STATE OF CALIFORNIA
CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:
CRC BUSINESS MEETING

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

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

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PRESENTERS
Chad Dunn, UCLA Voting Rights Project
Rosalind Gold, NALEO Educational Fund
Eileen Ma, Asian Americans Advancing Justice
David Maldonado, CDCR
Taina Angeli Vargas, Initiate Justice
Alberto "Beto" Vasquez, Educator/Community Advocate
PUBLIC COMMENT
Renee Westa-Lusk
Juanita Salas
Lori Shellenberger, California Common Cause
Helen Hutchison, League of Women Voters California
Debra Levine
Alice Smith, National Voter Corps
Sarah Carrillo
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David Maldonado, Deputy Chief, External
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Tuesday, January 26, 2021
January 26, 2021  9:30 a.m.

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

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

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

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

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

DIRECTOR CLAYPOOL:  Certainly.

Commissioner Toledo.

VICE CHAIR TOLEDO:  Here.

DIRECTOR CLAYPOOL:  Commissioner Turner.

COMMISSIONER TURNER:  (No response.)

DIRECTOR CLAYPOOL:  Commissioner Sinay.

COMMISSIONER SINAY:  Here.
DIRECTOR CLAYPOOL: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Here.

DIRECTOR CLAYPOOL: Commissioner Yee.

COMMISSIONER YEE: Here.

DIRECTOR CLAYPOOL: Commissioner Ahmad.

COMMISSIONER AHMAD: Here.

DIRECTOR CLAYPOOL: Commissioner Andersen.

COMMISSIONER ANDERSEN: Here.

DIRECTOR CLAYPOOL: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Here.

DIRECTOR CLAYPOOL: Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Here.

DIRECTOR CLAYPOOL: Commissioner Kennedy.

COMMISSIONER KENNEDY: Here.

DIRECTOR CLAYPOOL: Commissioner Le Mons.

COMMISSIONER LE MONS: (No response.)

DIRECTOR CLAYPOOL: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Here.

DIRECTOR CLAYPOOL: Commissioner Taylor.

CHAIR TAYLOR: Present.

DIRECTOR CLAYPOOL: Chair, we have a quorum.

CHAIR TAYLOR: Thank you.

COMMISSIONER AKUTAGAWA: You didn't call my name.

CHAIR TAYLOR: Pardon me?

COMMISSIONER AKUTAGAWA: You did not call my name.
CHAIR TAYLOR: Oh, I apologize. Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yes, I'm here.

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

DIRECTOR CLAYPOOL: Okay.

CHAIR TAYLOR: Thank you.

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

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

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

In the afternoon, Agenda Item 11, we're going to
have discussion on outreach and engagement. So if that is of particular interest, you can make time to join us for Agenda Item 11, outreach and engagement, at 1:30 afternoon session.

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

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

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

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

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

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

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

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

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

The Commission is taking opening public comment at this time.

CHAIR TAYLOR: Thank you, Jesse.

We're going to wait a few minutes for the live feed to catch up to us, and when we get a caller, please
invite them in.

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

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

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

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

CHAIR TAYLOR: Thank you, Ms. Westa Lusk. I think we'll have staff look into all the questions that you have raised, so that those requests for speakers can be made, and you're able to effectively contact us in attachments, accordingly.
MS. WESTA-LUSK: Okay. All right. Will you be making that, like, an announcement, how to do those things, in any of the meetings, or will it be published on the web page -- website, somewhere?

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

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

CHAIR TAYLOR: You're welcome.

Jesse, do we have any more callers?

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

CHAIR TAYLOR: Thank you.

PUBLIC COMMENT MODERATOR: Good morning, caller.

The floor is yours.

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

CHAIR TAYLOR: Yes.

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

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

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

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

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

Finally, make adjustments based on concentrations of
groups, with accessibility considerations listed under
goal 3. No matter how many educational meetings you have, they will never be enough. This is where money can help.

They may be small, geographically isolated areas and counties, and may be politically disenfranchised groups disinclined to trust government. They may be immigrant communities with specialized language access issues.

There may be disability groups that are not concentrated on each particular zone but spread throughout the state.

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

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

CHAIR TAYLOR: Thank you very much for your comments.

Jesse, do we have another caller?

PUBLIC COMMENT MODERATOR: We do, Chair.

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

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

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

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

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

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

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

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

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

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

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

CHAIR TAYLOR: Thank you, Ms. Hutchison. Your
critical review, the California's critical review, both positive and negative, is much appreciated, so thank you.

  MS. HUTCHISON: Thanks.

  CHAIR TAYLOR: Jesse, do we have another caller?

  PUBLIC COMMENT MODERATOR: One moment, Chair.

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

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

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

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

  It could be a dedicated area for posting public comments, maps, videos from the input hearings, and lists of groups and individuals you have met with or are scheduled to meet with. Again, the previews of the new website look great, and hope this suggestion helps make
it even better, and I want to thank you very much for all your work.

CHAIR TAYLOR: Thank you very much for your comments.

Jesse, please invite in the next caller.

PUBLIC COMMENT MODERATOR: Good morning, caller.

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

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

CHAIR TAYLOR: Thank you. The meeting can be viewed on the website, wedrawthelines.california

MS. SMITH: I'm there.

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

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

CHAIR TAYLOR: That is correct. That link should
take you right to the livestream. Thank you for your call.

Jesse, do we have anyone else in the queue?

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

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

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

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

Some also seem to believe that public testimony that is not tied to a map is inherently less valuable. Again, that's not what I saw in Davis. The most important testimony ultimately came down to providing information that helps when assigning priorities and facing
tradeoffs. Yes, all of the different counties needed to be identified, but which should be split, when everyone can't be kept whole?

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

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

Later in your process, I'm sure that there will be input about the lines from members of the public in Davis. There will likely be testimony with thoughts on what district Davis should be in. Should Davis go with Napa, Sacramento, Solano? You already know what all of those places are. You don't need a map from me or others, but what you do need is input from people from
the communities about representation, about their cities.  
This is why I wanted to reach out. I really believe 
that the Commission's job isn't to put together a jigsaw 
puzzle. Once you identify and sort all of the pieces in 
a jigsaw puzzle, you usually have a pretty good sense of 
what you are trying to create. Similarly, someone 
putting together a Lego project also needs to start by 
identifying all of the available pieces. Community is 
Legos.

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

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

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

Jesse, can you invite in the next caller.
PUBLIC COMMENT MODERATOR: Yes, Chair.

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

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

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

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

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

Commissioner Sinay, go ahead.

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

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

Commissioner Andersen.

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

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

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

COMMISSIONER ANDERSEN: No, they reached out to me, which I'm -- they actually were listening to our
meetings, and they heard us talk about rural communities, and that we should -- they understood when we said any community can reach out to any Commissioner who they think would really represent their community, and they took that to heart.

So I was very pleased, one, that we had reached a rural community, and they did indeed reach out, which I thought was, basically, a wonderful thing for our group. So again, to all the people out there who might be watching, might be afraid, please reach out to any of us. As we just heard Ms. Renee Westa-Lusk request, what's the format that people can reach and ask for speakers? I think that the staff is working on exactly how to do that, and we'll make that presentation, probably, later on during this meeting. But thank you very much for reaching out, and we will be working out the details.

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

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

COMMISSIONER SINAY: Yes. Yes, it was virtual.

CHAIR TAYLOR: Thank you. Got it.

Any other Commissioners with announcements?

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

CHAIR TAYLOR: Thank you.

Any others? Going once.

Commissioner Akutagawa.

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

I know that Commissioner Sadhwani and I, as part of
our outreach work in Orange County, we've been contacted
by the Orange County Civic Engagement Table. They are
interested in scheduling a presentation with us. So we
will be talking with them soon. We've already included the staff in that communication as well, too, so we'll see the preliminary conversation that we have, and whether we can have that lead to a presentation.

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

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

One other thing that I wanted to mention, and I guess this comes back to what our first public caller mentioned, about how to reach out. So the person I spoke
to at the API Commission mentioned that she's been having conversations with different organizations. There's been interest expressed in redistricting. There seems to be two things going on. One, there's just a lot of things going on with COVID, and a lot of organizations are focused on that as well, too, but the other comment she said is, people are interested, but they're not really quite sure how to get involved, or what to do, or what they can do.

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

CHAIR TAYLOR: Thank you.

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

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

Also I reached out to a lot of the contacts that I
had at the Fresno Table, and also for the Central Valley United for Power, which is a bunch of groups that come together from different organizations in the Central Valley, and they will also be scheduling presentations with Commissioner Vazquez and I in the next few weeks.

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

Anyone else? All right.

Commissioner Kennedy, go ahead.

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

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

CHAIR TAYLOR: Terrific.

Any last bidders?

(No response.)

CHAIR TAYLOR: All right. So we'll move on to the Agenda Item Number 4, the Chair report.
Behind the scenes, I think everything that might be of note will come out during our subcommittee reports. So nothing significant from the Chair that the body needs to be made aware of. Everything seems to be flowing fine. The workings, the team, is working well. Staff is working well. So from my standpoint, I would move on to Number 5, the executive director's report.

Director Claypool.

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

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

DIRECTOR CLAYPOOL: Okay.

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

DIRECTOR CLAYPOOL: I think that would be wise.

CHAIR TAYLOR: Good idea.

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

CHAIR TAYLOR: So then, what we'll do is we'll take a brief recess, and we'll come back at 10:10, and we'll
Chair Taylor: Welcome back. We are going to transition shortly to Agenda Item Number 10, VRA training. I am going to turn this over to Commissioner Sadhwani and Commissioner Yee.

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

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

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

Your VRA subcommittee has been busy lining up training for the Commission to turn our attention once
again to VRA matters, and now trying to pivot from the
more theoretical training we've done in the past to more
concrete examples of the work that we'll be facing.

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

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

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

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

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

I will take a little bit of time today, and I can let you know that I've spent a little time looking at, actually, all the presentations you've received up until now, or at least that are available publicly on line, and so I've tried not to duplicate a lot of that today, instead to weave some of that together in kind of a comprehensive presentation to you on what I think makes sense for you to consider as a reasonable redistricting process to undertake, to make sure you stay in compliance, and your work is ultimately safely defended under the VRA.
So let me share my screen here at the moment. If you'll give me one second. All right. Hopefully, you see the slides that we prepared. Maybe a thumbs-up from one of you? Yep. Okay. Great.

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

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

As was mentioned, I want to talk about three sort of exemplar cases, to kind of give you a sense of the kind
of litigation that you might have over the course of this process or in challenge to any final maps, and I've been on all sides of that. I've represented governmental units in the process of redistricting. I've defended many, and I've sued quite a few.

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

And then we'll talk about vote dilution claims, the actual elements that a plaintiff has to prove, that a court will consider, and vote dilution claims under the 14th Amendment, what that will look like. I don't intend to try to put on a law class today. I know many of you know some of this stuff. But the reason I think it's helpful, if only as a resource, to get into a little bit
of the nuts and bolts of these statutes, is because I think it may help some of you understand why it makes sense to handle the process, anyway, a certain way.

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

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

So at this point, the VRP is four lawyers and growing. There are three social science fellows. These are, you know, PhD graduate students, research analysts, fine legal fellows. These are folks that recently
graduated from law school, or about to, and so that makes up our UCLA VRP.

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

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

So that's a little bit about me. I want to talk about now kind of the redistricting process as a series of steps. Some of these things can get moved around, but
typically, this is what I see as, you know, the major steps.

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

The attorney that advises -- or group of attorneys that advises throughout this process I view kind of as the stage managers. They make sure that various things happen at the right time, in the right way, to put the Commission in the best place of defending its decisions later, and of course, give advice to Commissioners while they exercise the judgment and discretion they've been empowered with, and help them understand the legal impact
of various ideas and proposals, and the possibilities and methods to, you know, confirming court approval of those proposals, if they're ultimately adopted.

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

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

You of course want to figure out and coordinate your field hearings, and the timing of the field hearings. Does it make sense to have some of these now? Should
they all be held until after the census data is available, the latest information, as we may not have census data until July? If that's true, does it make sense to have some field hearings now, and save some for afterwards. That's an important consideration. I'll just say I think it's critical that there are at least some field hearings after the census data comes out, but it may make sense to do some now.

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

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

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

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

The next thing is that -- and I think these things are distinct, in my view -- you have the counsel that's advising the Commission, that's advising this process. I
think you also -- it makes sense to hire -- and what I
typically do is hire outside Section 2 legal experts. So
these are additional attorneys who are providing a
written opinion that, based upon their analysis of the
Voting Rights Act, based upon their review of the RPV
analysis we've retained, based on the historical research
we've retained, based on the proposed maps that we've
provided to the expert, Section 2 does or doesn't require
a district in this particular area.

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

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

So the next thing is, you know, the debate and consideration process. After all this information has been collected, and at least some of the public testimony has been received, then, you know, there needs to be a process to receive proposals, make sure each of the Commissioners feel, and in fact, are empowered to make proposals that adjust, you know, the final outcome.

Receive and review any reports from stakeholders. You know, the Commission is going to receive letters, advocacy from various organizations and individuals, and making sure that information is seriously considered and given in the final product it needs to be considered.

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

Sometimes it makes sense to produce a report that says, this is the map, and here's why we did some of these things in the map. So you want to kind of figure out that process on the front end, what will that look
like, collect together the information, and produce whatever reports the Commission ultimately decides it wants to issue.

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

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

So the Voting Rights Act will tell you, this is an area of the state -- if these conditions are met -- that you're allowed to consider race in drawing your new map. So the Federal Voting Rights Act analysis is -- you know, I call it the keystone of the redistricting process. You
need all the other stones over the archway, but you've
got to start with that keystone if you want the -- you
know, if you want the construction to live in the end.

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

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

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

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

There's a case, Evenwel v. Abbott, that I was involved in with the U.S. Supreme Court that leaves some daylight for a state to decide between those two. So I wouldn't be surprised if the Commission saw some
litigation on that, and probably some procedural other
issues along the way. But these cases here are cases
that, you know, I would call sort of after-the fact
cases.

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

The case was initially brought, really, to challenge
the Voting Rights Act. There was a belief that we would,
you know, defend the case -- or the county would defend
the case by saying whites can't avail themselves of the
Voting Rights Act, but the county immediately conceded that all racial minorities are entitled to defense under the Voting Rights Act. The Department of Justice, in the 1990s confirmed that by memo. The Fifth Circuit has now confirmed that, in the appeal on this case.

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

Now, we ultimately, you know, prevailed, because of, you know, this reason. In 2011, Dallas County was approximately thirty-three percent white, and -- but that population split its vote, roughly half, between Democrats and Republicans. And so it wasn't possible to draw an additional white district that would elect a
Republican, and that's what the plaintiffs were seeking.

The Fifth Circuit ultimately confirmed that, and the lawsuit was ended. But there may be places where there's a white minority, for example, that is voting cohesively, and may be entitled to some Voting Rights Act protection.

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

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

A group of whites got together and petitioned to put on the ballot, a ballot measure that would effectively force two at large school board members and five single
member districts, and then would schedule these elections at times when the Anglo minority -- which was about forty-six percent of the voting population -- would have the ability through low turnout to elect a majority white school board to this district that was both majority black and served majority black school kids.

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

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

So there ultimately ended up being five lawsuits. The first lawsuit, as I mentioned, was in D.C. We were
successful in obtaining a federal court injunction ordering the school district -- in opposite to what the state courts had ordered the school district -- to not go forward with this plan. I believe that was issued in about April of 2013. On June 26, 2013, the U.S. Supreme Court issued the opinion in Shelby County v. Holder. I was actually in the Supreme Court chamber when this happened, and a lot of us, you know, put our head down. There were tears. We knew immediately what this was going to mean. And when I came out, one of the many things that happened as a consequence of that decision is Beaumont ISD was ordered, then, to proceed with this plan to install this majority white school board.

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

So in the end, it was a good ending from the standpoint of the courts in litigation. Unfortunately, I have to report to you that, after all the litigation, and
after we'd been successful at preserving this, the state
decided to take over the school district, and then the
state installed a majority white supported board, which
is, unfortunately, how it prevailed for a few years after
that.

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

Another case of an example is Lone Star Community
College System. This is, I'm told, the second largest
community college in the country in terms of students
served. It's a majority minority. In that case, I
represented African-American and Latino citizens that
lived in the district, and we sued the community college
under Section 2 of the VRA because it had at large
districts, and the at large districts elected white preferred candidates, even though they were the minority, and had recently elected a white majority who had a stated goal of sort of collapsing the school, reducing its funding, reducing its footprint, reducing the number of students it served.

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

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

So I want to just do a little bit of law here, and you know, as I mentioned, I've included these slides mainly as a resource, you know, that you can go back to.
I've tried to put all of the information in one place, but you know, the Voting Rights Act was itself a struggle, as some of you may know. We, as a country, tried to pass -- in fact, passed several Voting Rights Acts that were insufficient at securing the right to vote. In 1964, there was a Voting Rights Act passed, but it had no enforcement mechanism and ultimately was ignored, especially by southern states that were dead set on not providing an equal right to vote.

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

I wanted to point out also that this is the second part of Section 2, that says that you make an analysis based on the totality of the circumstances. You're to consider whether or not election is equally open to some
members or others, and importantly, I want to point out this last sentence. The Voting Rights Act giveth, but it also sort of taketh away, and this last sentence, as part of the compromise in its passage, included that nothing -- and I'm paraphrasing -- in this section can lead to, basically, quotas or proportionality.

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

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

I want to mention real quick Mobile v. Bolden in the 1982 amendments. In the original Voting Rights Act, the Supreme Court decided in Mobile v. Bolden, that it only
covered intentional discrimination. So Congress amended the Act in 1982, to make it clear that no, no, just the effect of discrimination of voting needs to be remedied. You don't have to show purpose.

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

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

So you have -- the first premise is you can show intent or impact. Intent is shown under what's called the Arlington Heights factors. I've included those here
in the slides. And impact is shown based on the Gingles test -- what we call the Gingles test. And so that's what I'm going to talk about right now, is the Gingles test.

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

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

The next is, is the -- and the next two, are what make up the RPV analysis. This is what Dr. Barreto and
others, you know, study and produce a report on, and tell us -- they tell us, based on the mathematics and the science, is the minority group politically cohesive? This says the white majority, but it could a different majority in those circumstances. Does the majority vote as a bloc in opposite?

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

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

So as I mentioned, you'll want to consider
historical information. You'll want to take public, you know, testimony. You'll want to ensure that you have a responsiveness of government officials. You want to consider that and other branches of government. Each one of these factors you will want to consider, and importantly, your counsel will want to consider, in determining how your process looks, and then ultimately weighing, you know, kind of the final product.

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

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

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

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

You want to study court rulings of the past decade in that area to see if there other vote denial devices going on there. And then you want to analyze all the
events leading up to the districting plan. And these
dfactors that I've listed here come straight out of court
decisions, what the court's going to consider. Did the
government adopt this redistricting plan in a different
process than others do? You know, for example, in states
that have been found to be intentionally discriminatory,
they're -- they're -- they've had a committee of a whole,
instead of a subcommittee, or they'd get rid of some
supermajority vote requirement, or some kind of
procedural machination took place that the courts really
hang on.

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

Anyhow, it's important for the Commission to have a
fair process, because that's what builds public
confidence. Of course, it's required by state law in
this case, but it's also important for the litigation.
And in most cases, though, in my experience,
unfortunately, there's no perfect map that everybody
signs up and says that's -- that's excellent. And
there's going to be some folks who feel left out, and
making sure that they have been involved in the process,
that their views are adequately taken into consideration
and addressed, is as important, in my view, as anything
else the Commission does.

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

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

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

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

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

COMMISSIONER YEE: Okay. Why don't we go ahead,
then, and invite public comment?

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

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

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

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

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

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

Commissioner Sinay.

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

I keep getting confused on the whole idea that race and ethnicity is important, but we can't only focus on that, and you're king of saying -- you're saying they giveth, and then they taketh, and I keep reading the sentence, and I think I finally kind of got what the second piece of that sentence, the taketh was. Am I right to say that yes, look at race and ethnicity, but the state cannot put any type of quota, kind of, around it, like a percentage of applicants need to be X, Y, Z?
MR. DUNN: I'll say yes, in part. So the latter part of that is one hundred percent true. The Commission and the government is not allowed to impose any kind of quota or benchmarks. The first part I'd reword just a little bit differently, which is that, number 1, you have to take a local appraisal, the courts say. That's a quote, "local appraisal." Number 2, you've got to consider the totality of the circumstances. You'll recall that language was in the statute.

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

CHAIR TAYLOR: Thank you, Mr. Dunn.

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

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

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

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

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

MS. SMITH: Roberts court.

CHAIR TAYLOR: Yes, you can respond.

MR. DUNN: Oh, all right. So two things. First,
absolutely, in my view, the Commissioners' work should pay careful attention to former Section 5 jurisdictions, and so I don't want to step away from that at all. But I would propose that I think that -- my advice to the Commission would be, every, you know, sort of square mile of the state needs to be carefully considered for Voting Rights Act purposes, but no question, section -- former Section 5 jurisdiction should be in the mix.

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

I think that the majority in the Arizona case was right. I think it's a very defensible position for the state of California to have done that. I think there are some other legislative adjustments that could happen, if it became necessary in some litigation, on that point, but the Commission's work on state legislative districts and state assembly districts are, in my view, untouched by the Arizona arguments and case. That case is solely concerned with what the U.S. Constitution requires for
drawing of congressional districts. But there's no
question that's an issue we need to pay careful attention
to, and may be the subject of litigation, you know,
before a map is adopted and after.

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

PUBLIC COMMENT MODERATOR: (No response.)

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

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

CHAIR TAYLOR: Thank you.

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

CHAIR TAYLOR: All right. Thank you.

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

MR. DUNN: Yes, sir.

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

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

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

CHAIR TAYLOR: Thank you.

Welcome back to the January 26th meeting of the
California Redistricting Commission. We currently are
discussing Agenda Item Number 10 with Chad Dunn.
Commissioners, be mindful that we need to break at 12:30, so that we can make the appropriate time break prior to our Agenda Item Number 11.

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

Okay. Commissioner Andersen.

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

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

So if you could go a little bit more into the meat of that, please, because that is exactly what, essentially, we'll start our work on, is, what is our
first criteria? What are the first steps? And essentially, you, unfortunately, because of time -- I would have liked a lot more detail on your slides from that point forward. So if you could give us a little bit more about which might change, and -- so therefore, which we don't have to worry about, and a little bit more about the differences, please.

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

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

So Congress could override that, and it did, in the 1982 amendments, and made it very clear that this covers intent and effects. But that left one more argument,
which is that, whatever Congress wants to do, it's prohibited under the U.S. Constitution from considering an effects test. That's the argument. I disagree with it. Lots of folks disagree with it. But the argument that litigants are making now is that, Okay, fine. Congress amended the law in '82 to cover effects, but it's unconstitutional for Congress to create a claim under effects only, without the showing of intent.

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

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

Now, on the Gingles question that you raised about
the intent versus effects. So the easiest way to look at it is, Gingles is the test if the claim is an effects claim. Okay. Arlington Heights is the test if the claim is an intent claim. And so that's why, in my opinion, the Commission has to pay careful attention to both of these tests.

So hopefully, that answered the question.

COMMISSIONER ANDERSEN: Thank you. That was perfect.

CHAIR TAYLOR: Commissioner Sinay.

COMMISSIONER SINAY: I think you said this later in your presentation, but at the beginning of the presentation, you said that it's important when looking at minority groups that they are a cohesive voting group, and you had said that you have looked at the Anglo voting group, and they were 50 50 Republican and Democrat. And that automatically got me thinking, some ethnic groups -- I know you used race a lot at the beginning of a lot of these -- when these laws were created, but it's race and ethnicity -- some ethnic groups vote -- and obviously, Commissioner Sadhwani can speak hours on this -- but on other things that are outside of political party. And so I think later you said the cohesive voting group can be identified outside of just political party, but I just wanted to confirm that.
MR. DUNN: Yes. So you look at the voting behavior of the candidates. In some cases, you may be looking at nonpartisan races. So you may -- you know, the people that you're analyzing polarization aren't even, you know, nominees of a party. That obviously happens in a number of offices, so I was using, in that example, in Dallas County, the race in question in that litigation was a partisan race, and so the partisan consideration came into play. But right, you look at whether or not the voters are voting cohesively for the same kind of candidates, and that could be, you know, partisan kind of candidates or a different, you know, characteristic of candidates.

I'm sorry, Commissioner. Go ahead.

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

MR. DUNN: Well, I just wanted to add, because it was in response to, I believe, to your question earlier, that I mentioned that the Commission can't engage in map drawing based on race unless it's authorized by Section 2, and the test is that race can't have been a predominant factor. I just wanted to make sure that was clear, that you can have some consideration of race. Where that line is, I don't think courts have set it down
clearly. So I made it sound more categorical, like we've just put blinders on to race altogether, and it's not quite that. You can give some consideration, but the predominant motivation behind the boundaries in the map, unless Section 2 compels differently, have to be something other than race, and I just want to make sure that was clear.

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

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

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

CHAIR TAYLOR: Commissioner Yee.

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

MR. DUNN: So if the -- if the Commission -- and this came out in a -- in a recent U.S. Supreme Court case against Texas that I was involved in called the Abbott case -- the court said that, you know, you're to presume that the government agency engaging in redistricting is operating in good faith. And if the government has an explanation or justification for the individual redistricting decision that was made that doesn't rely on race, then it was allowed to do so even if that had some racial implications.
So under Commissioner Yee's example, if somebody says, we would like to hold this neighborhood together, it has a common interest, the Commission or Commissioners, or experts, the lawyers may know that that is a predominantly Asian American community. That's fine, as long as there is some independent racial basis to do so or the decision to keep it -- I'll word it a different way -- wasn't predominantly for racial reasons. There was other, nonracial, justification for doing so.

CHAIR TAYLOR: Thank you.

Are there any other questions from Commissioners?

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

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

MR. DUNN: Sure. Well, my experience is, you know, having done a number of these things, is that when people come to the Commission or the legislature and testify that, look, my community needs to be kept whole, and the justification they give is racial reasons, is because
that's a community that has been subjected to a serious amount of government sanctioned discrimination, and the community -- and there's also science on this; I'm by no means an expert -- but you know, that community sees itself as a racial cohesive group in part of its, you know, survival of the government sanctioned discrimination and economic discriminations in place.

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

CHAIR TAYLOR: Thank you.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Sorry. On that further case. Some of the areas, particularly, -- well, it's not
that California is that old -- but some of it, it's historic areas. Yes, it is race based, but it is historically -- it's culture and that sort of thing. So I understand, obviously, in our criteria we have to do the Voting Rights Act first. It's one of the, well, numbers in the Voting Rights Act. Communities of interest is a further criterion a little down, but it still is -- historically, that's still a very valuable reason. That doesn't mean, just because -- it also happens to be race, doesn't mean we cannot consider it. Is that correct? I mean, it's -- because we have to a --

MR. DUNN: That's correct.

COMMISSIONER ANDERSEN: -- criteria is communities, and particularly, I guess, as opposed to say we've already taken care of the Voting Rights Act areas. We've already done that analysis. We've decided what we need to do, and now we're further breaking things down, looking at communities of interest. Can you elaborate a little more about this, please?

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

So as you mentioned, the first sort of step is, if
the Section 2 of the Voting Rights Act factors are met, then we draw Section 2 districts. If the if says no, then we're going to move down to the next level of redistricting principles. And at some point, we're going to get to keeping communities of interest together, right, because it's on the list.

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

COMMISSIONER ANDERSEN: Thank you.

CHAIR TAYLOR: Thank you.

Thank you, Mr. Dunn, for your presentation. Thank you for the information to help shape our decision-making process.
At this moment, I would like to give the floor over to Commissioner Sadhwani so that she can speak to our panelists from NALEO and the Asian Americans Advancing Justice.

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

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

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

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

MS. GOLD: The second.

COMMISSIONER SADHWANI: -- that you're going to be joining us today? Rosalind has graciously given more of her time for us today. You know, previously, she had spoken with us about outreach strategies to the Latinx
community, as well as language access considerations, and
today she's going to be sharing a little bit more in
terms of the specifics of the VRA considerations for the
Latinx community.

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

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

I'm going to turn it over to Rosalind and Eileen.
We had originally talked about each of them spending
about ten to fifteen minutes sharing a little bit about
VRA considerations for the communities that they
represent and work in, as well as potentially sharing a little bit of information about H.R.4, which would potentially be new Voting Rights Act legislation that could potentially move forward under this new administration, in a new session of Congress. Should such action occur, certainly that would be something of interest to the Commission, but I think Rosalind will have a lot more detail to share on that.

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

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

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

MS. MA: Please.


Well, first of all, thank you so much, Chair Taylor, Commissioners Sadhwani and Yee, and thank you so much to your fellow Commissioners. I'm Rosalind Gold. I'm chief public policy officer with the NALEO Educational Fund, and I appreciate this opportunity because the Voting Rights Act and compliance with the Voting Rights Act is so important, not only to Latinos but to ensuring the
strength of democracy for all Californians. I am going
to go ahead and share my screen, here, and there we go.
Great.

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

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

I'm then going to take you on what I call a
whirlwind tour of California, using the 2011 redistricting maps -- the assembly maps. I'm going to show you where Latino effective districts -- in other words, districts that were drawn to enforce the Voting Rights Act for the Latino community -- where they were drawn as a result of the 2011 redistricting.

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

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

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

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

Moving forward to 2018, in Luna v. The County of Kern, and against MALDEF was a -- helped lead the legal fight in this particular challenge. Kern County had already established one Latino effective district in its redistricting plan. However, when it started to redistrict in 2011, the plaintiffs argued that, look, you
can create a second Latino effective district by combining the Latino community that's in the heavily farmworker and Latino areas in the northwest part of the county by combining them with the Latino communities either in areas south of Bakersfield or east of Bakersfield.

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

Okay. So I then wanted to take you on what I called a whirlwind tour of the Latino effective districts created by the Redistricting Commission in 2011. And I want to be very clear, as I take you through these assembly districts, that this is based on DACA from 2011, including the redistricting data that the Census Bureau
released. Okay. This is a situation where the demographics changed, population growth has changed, so this should not be your total road map to drawing VRA-compliant districts, But again, just to give you a sense of what we saw in 2011, and where there were the priorities for drawing VRA-compliant districts at that time.

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

Going to Los Angeles, you can really get a sense of, at that time, where you had heavy concentrations of the Latino population and other factors that necessitated drawing VRA compliant districts. Here you have an assembly district in the San Fernando Valley. You also have districts in the San Gabriel Valley, downtown L.A., southeast cities of L.A. You also have what you would
call the 605 corridor. You have districts both on the
east side of the corridor and on the west side of the
corridor and actually, you even go farther south to
areas -- I think District 63 goes all the way from the
southeast cities of L.A. down to Lakewood.

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

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

Shelby County said, look, it's okay to still have
the preclearance mechanism, but what triggers that? What
requires certain jurisdictions to be covered, is out of
date and unconstitutional. The court said, look, we'll
leave the door open. If you can come up with a trigger mechanism, a new mechanism to require preclearance, that passes constitutional muster, that's modernized, that would be a good approach to restoring preclearance to its full strength.

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

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

It also has something called known practices coverage, and if there's time during question and answer, I could talk about what the thinking is behind known practices coverage. But known practices coverages says, you know, we're not going to so much look at your history of voting rights violations. We're going to say, look,
if you meet certain demographic criteria -- if you have
certain concentrations of underrepresented minority
groups in your jurisdiction, then you're going to have to
preclear certain electoral practices -- not everything --
but certain electoral practices that have a really high
risk of being discriminatory. And redistricting is one
of those voting rights practices that would need to be
 precleared under known practices coverage trigger.

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

Secondly, you know, legislative action on
impeachment and issues such as COVID 19 pandemic relief
and some other issues are really going to be top
priorities for Congress for a while. And finally, there
is still intense partisan polarization in Congress. So
unless bills have really strong bipartisan support, they
are not going to get through as quickly as bills that do have bipartisan support. And you know, when the VRAA passed the House, it passed mostly along partisan lines, with strong Democratic support. So you know, it would really need to get -- sorry -- strongly with Democratic Party support. You know, we would need to get stronger bipartisan support to enhance its chances of getting through and considered by Congress.

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

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

We do suggest that the Commission start off by sketching Voting Rights Act-compliant districts first, right. Just digitalize or sketch those, and then build
the rest of your maps around them. We also think a very helpful partner to you in this process is that there are several groups that have long experience with enforcing and defending the Voting Rights Act in California, and they are going to be presenting you with draft maps. We would strongly suggest that you do not drill down too far in terms of your mapping on your VR districts until these entities have had a chance to present draft maps.

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

The ability to say, yes, well, we understand that those are important criteria, but you know what? We need to respect the Voting Rights Act, and that's part of the
reason we may not have done what you wanted or what you
thought was best for your community of interest, or
keeping your city or county together. Being able to talk
about that is very important.

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

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

MS. GOLD: Absolutely.

COMMISSIONER SADHWANI: -- ensure those are --

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

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

I think we can move directly into the presentation
from Eileen Ma from Asian Americans Advancing Justice.

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

Greetings to the Chair and Commissioners. I'm glad to be here. I'm bucking the trend. I don't have a PowerPoint presentation or slides to share with you, but I do have some prepared comments. And I'm excited, especially, to have been invited here to participate with NALEO. I think we're excited about our long-time partnership.

Rosalind mentioned unity maps, and I think we feel like we can, by working together, do the best job of sort of providing the best advocacy and representation across the state for our communities.

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

What we are most excited about with this redistricting process is to get an opportunity to work with the Commission, and so we do thank you all for your intense efforts and work, including being invited to this
panel to share with you, early on in the process, our thoughts.

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

So first, on our population growth, we have historically -- the Asian-American community has historically been -- and we assume we'll continue to be -- one of the fastest growing racial groups in the country. We expect that the Census 2020 will show this, both growth in sheer numbers as well as a pronounced sort of rate of growth, and especially in particular areas where we have seen emerging population centers around the country, but certainly in areas specific in California as well. And so some indications of that, we've looked at the population numbers from the American Community Survey, looking at 2010 estimates and 2019 estimates, and our population increased by twenty-six percent, compared to a six percent growth rate for the statewide
So we look at -- or looked at AAPI data, which is one of the data experts in the Asian-American community. They have been estimating populations for 2020, and they think that our population in California will be around 6.7 plus million, or 16.5 percent of the California population, suggesting, also a high growth rate among eligible voters, nearly double that of the state population in general.

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

The second point I wanted to make was really about Asian-Americans as a coherent identity. I know that there's much written about this, and much discourse on this, but I think we come into this as an Asian-American
organization that has existed for decades, that we are
generally a politically cohesive group that can and does
act together, right. It's, in fact, the very premise of
the Asian-American movement and our organization.

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

And third, as to the increase of our political
participation and our sort of -- our presence as a
political bloc, there's also data that shows that, you
know, whatever the diversity that we've seen
historically, there is also indication that Asian-
Americans are voting together a little bit more, right.
Some of the recent data in recent elections show that we
are registered with a particular party, and voting in
larger numbers in that way. Again, you will see
differences in different regions, but it can be said
that, generally, you can see us acting together.

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

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

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

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

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

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

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

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

And so I think maybe I'll stop there, and leave plenty of time for questions, and as I said, we'll be doing a lot more mapping and analysis and conversation among our own communities, and so we're looking to sharing a lot more with you as you all continue in the process.
COMMISSIONER SADHWANI: Thank you so much.
Chair, would you like to moderate the Q and A, or would you like me to do that?
CHAIR TAYLOR: I can do it. Thank you.
All right. So now we're opening it up to Commissioners' questions.
Commissioner Sinay.
COMMISSIONER SINAY: Thank you, Chair.
Thank you both for your presentations, and I really appreciated this thought about -- I mean, because I've been struggling a little bit about VRA and the constant referral to race, and not necessarily ethnicity, and my background is mainly looking at ethnic communities, refugees, immigrant, and whatnot, and so this conversation has been helpful on how the VRA may not be the sharpest tool for all communities. And I wanted to understand, is that partially because some of our communities are young in age, as well as new to the state, or new to the country, or are there other factors as well? And I understand you explained this, but I just want to hear it again. Sorry.
MS. MA: Maybe I'll chime in, and then, Rosalind, if you want to weigh in as well. I think, as we look at the Asian-American community, I think patterns of migration and age are certainly a factor, right, because when we're
looking at VRA and the Gingles test, we are looking, generally, at citizen voting age population, right, and we have seen -- if we were always looking just at population, you know, I think some of those standards would be easier to meet.

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

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

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

COMMISSIONER SADHWANI: Can I weigh in on this question?

MS. GOLD: Sure.

COMMISSIONER SADHWANI: Sure. And certainly not from the community perspective, but simply from a research perspective. For the API community, there was an article several years ago in the UC Irvine Law Review by Taeku Lee, who's a political scientist at UC Berkeley, and Ming Hsu Chen, in which they specifically advocate
for using the communities of interest as a tool for the
API community, right. And a part of that does speak
to -- as Eileen mentioned, right -- that there's these
varying -- it is a diverse community.

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

And so I think that there is credence to be given to
both, I think, what Rosalind is saying, like, we have to
adhere to the VRA, but when it comes to the API
community, we might need to be thinking about some other
considerations. That being said, from my own research,
looking at racially polarized voting in Asian-American
communities, they're polarized. So you know, I have been
looking at Asian-American communities up and down the
state, and most certainly, they follow similar patterns.
But I think, up until this time, the Asian-American
community was not at that concentration. The numbers
were not necessarily there of that voting power. So I
certainly think that it's something that we, as a
Commission, will have to take into consideration, and be
thinking about and looking at very closely as we move
forward.

CHAIR TAYLOR: Commissioner Toledo.

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

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

MS. GOLD: Well, I think, actually, in terms of
educating the community about the relationship between
the Voting Rights Act and redistricting, a picture is
worth a thousand words. I think it's helpful to provide
some kind of simple diagram that shows, if you draw
district lines one way, you can dilute or prevent
underrepresented groups from being able to choose who
they want to have their elected representatives.

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

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

I think that, you know, we're talking, within the
Asian-American coalition generally, about sort of
resurrecting some materials from past redistricting
efforts, right, as basic fact sheets, so people can understand what the process is and how they might participate, but I think an important opportunity is to think about what messages connect with sort of this recent robust participation in our election process, to this process that's right ahead of us.

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

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

CHAIR TAYLOR: Commissioner Sinay.

COMMISSIONER SINAY: Go ahead, Commissioner Turner.

I saw you.
COMMISSIONER TURNER: Yes. Thank you.

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

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

COMMISSIONER TURNER: Thank you.

CHAIR TAYLOR: Go ahead, Commissioner Sinay.

COMMISSIONER SINAY: Thank you.

I'm going to go back to our conversation earlier about VRA and the API community. Wouldn't the concerns
that the API community has with VRA -- I don't know if
concerns is the right word -- but shouldn't we not use
kind of that cautionary lens also when looking at the
Middle Eastern/North African communities and other new
immigrant communities as well, Muslim communities, and
not just in general because they're younger communities?

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

systemic exclusions.

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

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

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

MS. MA: I know you mentioned Rosalind.

Rosalind, did you have a comment on this, or is it
all right if I --

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

MS. MA: Okay.

MS. GOLD: Yes.

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

So in my view, it really is, in some ways, about
taking a broad view of what these communities are, right?
So we start -- for ourselves -- looking at the Asian-
American community with the numbers, right, of where we
see large numbers of Asian-American communities. Try and
get an understanding of what their spread is, and then
look for what their communities of interest might be,
right. Who else are they connected with, right? If it's
a specific -- let's say it's just a total hypothetical --
we see a Pacific Islander community somewhere. They will
certainly be a very small number, right, as compared to, say, Asian-Americans as a whole or compared to the broader population, but then we'll look for well, what are the, maybe, solidarities or communities of interest, right, that we might see across socioeconomic factors or across sort of political issues that might have, you know, transpired in the community?

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

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

COMMISSIONER AKUTAGAWA: Yes. Thank you very much.

MS. GOLD: Just, I'll quickly, as an illustration, optimally, you would not want to take a community of Pacific Islanders who are lower income, don't have access to quality education, have issues with housing, and essentially put it in the same district as a
predominantly Anglo, wealthy, affluent groups of folks who have good educational opportunities. You know, as you're looking at factors, you would want to, let's say, take that into account. What are the economic and social factors, and how that might dilute or subsume the voice of the underrepresented community as you're putting groups together? And again, alternatively, can you link groups that have shared socioeconomic interests?

Eileen, does that work for you?

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

CHAIR TAYLOR: Commissioner Yee.

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

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

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

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

Commissioner Sinay --

COMMISSIONER SINAY: This is just --

CHAIR TAYLOR: -- and then Commissioner Akutagawa.

COMMISSIONER SINAY: Sorry.

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

MS. MA: I think this might be a cop-out, but I'm going to say, certainly in the L.A. area, we can look at areas where there's been population growth, as well as the Bay Area, but then we've also been trying to look at some areas in the Central Valley. So I've, you know, checked north, south, and central, so I'm not sure if that helps too much, but you know, we are hoping to dig into it a little bit more, and we'll look forward to sharing.
MS. GOLD: And rather than talking about geographic areas, I'd like to talk about some of the trends we're going to be keeping an eye out, right. So for example, did people move because of COVID, right? Are there going to be changes in where Latinos are because of the COVID pandemic and where people ended up being counted in the census?

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

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

CHAIR TAYLOR: Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yes. Thank you.

Just a clarification question for Eileen. Only because I know that in, I'm going to say, the Asian-American/Pacific Islander communities, there is an
increasing move to try to really be clear about, when we're talking about data in communities, the distinction between Asian-Americans and Pacific Islanders. So I noticed that you were just saying primarily Asian-American, so is that what the intent that what you're focusing on is just strictly Asian-American data, without Pacific Islander data being kind of blended in?

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

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

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

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

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

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

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

The Commission is taking public comment on Item 10 at this time.
CHAIR TAYLOR: Thank you, and if we get a caller, please invite them in.

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

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

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

MS. GOLD: So I think what -- you know, I'm going to say I don't know the size or the distribution of the Afro Latino community in California, but the work that we would probably do is to really start with the community
of interest level, in terms of whether those communities
you know, their identity, the interests that they
have in common, you know, how do those play out at the
community of interest level?

CHAIR TAYLOR: Thank you.
Yes. Can you invite in our caller?

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

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

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

I just wanted to ask a question regarding economics
for the state, and for different parts of the state in
general, that the VRA is more set up for, I guess --
there was a statement by one of the presenters that said
VRA compliance is a higher priority than local
jurisdiction lines and communities of interest, and to be prepared for experiencing tensions from communities split up to preserve VRA districts.

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

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

So you know, again, it is still a higher priority, but let's put it this way; if you're not at the table talking about your community of interest, and articulating your community of interest, it won't get the
consideration that it might otherwise get if you create a
strong voice for your community of interest and all of
the different factors, including the economic impact.

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

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

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

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

COMMISSIONER VAZQUEZ: Yes, I did.

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

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

Go ahead, Commissioner Vazquez.

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

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

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

CHAIR TAYLOR: Thank you.

Final call. Any other Commissioners?

(No response.)

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

MS. GOLD: Thank you so much.

MS. MA: Thank you all.

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

All right. Commissioners, we will break for lunch
shortly. Please be back at 1:40. We will return with
Agenda Item Number 11, discussion on outreach and
engagement, and we'll open up immediately with the
general public comment before we get into our discussion.
So please return at 1:40. Thank you.

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

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

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

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

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transparency and public participation in our process, the
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The Commission is taking general public comment at this time.

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

PUBLIC COMMENT MODERATOR: Good afternoon, caller.

MS. LEVINE: Hi. This is Debra Levine, D E B R A, L E V I-N E. Commissioners, I called in earlier this morning about the new website. After public comments were finished this morning, and during your general announcements, the individual Commissioners began listing off regional groups that they had already been meeting with or that they were planning to meet with. It was really hard to follow the names of groups, locations,
dates, and times, and this was why I made the comment earlier today about adding, what your community is saying, section to the website, so that you could list all those meetings in one place, and it would be a great way to strengthen transparency and public participation.

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

Thank you very much.

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

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

PUBLIC COMMENT MODERATOR: Good afternoon, caller.

If you would like to share your name, please state and spell it, please.

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

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

I just wanted to -- this is really a question for
Commissioner -- and request of Commissioners Sadhwani and Yee. You mentioned -- I know that you made every effort to have the Black Census and Redistricting Hub present during that panel, and due to scheduling conflicts, that wasn't possible. You mentioned your conversation with them, and that you -- but you didn't share highlights from that conversation, and I was hoping that you could do that, for the benefit of the public, and also share your plan to ensure that the black community is able to have equal time to present, you know, on their protection under the Voting Rights Act, and their history with that in California.

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

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

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

We'll move on to Agenda Item Number 11, and I will
turn it over to Commissioners Fernandez and Sinay.

COMMISSIONER FERNANDEZ: Okay. Thank you, Chair Taylor.

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

First, we have David Maldonado. He is the deputy chief in the Office of External Affairs with the California Department of Corrections and Rehabilitation. He works with external entities to the Department, as well as the community-based organizations and other external organizations. He'll talk about how he got (indiscernible) the Department of Corrections, explain some of the limitations in reaching out to the incarcerated populations in our state facilities, and provide recommendations on our outreach efforts, because they will be somewhat different than what we were
planning to do. Not just because of COVID, but because there are security concerns in terms of those outreach efforts that we'll conduct.

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

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

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

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

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

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

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

My role as community resource manager was to oversee the Prop 57 inmate activity groups and the religious services. So a pretty extensive experience on getting communications out to the inmate population and going -- like, my recommendations are based on just the four years, just working in a prison, and that's where some of
my policy will come from as well. Prior to that, I was outreach coordinator with the Office of Victim and Survivor Rights and Services with CDCR, but I have a bit of an outreach background as well.

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

So I mean, to make it easy, I would probably say to use snail mail. My recommendation to Commissioner Fernandez when we talked -- and she also worked for the Department most of her career as well -- is using snail mail, using a prepaid postcard with maybe a survey on one side, a map on another, really trying to grasp what you're trying to achieve. Corrections has a lot of abilities. We give things out, like mail or Title 15s or
other publications out, and math books. Getting it out
to the inmate population is not going to be the problem.
You know, it sounds pretty hard giving 90,000 out, but
that's not an issue.

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

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

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

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

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

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

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

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

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

So one of the ways that we do that is through a quarterly newsletter that goes out to all of our members who are currently inside. Right now, Initiate Justice has just over 34,000 currently incarcerated members on our mailing list, which means that more than one in three currently incarcerated people receives a newsletter from us every quarter that has updates on different pieces of
legislation that are impacting them, overviews of the legislative process and how they can be direct political advocates from inside, and also action items that they can take. So depending on what bills we're working on and what our priorities are at the time, about 34,000 people get political information from us.

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

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

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

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

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

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

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

I think, you know, any of us, it would take some time for us to figure out, like, why in the heck should I care about, you know, what my various districts look like? This is something that folks might not even realize changes every so often. So I think just explaining, like, the overall process, why it's important to be aware of it, why it's important to uplift your
voice and be heard in this process, is really key. And then, of course, like, partnering with organizations who have trusted relationships with directly impacted folks.

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

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

COMMISSIONER FERNANDEZ: Thank you, Taina. And then I'm going to pass it off to Beto.
MR. VASQUEZ: All right. Thank you very much.

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

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

The reason I mention that is because, you know, I am no stranger, professionally, to trying to address a lot of the equitable issues that exist for most of our disenfranchised populations. Whether it's for education, whether it's for socioeconomic status, whether it's for workforce opportunities, you know, upward mobility, whatever it may be, you know, for the most part, it's something that's near and dear to my heart. And then when coupled with my personal passions, which is to provide opportunities for folks that are system impacted, then, you know, that's kind of where I'm at.
I grew up in San Diego, Logan Heights, to be exact. You know, first person in my family to do a lot of different things, some good, some not so good, but here I am, being able to speak for the voiceless. Being able to advocate for those folks that don't know how. Being able to support families that don't know that they can be supported. And so I'm excited to be able to share with you today, and really echo everything that Taina just mentioned right now with respect to, you know, the point that David made earlier about the messenger, right, and the value of transparency, and the value of communicating with folks, and not just making assumptions that everybody knows what you're talking about when you're redrawing lines, right.

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

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

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

You know, I definitely would agree with, again, everything that's already been mentioned, right, about, you know, we're talking about individuals that have come
from communities where trust has been broken. We're talking about individuals that are going to go back to communities and households where they might have burned bridges, right. Where the only places that they know when they go back home might not be a healthy environment for them.

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

And that's why I really appreciate a lot of the work that Initiate Justice is doing in informing and educating folks about what's going on around them, because oftentimes, I'll tell you firsthand we are not raised up to know about policy. We are not raised up to be familiarized with elections, right. Why? Because we're caught up trying to deal with life on life's terms, right, and sometimes that means trying to pay the bills, trying to feed some mouths, trying to keep a roof over our head.
And so for many of us, I know it's easy for us, including myself, you know, as I now have transitioned, after doing most of my twenties, you know, in state corrections, and graduating there from youth corrections -- you know, I have a couple of layers of privilege with me right now, and I need to be aware of that, and I also need to be aware of how that causes me to look at how we're interacting with populations like those that are currently incarcerated, how we're advocating for those folks, right?

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

So I do want to leave with you that. I also want to leave you with this quote that I love to share from a friend of mine who says that, the closest to the problem are the closest to the solution, but furthest from the power and resources. And with that, I want to share that, you know, as we're thinking about bringing in credible messengers, as we're creating a sense of
urgency, as we're, you know, really helping to fortify individuals that have been impacted directly by the system, we can use their voices to continue to reach out to others, right.

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

COMMISSIONER FERNANDEZ: Thank you, Beto.

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

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

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

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

COMMISSIONER SINAY: Okay. Thank you.

Any questions, comments, thoughts?
Yes, Commissioner Kennedy.

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

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

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

I can probably speak freely and say they're going to disallow that. But if you are doing an area that doesn't even have a prison, I don't see why we can't consider it,
but like I said, I can always take back any suggestions. If you have, like, examples you want to show us, email me PDFs and we can talk to the individuals who make these decisions at the Division of Adult Institutions.

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

Anybody else have questions or comments?

Yes, Commissioner Yee.

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

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

So in some of our discussion just now, I guess it
would be an outreach, then, that we might be in conversation with people about that process, and there were some brief comments earlier about, well, people have all kinds of relationships to their former addresses, some welcome, some may be very unwelcome.

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

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

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

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

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

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

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

MR. VASQUEZ: Yes, very good points.

I would add just to that, you know, it's multifaceted, right, when you think about it, because you have a couple of -- so the population at hand is one of the groups. That's one of the facets. Families and
households are a different one, right, where they're coming from, what they would foresee, you know, being a support -- you know, if added support to their county would be helpful. I would see service providers as another one, the community in general as another one.

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

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

Anyone else?

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

COMMISSIONER SADHWANI: No, no. I think this is a super helpful presentation, and I look forward to thinking about various formats of outreach to folks who are incarcerated people. Does folks count, though?

Folks is okay, too, right? I hope so.

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

You know, there's research by Shaun Harper I always like to kind of lean into, but this anti deficit mindedness, right, in always thinking that we're solving a problem, you know, that pobrecito, right, you know, there are so many problems with this and that, rather than thinking, wait, we have a great group, a gaggle, if you will -- I never use that word, but I think it's appropriate here -- a gaggle of people that have been successful, that are doing great things, that are those credible messengers, that can, you know, not only provide hope, but you can actually learn from them, right. And
it goes back to that quote, right. These are the persons closest to the problems that have those solutions, but I think it starts with that awareness of, you know, what -- we've been dehumanizing folks for a long time, and we need to change that right away.

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

MR. VASQUEZ: Yes.

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

COMMISSIONER SINAY: Commissioner Andersen.

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

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

And when we're considering, well, that's their community, that is what we would naturally be thinking, but I know, because you mentioned many families have certain people who are incarcerated for longer periods of
time. Families move to be in the area, for visiting purposes, et cetera. And so how would we -- because, quite frankly, they might be very interested in actually not being relocated to where they came from, but where their families are.

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

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

And so I think that also -- you know, that's a gamechanger right now, right, because you would have to look at what those numbers look like. You would have to look at the family, you know, component of it, and it goes both ways, right. You have families that are willing to make a sacrifice like that because that's what
it is on the families, to be able to be closer to their loved ones. And then you have folks, you know, like myself, that just did time on your own, right, and you have to disconnect yourself from the outside world, and it kind of goes back to the other point that Taina made earlier, where your community is that facility that you're in, that yard that you're on.

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

I mean, you add this whole added layer of COVID, and the challenges with working right now. You know, most of
these jobs that a lot of these folks are coming to would be, you know, essential workers now, or restaurants, which, you know, just today, they started opening up again. So while the general population out here is struggling already with the jobs, what does that look like for folks that are getting out right now and coming to an environment like this, right.

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

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

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

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

COMMISSIONER SINAY: Thank you, Taina.

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

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

I was thinking throughout this thing, too, some
crimes will prohibit you from going to the county of
commitment as well. If you committed certain series of
crimes, you can't go back to the county, if the victim
doesn't want you there, and that's part of the California Constitution as well. So maybe that is something we work with our Office of Research to figure out, is, you know, out of -- what percentage of incarcerated end up in a new county?

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

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

So for myself, like, I tried to move closer. So you know, I would try to move to a town where, instead of being ten hours away, I was five hours away or something like that, but it's just incredibly hard to track,
because so much of it is up in the air, and if I could
guess, I would probably say that what happens most often
is people just stay where they are and don't see their
loved ones, because it's too hard.

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

But there's this sense of, I can't get involved with
law enforcement, because then I'm opening up a can of
myself for something, right. I'm putting myself -- I
mean, that's street code, right. It's like, well, you
don't go talk to the cops because then they're going to
want to turn around, you know, and check you out or
investigate you, and take your name, and it just -- you
know, so again, there's this trust, right, this antitrust
piece that's going on. And I think, if we were to
approach all of this with a layer of authenticity of,
hey, we just want to make sure that the resources are
going where they're supposed to go in the state of
California, and this is why it's important, and this is what it can look like, and this is why we need your help, right. And having those credible messengers to help deliver that message, so that people don't feel like, hey, you know, CDC is up to something, right.

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

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

COMMISSIONER SINAY: Commissioner Taylor.

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

Quickly, if either of you might know, are there any other publications that are widely distributed amongst
the incarcerated population?

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

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

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

CHAIR TAYLOR: Thank you.

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

MR. VASQUEZ: Yes. Sure. So actually, I run a little nonprofit on the side, and we used to do a lot of civic engagement work with the guys that are getting out
here locally in San Diego. Because of COVID, we haven't been able to do a lot of the things that we typically do.

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

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

COMMISSIONER SINAY: All right. Any other questions?

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

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

COMMISSIONER KENNEDY: Thank you. When we last discussed this, I made the point that I support reallocating the population of California residents, but
I would also -- as far as equity -- like to see us make an effort to reallocate individuals in the federal system. And I just wanted to know if any of the speakers had thoughts on that.

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

MR. MALDONADO: Oh, go ahead, Taina.

So one thing to think about with that is that they're not all California residents. I did a tour of the facility in Dublin, so I can easily connect you with the PIO or some of the other administration there.

They're not always California residents, even though they're currently living in California, so I don't know how your view on that is, because they're going to leave, and they're not going to come into our community. So maybe doing a survey amongst the entire prison population of California residents throughout the system -- but as Taina stated, all California should be counted. So it's not a bad idea.

Go ahead, Taina.

MS. VARGAS: Actually, I wanted to clarify.

Commissioner Kennedy, were you talking about people who were serving a federal prison sentence at a California
federal institution, or California residents who are serving time at a federal institution outside of California?

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

MS. VARGAS: Okay.

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

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

COMMISSIONER SINAY: Thank you.

Commissioner Taylor.

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

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

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

MS. VARGAS: Yes. Folks who are serving a state prison sentence in a county jail are considered part of the county jail system, even though it's technically a -- they're, you know, incarcerated under the state system. But thanks to AB 2466, they can also vote. So even though they're serving a state prison sentence, they are
considered part of the county system, so they can vote.
So I think it would be a little bit less complicated with
them because, you know, they're represented in other ways
as well.

COMMISSIONER SINAY: Thank you.
Okay. I'm looking. Anyone else?
(No response.)

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

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

MS. VARGAS: Sure. So the purpose of this report
was to support legislation to end felony
disenfranchisement, and so to restore voting rights for
currently and formerly incarcerated people in California.
We did win part of this in November, with Prop 17. However, the work is not done. We're trying to restore voting rights for everybody impacted by incarceration. Essentially, we found three different things. One, people impacted by incarceration do want to be able to vote. You know, going through the system, folks generally understand much more intimately, like, how policy impacts their everyday life, and most folks reported back saying that they feel, like, much more likely to be engaged in the political process.

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

Two, we found -- and this kind of goes back to some of the points I was making earlier -- is that, you know, folks who are also currently incarcerated are part of a community, and the community, it mirrors the communities that we have out here. People are working. People are going to school. They have friends. They have recreational activities, things that they do in their free time. You know, they build relationships, and they
build lives inside, and they try to contribute to their communities in any way that they can.

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

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

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

COMMISSIONER SINAY: And the reason I wanted her to share that is, even if we do outreach, and we don't get a high activation rate among the population, just the effort, as they have said, of reaching out and then
seeing the importance of their voice, or that understanding this issue better is helping our communities in the long run, and their communities in the long run, because they're feeling connected and heard.

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

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

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

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

MR. MALDONADO: Thank you.

COMMISSIONER SINAY: Thank you so much.

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

COMMISSIONER SADHWANI: Sure, and many thanks to Lori Shellenberger for raising that. Yes, we most
certainly -- sorry about that -- we most certainly were reaching out to the Black Census and Redistricting Hub, and had hoped that they would be able to present this morning.

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

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

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

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

COMMISSIONER SADHWANI: Yes. Thank you so much.

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

We were able to spend a good hour or so talking with them, as well as with some of the representatives from the Othering and Belonging Institute at UC Berkeley, whom they have partnered with. They specifically have data
analysts there that are mapping for them some of the
movements of the black community within California from
2010.

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

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

COMMISSIONER YEE: Just to mention the names of the
folks from the Othering Institute at UC Berkeley, it was
Arthur Gailes, G-A-I-L-E-S, and then Samir Gambhir, S A M

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

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

COMMISSIONER SADHWANI: Yes. And just to add to
that, I mean, while -- I think, when we think about the
VRA, we're often thinking about majority minority
districts, but that does not necessarily need to be the
case. Influence districts could also potentially be in
compliance with the VRA, and influence districts, from a
political science research sort of standpoint, can also
allow for very fair representation, and allow
underrepresented communities to still receive fair and
reasonable representation, even if it's not necessarily
representation from their own community.
So anyways, we're continuing to think about all of those things as we move forward with this process, and what that will look like and mean throughout the state for varying communities.

CHAIR TAYLOR: Thank you, Commissioners Yee and Sadhwani.

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

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

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

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

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

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

Before we move on to Agenda Item Number 5, in my haste to move on or to address a VRA question, we did not
take public comment as it related to Item Number 11.

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

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

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

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

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

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

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

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

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

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

It was a very good meeting. The conversation was
completely about the 2.3-million-dollar outreach
provisional funding, and it appeared that all of the
staffers had read the Commission's posted strategic
outreach plan. So that tells you that people are paying
attention to what you're doing.

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

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

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

So first of all, I'll just ask, are there any
questions about that meeting?

(No response.)

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

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

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

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

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

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

Commissioner Sadhwani.

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

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

DIRECTOR CLAYPOOL: Right, right. Delegated
authority.

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

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

Commissioner Ahmad.

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

DIRECTOR CLAYPOOL: That's correct. The numbers I'm talking about in the projections would be in that report that I promised at the first of each month, and really it wouldn't have changed. Our expenditures and our encumbrances have not changed since the beginning of this month. They will change by the beginning of next month,
and that will be the most comprehensive report we have at that time because that's when we're going to extend to the governor's office, a request for additional funds as we see them.

COMMISSIONER AHMAD: Thank you.

DIRECTOR CLAYPOOL: Okay. Not seeing any other hands.

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

Any questions?

(No response.)

DIRECTOR CLAYPOOL: Seeing none.

Hiring. So we are rounding the corner at that time when we're going to really start staffing out for the individuals that are going to support you, both the data management side of the equation and also field staff. Alvaro will be talking about that more extensively. I
just wanted to say that I've spoken with all of our staff about giving me their needs over the next couple of weeks, and their projections for the individuals that they think that they may wish to add onto their staff. That includes the deputy executive director, the administrative deputy, and our chief counsel.

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

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

In that same vein, I asked our chief counsel to work with Marian to determine how the Commission can write letters, so that the current letter process that we had for the Census Bureau doesn't become an issue, and when
we get that opinion, of the best way that we can move forward, we will also move that through the Finance and Administrative Committee.

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

This includes -- well, it includes everything that we're going to talk about, whether it's materials that we want translated, or it's languages that we wish to put under contract, the staffing needs for data management, or the staffing needs for the field teams. If we can come out of this with as many of those answers completed, even if they don't need a vote -- or even if we need to have the vote the next time frame -- then it can keep us on track. If we have to wait until the next meeting, it's going to slow us down. So I have every bit of faith in all of you that we're going to come away with what we need.
That's the end of my report, unless any of you have any questions for me.

Commissioner Sadhwani.

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

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

Commissioner Andersen.

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

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

So we're looking to formalize a policy, because this isn't going to be the last letter that one of you or all of you wishes to send out or wishes to see, and so the last thing I would want to do is jeopardize this Commission by making a foolish error. So it was actually brought up by the Finance and Administrative Committee
that we should consider this particular -- how we should
do this, and have a policy for it, and so I'm just
following through on that.

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

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

COMMISSIONER ANDERSEN: Thank you.

DIRECTOR CLAYPOOL: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Actually, on that letter
thing.

DIRECTOR CLAYPOOL: Right.

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

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

Commissioner Sinay.

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

DIRECTOR CLAYPOOL: I think that's all part and parcel of the same process, that we just look at all the
correspondence that we might be moving, and just make
sure that everyone sees it who needs to see it, but I
agree with you.

Any other questions?

(No response.)

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

CHAIR TAYLOR: Thank you, Director Claypool.

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

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

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

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

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

COMMISSIONER AKUTAGAWA: Sure. I'll just briefly
start, and just say that what we're going to be
presenting to -- or what we are presenting to the entire
Commission for your consideration is two separate grant
structure options.

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

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

We wanted to just present in the most, I would say,
neutral way the two different options, and we wanted to
engage all of you in discussions about these two options,
and to see where the Commissioners would like to go. I
will just say for myself, I mean, I do have a particular
area in which I would recommend going, but we do want to
make it open to everybody to see what the options are
before we actually make the specific decision about which
option.

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

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

So all of those items would be drafted, dependent
upon the direction we go here, and those things will be
available to be reviewed and addressed so that, when we
come together in the February meeting, we'll be able to
actually vote and be prepared to move forward rather
quickly. So just from a process standpoint, we really
wanted to set this up respecting all of the lead time
that was necessary to get documents posted, et cetera,
but to come up with a process where we could have a
fruitful discussion today, and then move the process
forward.

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

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

So what we hope we have here is a nice layout. I
have to admit it's a little small on my screen, but I'll
go and pull up -- I have, actually, the actual document,
but I won't be able to see all of you at the same time.

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

COMMISSIONER AKUTAGAWA: Well, go ahead,

Commissioner Le Mons.

COMMISSIONER LE MONS: Okay. So let me pull up the actual -- I have it open, I just need to pull it up, because I can't see the one on the screen. These older eyes, I guess. Let's see, here. Let me get it. Okay.

Here we go. So it's two documents. One is going to be the two options, and then we're going to do an estimated timeline for each. We'll go over that one second.

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

That was one of my big concerns about us just jumping right to a third-party option, and not strongly
considering an in-house option, and also one of the reasons why I raised my hand to be on the subcommittee, to, hopefully, keep that intention and that message alive in terms of, if we really want to try to help some of the groups that don't typically get to play, how can we best do that? And we did take that into consideration as we began to put together this document as well.

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

And then in the third consideration, we looked at the time for the funds to be distributed, which was a really critical one because we were thinking about, despite the fact that census data is going to be delayed
and things are being pushed out, we also wanted to make sure that resources could reach the recipients in time for them to actually do the work, in service of our work. So that's what this category is all about.

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

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

I think this category here is probably the biggest one, and that's the staff workload. Because, of course, if we do this in house, all of the workload will be on
our staff and us. So what's broken down here is how that
staff workload would look if we went with option 1 versus
option 2, and then the Commission workload. I'm sorry.
That was staff. We did delineate Commission workload
separately. And again, it would, of course, be a larger
burden on the Commissioners if we go with an in-house
model versus the third-party option.

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

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

So Commissioner Akutagawa, I don't know if there's
anything else you want to add before we open up. Maybe
we should go on and do the timeline part, too, because
they kind of work in conjunction with each other, and it's not a lot of data there. So why don't we look at that as well? So there was also this workflow in terms of what would take what amount of time to accomplish. So that's what that second document attachment lays out, and I'm trying to locate it.

Commissioner Akutagawa, do you want to just go through it? I don't have that one handy. I apologize.

COMMISSIONER AKUTAGAWA: Yes. No problem.

I had to blow it up because it's really hard to see. What we wanted to do is, from a visual point of view, to be able to showcase to everybody, both the Commissioners and also any of the members of the public who are watching and are interested in this particular conversation. We wanted to show some of the differences in the timeline, and as you'll see that, the first half is not as stark of a difference. You'll see that, from a timing perspective, we're pretty much even.

Where we're starting to see differences is length of time in terms of how long we would post and distribute the solicitation for the RFA, how much time it would take in terms of grant review approval, of who gets awarded the grant or grants, and then there's also other challenges around -- or time crunches -- where you'll see the big difference in terms of how long it takes, not
only to review it, but also to prepare the
recommendations. And then how long it takes to actually
release the funds, get the grant agreements signed and
into the state system, the FI$Cal system -- which we were
told is going to take some time if we're doing it -- if
the Commission decides we want to individually award the
grants ourselves, rather than through another party.

So there is a possibility that, in terms of the time
line difference, it is pretty stark. You'll see that by
the time we can possibly get -- if we use a third party,
we're looking at a potential release date of about
roughly mid-April, when we will have the funds available
and out to the entity, and then our expectation is that
they will then be able to quickly turn that around and
get it out to the grantees that they select. Whereas, if
we do the grant distribution ourselves, we're looking at
some time about a month to month and a half later, so at
least around the end of May time frame, when the
organizations will actually have funds in hand. So there
are pros and cons to both, but we wanted to at least lay
it out in terms of the time line.

One of the other things I do want to mention again
is, in terms of the work that will be done, I've had a
conversation with Commissioner (sic) Claypool where he
has said, you know, the direct cost of one thing, but
then there's also the indirect cost. The indirect cost
meaning the staff time. It's not just the staff members
who are directly involved in handling the work, but
there's legal review. There's fiscal kind of inputs and
other things like that.

So if we take all of those costs into account, we
started to see that while, you know, a ten percent grant,
I guess, a fee that a third party would take seems
significant, we also realized that there are going to be
significant costs to the Commission as well, too, even if
we do it. And then there's also the time cost that we'll
need to also take into account for the Commissioners,
because we'll need to be very hands on and involved in
this process as well, too.

I'm going to stop sharing. Any questions? Any
reactions?

So Chair Taylor do you want to facilitate, or do you
want us to facilitate?

CHAIR TAYLOR: Just so that -- I'll help you, so
that you guys can answer accordingly, you don't get lost
in anything. And those Commissioners that want to say
it, again, they can raise their hand. Commissioner Sinay
was the first hand I saw, and Commissioner Turner, and
Commissioner Kennedy, and Commissioner Fernandez.

COMMISSIONER SINAY: I think you said this, but I'm
not seeing it on here. For option 1, on the time frame
for distribution of funds, that's just distribution of
funds to the third party, but the time built in to get it
from the third party to the actual community-based
organizations isn't on here. So in your conversations
with the third parties, do you know what that time frame
might be?

COMMISSIONER LE MONS: Well, I'll try to jump in on
that. What our concern was there is, an entity who's
used to doing this would more than likely -- in
comparison to what we would have to do with FI$Cal, et
cetera, in terms of getting it out to the community --
would be a shorter process. So we don't know exactly
what their process would be, but that would be part of
what we would want them to describe in their application
if they were going after this opportunity.

So what we did is basically made an educated guess
that, that by this being what they do, the biggest
challenge we would have is getting the resource to them,
and then they would more than likely be able to turn that
resource around to the public much faster than we would
through the FI$Cal process, once we got to that point, be
able to get it to the street. So it was more that
comparison than it was an actual -- us having a clear
understanding of exactly how long that would take for
COMMISSIONER AKUTAGAWA: And Commissioner Sinay, we can't necessarily dictate it, but as Commissioner Le Mons said, part of our consideration of the proposals would be what their process is going to be, and how quickly and efficiently they can get it out in a way that is still going to ensure that the work is going to be done properly.

CHAIR TAYLOR: Commissioner Turner.

COMMISSIONER TURNER: Yes, and thank you, Commissioner Akutagawa and Commissioner Le Mons, for just all of the detail and work on here. I have a couple of questions.

Number one, I would imagine that if we were to go with option two, and whoever ended up being that fiscal sponsor, depending on who it is, there should be no delay. They probably could go ahead and release the funds, depending on that sponsor just with a signed agreement for us that the money is forthcoming, the first comment.

I wanted to understand, under option number one that has us relying on a fiscal sponsor. I'm sorry. Let me see. Option one, third party. It says that there is one grantee. So is one of these options that we're only going to grant the whole million to one grantee? I
wasn't sure how to read that. Can you tell me

    COMMISSIONER LE MONS: No. What that means is,
we're dispersing resources to one entity, versus 50 or
100. Like we're disbursing to the recipient who would be
doing the distribution, as opposed to directly disbursing
to whatever number of grantees we ultimately have.

    COMMISSIONER TURNER: Okay.

    COMMISSIONER AKUTAGAWA: Commissioner Turner, I do
want to -- I think I know what you're also asking. So
just so that you know, I did ask a similar question, and
so for example, I think the way we envisioned it right
now is that there would be one third party entity that
would receive all of the funds. However, let's just say
there just happens to be two strong entities that we may
decide we'd rather split and give two grants out, maybe
for Northern California/Southern California or something
like that. I mean, we just don't want to make it too
complicated. According to what the staff have said, that
is possible to do. The RFA will be written in such a way
that we can decide, at that time, if we want to grant to
more than one intermediary, but I think our preference is
to keep it simpler, and just try to see if we could find
one entity.

    I do want to also acknowledge what you said about
the idea that if a third party were to get it, that they
should be able to quickly -- once the agreement is
signed, they should be able to quickly disburse funds. I
have that assumption, too, but I don't want to
necessarily put it in writing. I mean, that's the hope,
is that they won't necessarily wait until they get the
money from us, but that they have the kind of a cushion
to be able to start getting it out, and then, when they
get the money from us, they'll be made whole again,
although, you know, some may choose to disagree with the
assumption.

COMMISSIONER TURNER: And then, going further down,
under the staff workload, there's a statement here that
says, similar responsibilities to option two, without the
need to hire additional staff. And so when it said
similar, I was trying to quickly stay in the
conversation, but also determine this is not indicating
that we'd have the same amount of work. It says, similar
except for the hiring of additional staff, because I'm of
the mindset that if we write it, and have someone else
facilitating and monitoring this grant, that it greatly
cuts down staff and Commission workload.

COMMISSIONER AKUTAGAWA: Yes, and that's correct.
Also I just want to -- I just realized -- and thank you,
Commissioner Sinay, for pointing this out. I want to
also make a clarification. We are not looking for a
fiscal sponsor, but we are looking for a regranting organization. So it is going to be a third-party intermediary who will receive all of the funds and then regrant out all of the funds, and not a fiscal sponsor.

COMMISSIONER TURNER: Got it.

COMMISSIONER LE MONS: So I don't know if you got that question answered, Commissioner Turner, regarding the clarification there. On the last question, you were just asking about the similar to option.

COMMISSIONER TURNER: Staff?

COMMISSIONER LE MONS: Yes, the staff one. I was thinking that maybe Marcy might be able to address that statement.

MS. KAPLAN: Yes. Thank you. All the steps would still need to be followed. However, we're looking at just managing one grantee, versus numerous, like 50 or 100.

COMMISSIONER TURNER: Thank you, Marcy. I guess that's what I don't understand. If, indeed, we're going to have one outside third-party entity handling this, I'm trying to see, under all of the bullet points required -- we are still wanting to be involved in how they handle their administration, facilitate, oversee the signatures?

We're still wanting to make

MS. KAPLAN: No. Sorry. So that would just be for
the selected third-party entity. So the Commission would still need to go to RFA to be able to select a third-party entity. We'd still have to review grant applications. It would be likely a much smaller pool, if we're just going to be selecting one entity.

So that review time is shorter, but we still would have to do a review of grant applications to then select an applicant, have the Commission approve. We'd still have to go through the awarding process through the state to be able to distribute funds. So there's still those steps. We wouldn't be overseeing (indiscernible). It's just, all of these steps would be repeated as many times -- did my Internet just cut out?

COMMISSIONER TURNER: No, we hear you.

MS. KAPLAN: Can you hear me?

COMMISSIONER TURNER: Yes.

COMMISSIONER LE MONS: Yes, we hear you.

MS. KAPLAN: Okay. Would need to be repeated, especially the administrative side, if there were, let's say, 50 awardees, you'd have to go through that that many times.

COMMISSIONER TURNER: So it's similar, but minimized? We would do it once for the --

MS. KAPLAN: Yes.

COMMISSIONER TURNER: -- and sometimes we'd do it
over and over. Okay. Great.

MS. KAPLAN: Yes, yes.

COMMISSIONER LE MONS: Thank you, Marcy.

MS. KAPLAN: I think maybe Fredy wanted to add something to that. Sorry.

CHAIR TAYLOR: Hang on, Fredy, unless you're going to directly answer what Ms. Kaplan said.

MS. KAPLAN: He can't hear me?

CHAIR TAYLOR: Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair, and thank you to the subcommittee for this very helpful document. I would like to suggest that you add two things in the -- what is it, the considerations column. One, which someone mentioned earlier is the ease of access element. In other words, the grantees. How easy is it for grantees that we might hope would be successful in getting the funds? How easy is it going to be for them to apply and obtain funding if it goes through a third party?

And the second is -- and this is based on earlier conversation, perhaps even input from a caller in an earlier conversation about this -- but we had a conversation about conflicts of interest, and how we would deal with a situation where the one grantee or two grantees were also lobbying us -- for lack of a better
term -- to put district lines in certain places. How is it going to look?
I mean, I suppose you could put this under public perception and litigation risk, but we might also break it out. But just more focus on those potential conflicts of interest, and how we might need to -- what we might need to deal with, and how we might need to deal with it. But yes, the table itself is a really helpful tool for us. Thank you.

COMMISSIONER LE MONS: Thank you for that, Commissioner Kennedy. We'll certainly incorporate those in the table, and we did talk about those. Well, the first one, to your point about ease -- well, I'll come back to that one because I think that that was sort of -- ease was a big -- I'll make this comment about ease. We felt like ease was a really, really important one in forming which option we chose, because, at the end of the day, we would want it to be easy for people, and so we both have opinions about that on these two options.

And then to your point about conflict of interest. We would use the RFA to address that piece, and so we would have to spell out in the RFA what people wouldn't be able to do. Much like us, as Commissioners, we agreed that, as Commissioners -- or by becoming Commissioners, we gave up our right to run for elected office for the
next decade. I still keep asking myself, why did I do that.

In terms of the RFA, we can spell out the criteria, and some of these concerns, and then when people apply, that might eliminate a group that has a desire to lobby us in a particular way. But that would be a way that we could put that front and center, and have that be a part of the application process until considerations are set in terms of who actually ends up getting awarded.

COMMISSIONER AKUTAGAWA: And if I could also add; so Commissioner Kennedy, I do want to just acknowledge that that was something, the ease of -- or the accessibility of smaller groups, and some of the groups that normally don't get access to this. That was a big concern of Commissioner Le Mons. I share that as well, too, but he was quite adamant, and wanted to make sure that we would not inadvertently eliminate some of those groups if we went to a larger entity.

I think what helped was when Deputy Director Hernandez and Ms. Kaplan both said we can write into the RFA the requirement that any third-party entity would need to be able to reach those specific kinds of organizations, so that then the concerns that we had would be addressed in those ways, because that was certainly a very prominent concern that we had. So that
is at least one intent.

The other intent that we thought we could do, too, is, once we do take action and start along the -- once the RFA becomes public, what we can also do is to start letting community-based organizations -- and I think we could do this through our zones -- start letting community-based organizations know that this is going to be coming, and if they want to apply, that they should be looking out for when the grant applications from the third party are going to come out. That's one of the other ways that we were thinking that we could ensure that even some of the smaller organizations would be given that opportunity.

One of the other things that I would say is -- one consideration we talked about is to give priority to certain kinds of organizations, so that we can make sure that those ones reaching the hard-to-reach communities will be considered. The other thing that I want to mention in terms of your question -- I'm sorry. I'm totally, like, blanking on your second question.

COMMISSIONER KENNEDY: Conflicts of interest.

COMMISSIONER AKUTAGAWA: Oh, yes. Okay. I remember now. It was the Black Census and Redistricting Hub that brought up the point that you mentioned, because that was what was in my mind when I was thinking about the
conflicts of interest, and I remembered one of the things that they said is -- their recommendation to us was that we do go third party because they said it would be a little awkward if they're lobbying us for the kind of things -- the district lines, and just really communities of interest, and at the same time, they're looking for money from us as well, too, if we're giving out the grants directly. So that was definitely something that we were also considering as well, too.

CHAIR TAYLOR: Commissioner Fernandez, I have you in the queue, but I want to see if Director Ceja wanted to speak directly to what Ms. Kaplan had to say.

MR. CEJA: Thank you so much. I had to log out and log in.

I think Commissioner Le Mons hit it on the head. He captured everything I wanted to say. Just that, as Commissioners or as a body, you will not be losing control over the guidelines for the grants if you do it externally versus internally. And so the RFA then becomes so important because you'll be able to dictate the parameters for those grants, and make sure that those dollars go to those smaller organizations that are hard to reach.

CHAIR TAYLOR: Thank you, Commissioner -- oh, I'm sorry.
COMMISSIONER AKUTAGAWA: You have a lot of hands up.

CHAIR TAYLOR: Yes, trying to get there. Did you have a response, Commissioner Akutagawa?

(No response.)

CHAIR TAYLOR: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Okay. Yes. Thank you very much for all the work that you put into it, and I guess it's obvious to me which option you would recommend, and unfortunately, it's opposite the option I wanted, but I understand how going with one does make sense. But I also don't understand -- or I don't feel comforted by, someone telling me that I don't lose my control over how the grants will be awarded. Because, once the award is made to the third party, I mean, how are we going to ensure that then they are making -- that their process is objective and fair, and not conflict.

I mean, I was sitting back going, well, there could be like a hybrid to this, where you have one third party that you give all the money to, but then also have one of our staff members involved in the process, so that they can ensure that it is a wide-reaching process, because, again, my fear is that those that aren't in the coalition, or whatever we want to call it, may be overlooked and not know about it.

So I think that was just my biggest concern, is I...
really do want to make sure it gets out to as many as possible -- or at least as many as possible community organizations -- big or small -- find out about this, and do really have an equal chance or access to being awarded a grant. So that was it. Thank you.

COMMISSIONER AKUTAGAWA: Could we have, maybe, Ms. Kaplan or Deputy Director Hernandez speak about that? Because, Commissioner Fernandez, that was very much a concern that both Commissioner Le Mons and I had.

COMMISSIONER LE MONS: Yes. Before Ms. Kaplan speaks, I just want to say, in every -- and that concern remains, Commissioner Fernandez, and that was at the forefront of every meeting, for me, that we were in, and we had multiple meetings.

I do feel like the two -- Mr. Ceja's position is we do have quite a bit of -- well, we have the ability to set the parameters, and to set the expectations, and to enforce. We do have that ability. Now, whether or not the third-party breaches is a different story, right? So we wouldn't have -- that's where we lose control, if someone doesn't act in good faith and doesn't do the right thing, right?

But in terms of establishing a process and establishing the criteria, like, we will determine that, and we will outline that in the RFA, and then anyone who
is applying to be the recipient of the resources to
distribute on our behalf -- or on behalf of the
Commission -- the way we choose them is by them
demonstrating, as they would in any of the other people
that we're hiring, through an RFA or an RFP process, to
be able to actually deliver on.

So I would imagine that we would want them to
demonstrate, how would they reach these communities that
are hard to reach? Like, how will they get the word out
to them? How will that happen? So they have to have
some kind of a marketing or outreach plan as a part of
their response, and then, in our reviewing it, we may
feel like this organization is well intended, but wholly
inadequate in really doing what we want them to do. I
think from that perspective is to the degree that we
have -- for lack of a better term -- control over what
ends up happening.

Ms. Kaplan.

COMMISSIONER FERNANDEZ: I'm just going to say
you're much more trusting than me, Commissioner Le Mons.
It must be my background.

COMMISSIONER AKUTAGAWA: I would also say, given our
very, very public kind of meetings and our discussions
that we would have if there was a breach of what our
expectations are, I don't think that an entity of the
size that would most likely apply for this kind of grant would want that kind of danger to their public reputation, and I think that they would -- as best as they can -- honor what we're trying to do. And I think that's really part of our leverage that we'll have in terms of ensuring what we would like to see happen.

Ms. Kaplan or Deputy Director Hernandez?

MS. KAPLAN: Yes. And just echoing the methodology, including that in our (indiscernible).

COMMISSIONER AKUTAGAWA: Ms. Kaplan, your Internet is spotty. We can't hear you.

MS. KAPLAN: Can you hear me okay now? Okay. Now can you hear me? Okay.

Just echoing that methodology, but then also ensuring that we integrate the right amount of oversight into the RFA and the grant agreement, so that it's not like we're giving (indiscernible), talk to them until it's all done, setting up that process along the way. Is my Internet out again? Sorry. Setting up that process along the way that as they go through those steps, there's a check in with staff or potential, like, ongoing reporting.

So there's flexibility in how we want to look at that, and while also weighing that it's not overly burdensome, but to the degree in which we still have that
type of control of -- not necessarily control, but continuing --

COMMISSIONER LE MONS: Oversight.

MS. KAPLAN: -- to maintain oversight through that process, and it also allows for an opportunity for Commissioners to have updates along the way on the work that they're doing, and the partners on the ground as well.

CHAIR TAYLOR: Deputy Executive Director Hernandez, did you have something to add as a reply?

DEPUTY DIRECTOR HERNANDEZ: No, Marcy covered it all. Thank you.

CHAIR TAYLOR: Commissioner Sadhwani, then Commissioner Fornaciari, then Commissioner Turner.

COMMISSIONER SADHWANI: Thank you, and thank you so much to the subcommittee for all of your work on this, and for continuing to advance it.

You know, I think I've said before, and I'll reiterate again, that I'd prefer the third-party option, and of course, as laid out by this discussion setting those parameters in the RFA. My greatest concern has to do with process. As we heard this morning during our VRA training, process is what is considered by the courts if and when our maps are challenged. If we were to regrant these ourselves, we undoubtedly will have to deny some
grants. We have a finite amount of resources here. What message does it send when we deny those grants?

So at a certain point, when we reach our limit and have no more money to give, what does that then say to those communities who do not receive such a grant? I fear that it leaves open the door for litigation that we don't need. It could be fine. You know, potentially, it could be within the mission of our Commission to become a granting organization. Certainly community outreach is a part of our mission, but the law never says anything about us actually giving out those funds ourselves, or making determinations about which communities are worthy or deserving of those funds and which are not.

So I'm extraordinarily cautious in that regard. I think it could be challenged in the long run, once we have maps completed, and I'm just not sure that I want us to be the Commission to have to test that. I feel like this is a little bit of mission creep for us, moving into a new territory.

To me personally, I do not want oversight once we find a third-party organization. I would say let's set the parameters in the RFA, send the money off, and trust that we are selecting a regranting organization that will do excellent outreach and regranting with these funds. So that continues to be my position.
COMMISSIONER LE MONS: I have a response to that.

It's interesting because as I hear that, I think I understand the separation, but I think -- even as I heard you articulate those points -- I think we're going to be subject to it, either option. Maybe less so with one, but I think the case can be made because, number one, we're the first ones to do this, right?

So I just want to -- I'm kind of checking in with you on this, Commissioner Sadhwani, because I think that it's presented, potentially, as an argument for going for the third-party option, but at the same time, when I hear that, I go, I don't think just going third party, necessarily, is a full remedy, based upon what you laid out.

I'm not saying I'm in disagreement with you at all, because I am not, but I think it raises the bigger question that I don't think we've raised, is whether we should be doing it at all. And so in hearing you just now, I mean, everything we've talked about up until this moment has the presupposition that this is something we should do, and having just listened very open to what you just said, I go, well, this begs a different question. Now, I have a position on what I think -- how I feel about that question, but I think it's certainly a question worth begging to all of us.
COMMISSIONER SADHWANI: I agree with you on that, Commissioner Le Mons, and I invite the Commission to think about that. And that being said, I certainly support the community groups having access to funds, in general. I am concerned about the optics of what it means for the Commission to be giving those funds, and I agree.

CHAIR TAYLOR: Then we have Commissioner Fornaciari, Commissioner Turner, and then Chief Counsel Marshall.

COMMISSIONER FORNACIARI: Wow. That was a great conversation, excellent points that were brought up. I just want to take a second to thank the committee for the work they did on this, really thoughtful work, and especially the way that you presented it back to us, in a format that was just easy to read through and kind of get all of the highlighted points. So thank you for your hard work, and for the staff and their hard work.

CHAIR TAYLOR: Commissioner Turner.

COMMISSIONER TURNER: Yes. I wanted to just kind of ask a question and respond. I know for sure -- and if this isn't this part of the conversation, I've brought this same question up, I think, before, and for me, we have to include this in the conversation.

The last point, whether we should be doing it at all, is one that sticks with me, but prior to that, we've
talked about, of course, wanting a wide reach. We want to make sure that we are both working with coalitions that, I think, are coalitions based on their success level. We know that any time there is outreach to a community, that there are varied levels of effectiveness of the actual work, depending on what the outreach is.

We have statistics that tell us, if someone is touched directly through a conversation, that there may be up to a sixty-five percent actual response rate, as opposed to just dropping a flier, a leaflet, or something else, where it may only be a fifteen, twenty percent response rate, and beyond wanting it to be broad and inclusive of everyone, I think we want it also to be effective.

Having said that, we have to, at some point, determine, what are the deliverables? What are we asking people to do, to even know if what we're asking them to do -- individuals can be effective, not just receive the grant? There are tons of great folk out there, people that don't get an opportunity to be a part of coalitions, people that are, et cetera, but until we name what we're expecting the community partners to do, I think that we'll create something that we will not be able, necessarily, to track, or we've not necessarily built in a process to hold to whatever our expectations are.
So each time, I've asked, what will be the deliverables? What is the expectation? It was mentioned on this call, we should start now going to the community partners, and start saying, we may have money available that's coming up, start thinking about it. In the time I've broached that, it was like the answers that I knew would come, great, what's the deliverables? What is the expectation? What does success look like? And I've not heard us name that just yet.

COMMISSIONER LE MONS: So Commissioner Turner, we did talk about that. We talked about it in a couple different ways, and did not include that in the process, because we didn't want to get -- we didn't include it in this because we didn't want to get in front of the outreach strategy, which is forthcoming, but those deliverables would be pulled directly from the Commission approved outreach strategies, which have deliverables that community will be delivering upon, and these resources would be designed to support those deliverables.

So I mean, I could give some examples, but again, that's being designed with the overall outreach strategy. So if you think about it in terms of -- the outreach strategy will have the kind of detail that you're referencing, and then these resources would support those
outcomes that we're looking for from our outreach strategy that the community would be delivering for us -- or supporting us in delivering as well, because I think it isn't just one or the other.

In some cases, it's an augmentation of a deliverable. It may be a deeper penetration of a particular deliverable. We've talked about even some of the overlap with the language access subcommittee, and the interpretation versus translation. Like, if one of the deliverables is translating into some of those languages, we know we won't be choosing to do as a broad Commission, but there's a small community somewhere who needs that kind of support, and needs the resource to do it, that would be an example as well. So I think the clue or the answers to your question really lie in the outreach plan.

COMMISSIONER TURNER: Thank you, and I want to follow up with that. I appreciate that. I think, though, for us to continue -- because it's closely related. In my mind, it's extremely closely related, and even if a deliverable -- thank you for giving the example as one of being providing interpretation services that a lot of us -- the list that we're going to go with or what have you -- and then what? Is it that now we've done the interpretation, and we're just expecting fliers to be
passed out?

All of that makes a difference even in our third party -- the person that's going to hold it -- as far as how much we (indiscernible) and how much administration, how much follow up confirming -- because, when you're giving out grant money, you're also following up -- there's some evidence of, did you do what you say you're going to do?

I don't have the same distrust of whatever third party vendor we use. I think they do what they do because they desire to ensure that there is fairness in the process. I just think that if, as we're building it, we don't have a fence of knowing, is it just a matter of asking people to dial into our hearings X number of times, X number of meetings on their own, just passing out fliers, putting the information on a grocery bag? All of that looks like different sort of activity that has to be tracked, and it makes the difference in whether or not the saturation rate and the response rate is going to be back to our mission goals that we made, or if, indeed, it needs to be even broader, because what we are asking people to deliver won't get us the goals that we're asking for.

COMMISSIONER LE MONS: I understand.

CHAIR TAYLOR: I have Chief Counsel Marshall,
Commissioner Andersen, and then Commissioner Toledo.

MS. MARSHALL: Good afternoon, everybody. This is a quick comment in regards to Commissioner Le Mons' comment to Commissioner Sadhwani. He's definitely on point in regards to the Commission's liability. Whether we choose option 1 or 2, the Commission is not free of liability when it comes to anything that goes awry.

In addition, in regards to the intent of the Commission, I'm listening to the conversation going back and forth in regards to the Commission's involvement. Whether it's a contract, a grant, or whatever type of agreement that we have with a third party, ultimately, it's up to you all to make the decision how much you want to be involved. You set the parameters. You set the oversight.

So it's not an issue of we're just dumping this off to a third party, and we just walk away. If I'm correct -- I'm sorry -- if I'm incorrect about what I'm saying, then if Ms. Kaplan or Deputy Director Hernandez can help out with that, but I'm assuming -- and I'm sure that there's going to be some significant involvement and significant oversight, and that's it.

CHAIR TAYLOR: Commissioner Andersen.

COMMISSIONER ANDERSEN: Thank you. I sort of waited until the end here because, sure enough, most people said
many of the things I was going to say, like Mr. Fornaciari, how he said, I really -- the whole presentation has been put together very well. It's very well organized, and I was hoping that Commissioner Turner would bring up deliverables. Thank you very much. And the liability is an issue, also.

I'm coming around to the deliverables and the, when we want what. And from Commissioner Le Mons, I'm -- and please correct me on this if that's not what you were saying -- but I'm sort of interpreting this as that specific part basically dovetails with the outreach plan, and it's kind of like we can't actually, essentially, flesh out that the RFA is -- the scope of the RFA -- particularly of the RFA -- until the outreach plan is put together.

COMMISSIONER LE MONS: Right, and that's forthcoming. There is a presentation on the outreach plan that's forthcoming, I believe, in this meeting.

In our conversations with staff, including Deputy Executive Hernandez, the expectation was, if we went that route -- the RFA route -- that a draft would be -- this period between this meeting and the subsequent meeting, from a process point of view, that draft would be put together, so that that kind of detail that you're looking for would be there. So we kept our focus on the grant
process, as opposed to the content, knowing that the
content, no matter which option we went with, would be
driven by the outreach plan.

COMMISSIONER ANDERSEN:  Great. Thank you. And on
that, as I see this, that's going to be a very tough RFA
to write, because it depends on what timing all this
fits. You know, is this time when we're looking around
for our communities of interest's, really, participation?
Does this hit -- and when -- how long does it take from
the time we say, here is our proposal, here it is, until
it actually gets posted? And that is a contract
question, because, you know, we've all been,
unfortunately, all too -- it's really involved with
getting -- we think it's done, and it still hasn't gone
all the way through legal, and all the way through DSA,
and all the way until it's actually posted, and people
can start bidding on it.

That time frame is what I'm very concerned about
here, in terms of, by the time we get that done, where
are we really going to be because, again, as to the line
drawing, we proposed all sorts of schedules, and they
keep on getting a little shifted back, a little shifted
back, and so I'm concerned about that RFA in terms of, it
really depends on when -- in the whole process of all
this -- that we'll be able to actually get a proposal and
hence, money to the -- or the people will get contracts, and then be able to actually start working on deliverables.

So can you talk -- I think Commissioner -- not Commissioner -- Director Hernandez, I believe, has probably working the closest on this, but I don't know in terms of if he's had to go over the actual contract details and time frame of that. So I don't want to be a wet blanket, but I'm very concerned about putting those altogether, because it's something that we've talked about for a long time, we all have great intentions on. We've done a lot and lot and lot of work. I'm just sort of -- there are so many pieces involved. I'd like to kind of have a realistic look at our timing on everything, so if we can get that.

DEPUTY DIRECTOR HERNANDEZ: If I may, Chair, respond to that?

We have been working on the timeline, and you have a copy of that. We're starting with a template from another agency's RFA, similar to what we've done. In our research, we found a number of different agencies that issued grants, and so we're going to piggyback off of what they've done, and format them like that.

As far as the criteria, that is something that we have in our goals. Goals 2 and 3 really identify the
criteria that we want these grantees to follow. So in that sense, we have some of that information there, ready to go. We're hoping to have the terms and conditions follow the contracting guidelines, similar to our other contracts, and we will be working with legal. We've already reached out to other agencies that will be involved, whether it's DGS or state comptrollers, just to let them know this is what we're working on, to help the process along.

So we're trying to do as much due diligence ahead of time, but it is contingent on a decision being made on which route we go. I mean, the RFA will be one part of it. We'll get that going. But we need to know, is it going to be, one, a third party, or is it going to be in house? And that's really -- we didn't want to get ahead of ourselves, to be honest with you. We did a number of times, and we had to come back and say, are we going this route or that route? So many of those conversations have been had.

CHAIR TAYLOR: Commissioner Toledo, and Commissioner Yee.

VICE CHAIR TOLEDO: My question was similar to Commissioner Andersen, about clarity around the time frame, and whether -- because I see the next step is for the Commission to vote on the structure, which would be
on the February 8th and 9th meeting. I think this
meeting we'd be voting on the outreach plan. But at some
point, we need to bring the RFA to the public and get
public input, and it's a tight time frame, is what I'm
thinking.

So I'm just -- I mean, I -- and if we go one route,
it's a very -- the two RFAs will be very, very different,
depending on what route we take. And so I know it's --
we have two very difficult decisions, I think, but we
need one -- we need the decision on the structure before
we can go on to the substance of that RFA and have the
staff work on that RFA.

So I'm just wondering if the February 8th -- voting
on the structure on February 8th pushes out our ability
to work on the RFA, and I just wonder if that's --

COMMISSIONER LE MONS: May I speak to that, Chair?
CHAIR TAYLOR: Yes. Thank you.
COMMISSIONER LE MONS: So no, it doesn't, and we've
tried to be very strategic. So when we met, we didn't
just meet about all the content that we provided today in
the form a table, but we also talked a lot about
processes and timelines and feasibility, and part of our
motivation for coming with what we hope to -- and it
sounds like -- and we thank you for the positive feedback
that we've gotten on the presentation.
That was our goal, is, being fellow Commissioners, we know what we want, and so we said, we've got to be succinct and clear. We don't have a lot of time. And so we had to anticipate what our fellow Commissioners need to see in order to feel comfortable making a decision, and so that is what informed how we approached the layout of what we presented today.

The second thing we considered was this ticking clock, and we knew that it was a very short time line. And so we came to this being strategic, in that we wanted to make sure we respect Bagley Keene, we wanted to make sure we respect the public's ability to give input, and we intentionally did not come today to ask for a vote, and we pro and conned that, and we decided that we wouldn't ask for a vote today, but we would start to set some things in motion. Depending on which way we went, we'd be ready come the 8th.

So the behind-the-scenes preparation for whichever one of those structures is already -- the ingredients are being laid out, so to speak, so that whatever decision we make, the trigger can be pulled, and we're not waiting until that decision, until the next step. So we really tried to be really thoughtful with the support of staff, and even if you recollect Executive Director Claypool's report earlier on the budget, you'll see that there's
some foreshadowing with future groups that need to look at certain things, that this could be coming down the pike. So there is sort of the foundational groundwork being laid, so that it wouldn't be sequential, per se. Hopefully, that answers your question and concern there around timelines. So it doesn't change the fact that it is a tight timeline. That is real, and what it just simply says is we recognized that in the meetings that we've been having over the last couple weeks, and really tried to roll this out in a way that respected that ticking clock and would give us the opportunity to keep things moving.

COMMISSIONER AKUTAGAWA: If I could also quickly just add one more thing in terms of the timeline? I want to say my experience with certain kinds of grant type of opportunities -- I would even say with this whole COVID vaccine kind of appointment system, what we're being told is -- or what I've seen with, like, some of the COVID relief funds is, get signed up. When it opens, you'll be informed.

So I think our perspective also is, we know that there's going to be all these things that we're going to be needing to do, but we want to just start getting the word out so people are aware, so that they could be looking out for it. The detail is to come, but it's kind
of like when you put out a save the date, so people just kind of have it in their mind, and then they could be looking out for it. And I think that's what we're also trying to simultaneously do, and have all these different parts moving along.

I think what I'll also do is maybe ask Deputy Director Hernandez to also perhaps chime in on what you just asked Commissioner Toledo, because he's been really helpful to us in terms of understanding just kind of the pace at which it is going to be possible, and he and Marcy are the ones that I think we're looking at both best case and also being realistic about timeline as well, too.

CHAIR TAYLOR: Go ahead, Deputy.

DEPUTY DIRECTOR HERNANDEZ: Thank you. So in that regard, we are working behind the scenes on drafting that RFA that I mentioned a minute ago, and we have Plan A, and we have a Plan B. Plan A is a very aggressive plan. Should we need more time -- the Commission need more time to evaluate, review, we'll allocate the necessary time for that. We want to make sure we get it right, not that we do it fast.

So in that sense, we're trying to make sure that we have all the elements ready at the next meeting. We're hoping to have something for you to review, whether it's
a skeleton of an RFA or the actual first draft of the RFA. Either way, it's something for you to take a look at, something tangible, that we can then post for others to take a look at as well and provide public comment.

VICE CHAIR TOLEDO: A quick follow-up. Can I ask a follow up question on that?

CHAIR TAYLOR: Go ahead. Go ahead.

VICE CHAIR TOLEDO: Are you preparing a draft RFA, or a skeleton RFA, as you called it, for both the plan option 1 and option 2, or just one that -- because the two are so different. I'm just -- the scope of work is so different, I'm just curious as to whether your --

DEPUTY DIRECTOR HERNANDEZ: Yes. So to answer your question, yes, we are preparing the RFA. A lot of the elements, regardless of which route we go, will be the same. The criteria that we're looking for, the time frames that we're looking at, all that information will be very similar whether it's a third party or we do it in house.

Now, there might be some differences with the in house on the timing of it, because we'll need to extend the time frame for that, but we'll make those considerations at the time when the Commission decides whether we go third party or in house. But again, the majority of the content will be similar in format, so it
shouldn't delay it whether we go one way or the other.

CHAIR TAYLOR: I have you, Commissioners Yee, Sinay, and Andersen, but we have a decision to make. We're right at our mandatory break. It looks like there's still some life in this conversation, with Commissioners Yee, Sinay, and Andersen wanting to make a comment, but we need to take that break, or we have to be allowed by staff to go beyond that.

So Kristian, do you guys need a break? It looks like we're going to need to come back for about 15, 30 more minutes.

MR. MANOFF: That's fine, Chair. Yes, that's fine.

CHAIR TAYLOR: Okay. So we're going to be able to continue, and we're also going to have to allow for public comment.

Commissioner Yee, Commissioner Sinay, Commissioner Andersen.

COMMISSIONER YEE: Thank you, Chair.

COMMISSIONER LE MONS: I think counsel is trying to say something. I'm sorry, Commissioner Yee.

COMMISSIONER YEE: Go ahead.

COMMISSIONER LE MONS: I think counsel might be trying to chime in on a process issue.

COMMISSIONER YEE: Sure, sure.

MS. MARSHALL: Thank you, Commissioner Le Mons.
Actually, I have to leave at 4:30, and so I don't know if that assists with making a decision on whether or not you guys want to continue, but if you do decide to continue, any questions that you may have I can address tomorrow.

CHAIR TAYLOR: It's a great question. Out of process, are we obligated to conclude a meeting without our counsel present? Do we have to conclude? Can we go forward?

MS. MARSHALL: We still have Ms. Johnston, but ultimately, it's a prerogative. It's not a requirement. But Ms. Johnston is available. However, there are some issues that I actually want to make sure I chime in on.

CHAIR TAYLOR: Would you be able to address those issues tomorrow? Because I think this still would be related to Deputy Executive Director Hernandez' report.

MS. MARSHALL: Yes, tomorrow.

CHAIR TAYLOR: Okay. Then I think that we should continue, for the sake of continuity.

MS. MARSHALL: All right. Thank you.

CHAIR TAYLOR: Commissioner Yee.

COMMISSIONER YEE: Thank you. Just to weigh in quickly. So in the decision between in house and third party, I keep thinking of the experience that we learned that the censuses had with third party work, and this is
the first time I've had an inside baseball look at the census, and I was just stunned by how much they depended on outside contractors and regranting organizations.

Also, just pleased by how well that seemed to go, and as we've made contact with various regional groups and nonprofits, wow, it's been heartwarming to me to meet up with and hear from just wonderful people and organizations so fully and positively motivated to advance all the same things we care about.

So I'm very optimistic if we do go with the third-party route. I'm very optimistic that that will go well. I also think it does insulate us, hopefully, from a certain level of decision making, back and forth. I mean, ultimately, yes, we are absolutely responsible for everything that happens, whether we do it directly or through a third party, but I think having a third party in that loop does serve us well. I also can easily imagine, if we go in house, the additional overhead and effort that will lead us to, that will not serve us well. So for those reasons, I am certainly leaning towards third party.

CHAIR TAYLOR: Commissioner Sinay.

COMMISSIONER SINAY: Sorry. I couldn't find my mouse. Thank you. Just a couple of things. As you all know, these are my colleagues who will probably be the
third party. I've worked in the grant making world for
twenty-five plus years, and I think they will -- the
outreach committee, back in December, talked to a lot of
the potential third parties, and it will take them some
time, but they have those relationships. It depends on
which one of the groups we go with, and the census and
the fires and COVID have all given a lot of the local
organizations experience on doing regranting.

So I think, if we go the route of going to a third
party, that's the type of experience we're going to be
wanting to look at is, have you regranted quickly based
on the fires, COVID, and the census? And if we did it
ourselves, then the criteria would be a different one.

I did want to say, one of the thoughts is, the
small -- there's always going to be a group or something
we do where, all of a sudden, we need an interpreter, or
we need a group to do something, and so I would encourage
us to think about, when you're looking at the regranting
budget, to pull out -- make a recommendation to pull out
a couple hundred thousand so that we can make grants or
that we can -- they're not called grants -- I forgot what
the under 10,000 ones were -- but looking at it as an
opportunity to help support -- if we keep that commitment
that all organizations that help us, we'll pay them the
cost of doing the work.
I do think that one of the other pieces we might want to put in the RFA is for them to share with us how they may be able to leverage the funding. I know, in the conversations, several of the groups said, oh, we could easily leverage this money, and get additional money from the community, but you know, two million dollars is not -- not two million -- one million isn't going to go very far. Two million is not going to go very far, in the state of California for outreach -- especially when you look at what the census did -- but a lot of entities, if we go third party, could leverage additional funds.

But I agree with Commissioner Yee. I have no qualms with the groups that we would probably partner with. They are going to do -- they're going to go above and beyond what our expectations are, and so I think we can have confidence in that. Thank you for all your hard work.

CHAIR TAYLOR: Commissioner Andersen.

COMMISSIONER ANDERSEN: In what I said before, I totally missed over a very important part. Commissioner Sadhwani, again very eloquently, as she usually does, brought the issue to a full light shining on it, the liability. This is a big issue, and yes, I would so there's a great need for it. Thank God for the crew who did it for the 2010. I really wish this was someone
else doing it, and not us, because I would hate to get to the point where we've done all the work, we've done our maps, and then someone says, yeah, but you know what, look at the way they did that money, and it was all tainted, it only went one way, and throw it all out.

I would really be anxious to hear what Chief Counsel Marshall has to say about this, because third party certainly is a different liability, and then that all depends on how that RFA is written, and it's a very deep concern, and I don't think we should just discount it. I know we'd like to have -- and I'm trying to think. Is there another way we could do this?

It's kind of the same with the COI tool, which is very important and going to make our lives so much easier, but think of the liability that would be if we were having to develop that tool, versus the legislature is having the Statewide Database develop that tool. I certainly wish there was another way that this grant could be done not by us, and I don't know if that's been considered and kicked around. I know all this work has been happening, and I think we could do this. I'm just very concerned about that liability. So I wanted to bring that up.

CHAIR TAYLOR: Thank you, Commissioner Andersen.

Any other Commissioners with a question or
statement? All right. Seeing none, it's my suggestion, then, that we take public -- before we go there, so Commissioner Akutagawa and Commissioner Le Mons, am I to understand that you want us to take this information, process it, and be prepared to make a vote or to have an action item at our next meeting on the 8th?

COMMISSIONER AKUTAGAWA: Yes.

COMMISSIONER LE MONS: It would be -- yes. That would be our official move. I'd like us -- we could either do it before or after public comment, but I would like us to do a little -- where people are kind of leaning --

CHAIR TAYLOR: Okay.

COMMISSIONER LE MONS: -- and we'll tell you our recommendation, too.

CHAIR TAYLOR: That's what I -- so then since it is your baby, you want to take public comment before your recommendation, and before we feel the temperature of the room, or do you want to give that to us now?

COMMISSIONER LE MONS: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: I'm fine either way. I think one of the Commissioners has already commented that they think they already know where we're leaning.

COMMISSIONER LE MONS: Let's hear from the public. Let's hear from the public.
CHAIR TAYLOR: Thank you. Thank you.

Jesse, if you can invite in the public regarding Agenda Item 9-J.

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

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

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

The Commission is taking public comment on Item 9-J at this time.

CHAIR TAYLOR: Thank you, Jesse. If we get a caller, please invite them in, and we'll be asking your services shortly one more time, for general comment.

(Pause.)

COMMISSIONER SADHWANI: I thought the phones were going to be ringing off the phone on this one, but I guess we can do whatever we want.

CHAIR TAYLOR: Commissioner Sadhwani, I didn't want to, but I expected -- I didn't want to feel like we couldn't keep our commitment to staff, but I had anticipated a few. But our timer is not up yet.

COMMISSIONER YEE: They're cooking dinner.

COMMISSIONER AKUTAGAWA: Chair Taylor I'm expecting that we're probably going to get some comments in the interim between this meeting and the next meeting, and that is something that Commissioner Le Mons and I had anticipated, and that's why we went with this particular cadence, so that we would also allow community members to also comment and weigh in on what we're proposing -- or
what we've presented because we figured that it was going
to be of great interest to a lot of people.

CHAIR TAYLOR: Commissioner Akutagawa, I think that
this is a proper cadence. I would be all for this format
again. It gives people an opportunity to digest that
information and to come back, and I also think they'll be
able to address it during Deputy Executive Director
Hernandez’ report as well. So there's a few touchpoints
that they can address this issue, and so we can get a
robust response.

So for the moment, seeing no one in the queue, we
can sort of move towards your recommendation and a straw
poll.

COMMISSIONER LE MONS: Awesome. Well, we're
recommending a third-party approach. I was slow to adopt
to that model. I was very adamant about an in-house
approach from the very beginning, and I had a ton of
questions, of course, in the first -- probably too much,
to Ms. Kaplan's chagrin -- but they were patient with me,
and very, very responsive. Both Ms. Kaplan and Deputy
Executive Director Hernandez were awesome in our
meetings, and in their thoroughness, and really wanting
to understand our concerns, and really get us the
information that we felt we needed. So again, I can't
speak highly enough of the process itself.
So after looking at everything, Commissioner Akutagawa and myself felt like the third party -- also took into consideration many of the things that we had heard from many of you. So it wasn't that the subcommittee felt it was our decision, but we really wanted to make sure that we were not just looking at the information provided to us, but thinking about what we've heard, et cetera, and taking all that together, we were prepared to recommend that we go with the third-party option.

Commissioner Akutagawa, I don't know if you'd like to add anything.

COMMISSIONER AKUTAGAWA: I just want to say this was actually really a quite enjoyable process. I think one of the things that Commissioner Le Mons did is really challenged all of us to think really differently about it, and I would say, not unlike what Commissioner Sadhwani just did, in terms of what she said about kind of the liabilities. I think this is what makes these conversations so interesting, and really exploring both options.

So I also want to note that, once Commissioner Le Mons made a decision that the third-party option would be the way to go, he was all in, and the questions that he asked were quite pointed in terms of ensuring that we
had -- in being able to communicate that we had clearly thought through all of the details.

I also want to just say that I think Deputy Director Hernandez and Ms. Kaplan -- I do want to say that I think, at one point, they probably were ready to kill us, only because there were times when we just said, do you think you could have information for us by tomorrow? We were like, you know, we really want this for next week, so how quickly can you turn this around?

So I just wanted to say that they were really great in terms of answering all of the things that we had asked about, the what ifs. We asked a lot of what if questions, and they went and researched everything to anticipate these questions that you also had as well, too. So we just wanted to make sure that, when we were able to answer, we would be able to do so as thoroughly as we could.

CHAIR TAYLOR: Thank you. Thank you for your thoroughness.

We do have one caller. Jesse, can you invite our caller in, before we move to our informal poll.

PUBLIC COMMENT MODERATOR: Caller, if you could please press star -- good afternoon, caller. If you would like to share your name, please state and spell it.

MS. WESTA-LUSK: Renee Westa Lusk, R E N E E, W E S
TA, there's a hyphen, and then it's L U S K. I just have one question regarding the grant funds. Will they be distributed throughout all different types of communities, or will it just all be urban areas?

CHAIR TAYLOR: I think we're getting -- they will be distributed throughout.

COMMISSIONER AKUTAGAWA: Yes.

CHAIR TAYLOR: It would be not limited to just one community or area. Our thought is to service all of California.

MS. WESTA-LUSK: Okay.

CHAIR TAYLOR: Thank you.

MS. WESTA-LUSK: Thank you.

CHAIR TAYLOR: Thank you.

All right. So say, Commissioners, maybe with a thumbs-up or a head nod, who is in favor of in-house administration of a grant process? A lot of excitement about an in-house process.

All right. Commissioners, with a thumb raise or a head nod, who would be in favor of a third-party administration of a grant process? So we sort of see our leanings, and where our deliberations might be over the coming weeks, based on the materials we have, and we're still open to input from public comment and from the community.
With that said, we'll move towards recess.

Jesse, if you can read general comments for
public comment for general items.

PUBLIC COMMENT MODERATOR: In order to maximize
transparency and public participation in our process, the
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when it is your turn to speak, and again, please turn
down the livestream volume. These instructions are also
located on the website.

The Commission is taking opening public comment at
this time.

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

(Pause)

All right, Jesse, it looks like we have a caller.

Can you invite them in, please?

MS. HUTCHISON: Hi. This is Helen Hutchison, H E L
E N, H U T C H I S O N, with the League of Women Voters
of California, and I just had a really quick comment.

I just wanted to make sure that, if you're going to
act on this at the February 8 meeting, on your grant
program, that the RFP is posted for -- I would hope it's
a week before that, so that we all have time to review it
and give you substantive comment. Thanks very much.

CHAIR TAYLOR: Thank you.

All right. Another minute or so to give everyone an
opportunity to call in.

(Pause.)

Commissioner Sinay.

COMMISSIONER SINAY: I just wanted to let you all
know that Dr. Shirley Weber has been confirmed as
SECRETARY OF STATE.

CHAIR TAYLOR: Thank you.

All right. Seeing no one else is in the queue, and no other Commissioners' comments, from a very cool and brisk Southern California, I'll see you guys tomorrow at 9:30, January 27th, where we will resume our meeting. You guys have a good evening.

(Whereupon the CRC Business meeting adjourned at 5:44 p.m.)
CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.

____________________________    June 16, 2022
SUSAN PATTERSON, CDLT-174   DATE