggestion, not
codify it.

VICE-CHAIR FORNACIARI: Thank you, Commissioner
Andersen.
And Commissioner Fernandez, I will call on you.
COMMISSIONER FERNANDEZ: Okay. Just on the panel.
I'm going to be super quick. If you go to our code
Section 8252(b), it actually specifies how they are
drawn, and it's similar to us, where it's randomly
selected. So just as the first date, there were no
Latinos, the first three came up to be what they are. So
there is a specific process that the state auditor needs
to go through. And so if any changes were needed or
wanted, it would, you know, definitely have to work with
the state auditor on that. Thanks.
COMMISSIONER KENNEDY: Yeah. Thanks for pointing us
to that.
Okay. Commissioner Fornaciari, back to you.
VICE-CHAIR FORNACIARI: Thank you. And I want to thank everyone for all their work today and input. It's been another great day of conversation. I want to especially thank the -- what do they call it -- the Redistricting Engagement Committee for putting together this set of updated slides for us and in a timely manner. We really appreciate that. So thank you. We already have two callers in the queue. So Katy, if you can read the instructions for general public comment, I would appreciate it.

PUBLIC COMMENT MODERATOR: Absolutely. Sure. The Commission will now be taking general public comment. To give comment, please call 877-853-5247 and enter the Meeting ID number 85298300771 for this meeting. Once you have dialed in, please press star 9 to enter the comment queue. The full call-in instructions are read at the beginning of the meeting and are provided in full on the livestream landing page.

And right now we have caller with the last four digits 2911. And then up next after that will be caller 8495. Caller 2911, if you'll please follow the prompts. The floor is yours.

MS. ERIKAT: Good afternoon, Commissioners and staff. Thank you all for your hard work and opportunity to share our reflections and recommendations on the state
redistricting process. My name is Janine Erikat. I'm a policy associate at the Partnership for Advancement of New Americans.

As you may remember, PANA has served hundreds of immigrant and refugee families across San Diego County. And during the process, PANA engaged over 500 people in redistricting at state, county and state level. And we presented you back in November of 2020 on best practices for community engagement and on the diversity of African languages.

At PANA right now, we're in the process of an intentional debriefing and will be producing a report with reflections and recommendations later this spring. But in the meantime, I wanted to share a few high-level Lessons Learned and recommendations that we hope will inform your learn -- your Lessons Learned discussion and recommendations for future Commissions. Again, I want to thank you all for being dedicated to accessibility, as evidenced through today's meeting, and I also want to encourage you to explore the possibility of doing the following to improve the experience for non-English speakers.

One being dedicated language access staff. Accessibility requires a lot of capacity, and having staff dedicated to language access specifically can
streamline the process and make it easier for staff, Commissioners, and the public to engage, specific training for interpreters on redistricting, and three, to allow for group presentations.

In San Diego County, which is a --

MR. MANOFF: Thirty seconds.

MS. ERIKAT: -- smaller scale, of course -- thank you -- the Commission allowed for group presentations of COIs, regardless of math, and this meant that community members could come together to speak. And it was a huge -- made a significant impact for a limited English proficient folks who maybe aren't as comfortable --

MR. MANOFF: Fifteen.

MS. ERIKAT: -- speaking alone, especially when they could be calling in isolation in between English speakers.

So again, I'll follow up with more recommendations, and I just really appreciate you all taking the time and would love to hear about any barriers you think there are --

PUBLIC COMMENT MODERATOR: Thank you so much.

VICE-CHAIR FORNACIARI: Thank you, Ms. Erikat, for your input. We appreciate it.

PUBLIC COMMENT MODERATOR: And right now we have caller 8495. If you'll please follow the prompts to
unmute. The floor is yours.

MS. ABDI: Hi. Good afternoon, Commissioners.

Thank you for your work and opportunity share reflection and recommendation on the state redistricting process. My name is Rahmo Abdi. I'm a community organizer with Partnership for Advancement of New Americans. I presented to you on November 2020 on the practice for our community engagement and diversity of African Language. And I want to thank all of you for being dedicated to ensure that all of Californians had an opportunity to participate in this process in a variety of ways. The recommendations that that could be composed express in experience for non-English speakers, dedicated language access staff and specific training for interpreters and also allowing group presentation. Engaging in this process both exciting and intimidating for many community members who doesn't speak English and have never spoken before Commissioners. And despite, the Commission and the staff, there were some challenge in common in different language. For example, in August 13, the hearing -- hearing, many people were confused, because of the instruction was unclear, and people were confused about what's going on during the meeting, and they felt defeated, and they didn't want to call in language that they sent anymore because of the language access. To fix
this, we suggest offering in-depth training for the interpreters on technology and their redistricting instructions --

MR. MANOFF: Thirty seconds.

MS. ABDI: -- so interpreters can understand what they are interpreting and can support the callers on the line.

Again, thank you. But this is just recommendation what we can improve for the next cycle. So if we give an interpreter adequate training or in-depth training before the meeting that--

MR. MANOFF: Ten seconds.

MS. ABDI: -- that will be a good way to do it.

Thank you for your time.

VICE-CHAIR FORNACIARI: Thank you, Mr. Abdi, for your feedback. We really appreciate that.

PUBLIC COMMENT MODERATOR: That's all of our callers, Chair.

VICE-CHAIR FORNACIARI: Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair.

And yes, thanks to Ms. Erikat and Ms. Abdi for their input. I've been a champion for many, many years and have been engaged in efforts in a number of contexts to develop specialized glossaries, specifically to help translators and interpreters use a consistent vocabulary.
when dealing with technical election-related matters.

So I would certainly endorse the call for some specialized training for the interpreters and possibly even, you know, developing a multilingual glossary of redistricting terminology. I can check with the Election Assistance Commission in D.C., because they have produced glossaries in a number of languages with election-related terminology to see the extent to which those might include redistricting terminology. But if they don't, you know, this could well be another opportunity for us to not only break ground, but to produce a resource that is then useful for redistricting bodies nationwide. Just like if we were able to get funding for the development of a week-long simulation with a fictitious jurisdiction and fictitious COI input and fictitious census data, et cetera, et cetera, et cetera, you know, that could be a resource for other jurisdictions. A multilingual glossary to assist interpreters and translators could also be something of great value, not only here in California, but elsewhere as well. Thank you.

VICE-CHAIR FORNACIARI: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah. I would also add my support to the other comment around group presentations for those who are nonnative English speakers. And if they want to provide whether it's COI testimony or any
kind of testimony, if they could do so in what I heard or what I'm interpreting is in a group setting, so that then there's other additional support around them as an individual wants to make a presentation. I am -- I could just say that, you know, as an individual, even as an English speaker, making any kind of testimony is going to be -- could be nerve wrecking and could be intimidating. And then if on top of that, you layer on that somebody is not a native English speaker, they may feel self-conscious about whether it's their accent or even whether or not they'll be understood or if they're using the right kind of words. I think being able to provide the kind of supports that sometimes the nonprofits will enable that or any group that would help to bring together. I think whatever we can do to help encourage greater participation amongst Californians, if that means allowing group presentations, I think that that would be definitely something that we should encourage the next Commission to look at and to really seriously consider as a good practice to enable greater participation. Thank you.

VICE-CHAIR FORNACIARI: Thank you, Commissioner Akutagawa.

And it appears that we have no additional colors at this point.
So I will --

COMMISSIONER FERNANDEZ: Just because.

VICE-CHAIR FORNACIARI: I'm going to call Commissioner Fernandez --

COMMISSIONER FERNANDEZ: Sorry.

VICE-CHAIR FORNACIARI: -- before I adjourn the meeting.

COMMISSIONER FERNANDEZ: Okay. I just wanted to triple support having the group presentations as English as a second language. I do -- I have seen many times how intimidating any environment is, in terms of providing testimony in a language other than what you're comfortable with. And I'll tell you, if they know that their buddy's coming, and they come in a group of ten, they are so much stronger, so much more voiceful, and they provide feedback that is very valuable. So just wanted to provide my support for that. Thank you. And sorry, and I'm done.

VICE-CHAIR FORNACIARI: Well, thank you for that. We appreciate it. Thank you for your participation and feedback.

With that, I am going to recess this meeting, and we will reconvene at 9:30 a.m. tomorrow.

Oh, I have a question here before we go. Do we think we will still meet on Saturday? And so I guess
that was part of my question for the subcommittee, but my thinking for the subcommittee, are we going to go into the next -- do you -- would -- so you have five topics for tomorrow. Would you go into the following topics to continue through Saturday, or would we stop 4D?

COMMISSIONER KENNEDY: I will share my thoughts and certainly look to Commissioner Yee for his thoughts. I think looking at what remains for this week, a cleaner division, education, communications, and outreach are kind of a natural grouping. And I'm hoping and anticipating that we will have lively discussions around those three topics tomorrow. And if we manage to make it through all three of those tomorrow, I think that would be a very solid accomplishment, leaving data management and mapping for Saturday in the knowledge that that might not take up 9:30 to 4:30, excuse me, 9:30 to 4:30 on Saturday. But it does seem to be a fairly natural dividing point. And you know, if we're lucky to have really solid discussions and interaction on both sets, you know, we might go both days. So that's my thinking at this point.

VICE-CHAIR FORNACIARI: Commissioner Yee?

COMMISSIONER YEE: Yeah. I'm very pleased by the pace we've been able to keep throughout this process and always interested in saving people meantime, if possible,
if it doesn't make sense to use it all. But maybe, Commissioner Kennedy, you should also mention that next week you actually have some -- we have some visitors coming to share. So it's not just us talking, but we're going to be hearing from some outside folks. So that will take some of the time next week. So it's not all open next week -- not all open discussion time. Would you like to mention who we have coming?

COMMISSIONER KENNEDY: Sure. Well, first of all, to mention that Thursday morning is also set as a business meeting. It may be that just as today, we're -- we've exhausted the business meeting items by 11 o'clock. I don't know. But that is on the schedule for Thursday morning.

Thursday afternoon with a definite start time of 1:30, we have outside speakers coming to join us. So far, the Michigan Commission has confirmed participation, but not yet given us names. Colorado Commissions -- because they have separate Commissions for Congressional redistricting and for state legislative redistricting. But Colorado has indicated that they will be sending someone, or someones, to join us for Thursday afternoon. Arizona confirmed today that they will be -- that one of the Arizona Commissioners will be joining us.

I've gotten a confirmation from the vice chair of
the Long Beach Independent Redistricting Commission. The chair, unfortunately, it's going to be getting on an airplane Thursday afternoon. But the vice chair is available and eager to join us. I'm still waiting for a reply from the San Diego County Commission, and I have sent out another feeler to the 2010 Commission to see if there's interest from the 2010 Commission in joining us for that discussion.

The idea is the 1:30 to 3 o'clock block would be taken up with initial presentations on their experiences and some of their Lessons Learned. And then after break from 3:15 to 4 o'clock on Thursday, we would have an open discussion amongst all of us. So potentially the 2010 Commission, us, the 2020 Commission, Arizona, Colorado, Michigan, Long Beach, and perhaps other local redistricting bodies. So that is what is on tap for next Thursday afternoon.

VICE-CHAIR FORNACIARI: Well, thank you for setting that up.

COMMISSIONER TURNER: Yeah, I want to echo that. Thank you for setting it up. And I want to be clear of the intent and purpose. It's just information sharing? Is there a goal target that we're trying to get from them? I want to be clear.
COMMISSIONER KENNEDY: Yeah. The idea is to get a sense of any particular challenges that they encountered, you know, to perhaps help stimulate our thinking, as far as recommendations that we might put forward to assist the 2030 Commission, yeah. Maybe we were lucky and didn't come across or didn't encounter a problem that some of them may have encountered along the way. So I just wanted to --

COMMISSIONER TURNER: That's good.

COMMISSIONER KENNEDY: -- you know, take the opportunity and say, you know, tell us about your process. Maybe we can learn from it and pass on some of the wisdom to the 2030 Commission. That's -- that was the concept behind that.

COMMISSIONER TURNER: Thank you.

COMMISSIONER YEE: So to answer the question, it sounds like my sense is that we will meet Saturday, maybe not go the full day though.

Does that sound about right, Commissioner Kennedy?

COMMISSIONER KENNEDY: Director Kaplan?

MS. KAPLAN: Just really quickly, do you have an estimate of the time that we will be going over communications tomorrow? I'm going to see if Martin can join for that window of time, or if you want to just shoot me an email once you (indiscernible, simultaneous
VICE-CHAIR FORNACIARI: Do we want to -- yes, set a time, right?

COMMISSIONER KENNEDY: You know, I'd rather let the discussion flow, but, you know, my expectation is that, you know, education might take from 9:30 to 11:00.

MS. KAPLAN: Okay.

COMMISSIONER KENNEDY: So looking at 11:15 to 12:45 as the most likely timeline for -- specifically for communications. Of course, he's welcome to join us for the whole discussion.

MS. KAPLAN: Okay. Thank you.

COMMISSIONER KENNEDY: But not required.

VICE-CHAIR FORNACIARI: Any other questions, comments? All right. Well, we are in recess until 9:30 a.m. tomorrow morning. Take care everybody.

VICE-CHAIR FORNACIARI: Thanks everyone.

(Whereupon, the Business Meeting - Lessons Learned meeting adjourned at 4:23 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 31st day of March, 2022.

TROY RAY, CER-369
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

March 31, 2022