STATE OF CALIFORNIA

CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

WEDNESDAY, JUNE 1, 2022

9:30 a.m.

Reported by:

Peter Petty
APPEARANCES

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

STAFF
Alvaro E. Hernandez, Executive Director
Ravindar Singh, Administrative Assistant
Anthony Pane, Chief Counsel

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator

Also Present

PUBLIC COMMENT
Helen Hutchison, League of Women Voters
Kristin Nimmers, California Black Power Network
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June 1, 2022

CHAIR TOLEDO: Welcome to the California Citizens Redistricting Commission. We're here for a business meeting. Hope you had a great Memorial Day holiday.

With that, let's start with roll call.

Ravi?

MR. SINGH: Okay, Chair Toledo.

Commissioner Turner?

VICE CHAIR TURNER: Here.

MR. SINGH: Commissioner Vazquez?

COMMISSIONER VAZQUEZ: Here.

MR. SINGH: Commissioner Yee?

COMMISSIONER YEE: Here.

MR. SINGH: Commissioner Ahmad?

COMMISSIONER AHMAD: Here.

MR. SINGH: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Here.

MR. SINGH: Commissioner Andersen?

COMMISSIONER ANDERSEN: Here.

MR. SINGH: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Presente.

MR. SINGH: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Here.

MR. SINGH: Commissioner Kennedy?
COMMISSIONER KENNEDY: Here.

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

COMMISSIONER SINAY: Aqui.

MR. SINGH: Commissioner Taylor?

COMMISSIONER TAYLOR: Here.

MR. SINGH: Commissioner Toledo?

CHAIR TOLEDO: Here.

MR. SINGH: Roll call is complete, Chair. You have a quorum.

CHAIR TOLEDO: Thank you, Ravi.

So in terms of our run of show today, we're going to start with staff updates, then move into subcommittee updates. We should finish -- we'll break at 11:00 actually. We'll break at 11:00, go into closed session, come back. And if we have continuing business from our subcommittee, we will continue that through lunch. And then if we need to, we'll reconvene after lunch and work until about 3:30 and take public comment at the end of the meeting. At this point, about 3:30, 4:30, unless we finish earlier, which, of course, would be lovely if we did. So let's start with staff updates.

Executive Director Hernandez?

DIRECTOR HERNANDEZ: Good morning. I'm getting my
work out here, up and down the stairs. All right, let's see. In regards to staff updates, you all probably saw the email that I sent out regarding our love, Ravi, will be leaving us soon. So I wanted to, once again, congratulate him and thank him for all his hard work over the course of this year. He'll be leaving us probably at the end of this week, early next week.

Ravi. There he is.

Okay. In regards to agency contacts that may be needed, we're putting together a list of information for the Commission to have moving forward. And as we onboard our SSM-I, we will provide them that information so that they can be able to work with the different entities that we've been working with over the course of this last two years. So that information will be put together and shared with them. That's because our BCP funding request that we had submitted did approve the SSM-I, and that funding will be available in this new fiscal year.

That's all I have for staffing and personnel.

Are there any questions?

Okay. I'm going to go ahead and move.

CHAIR TOLEDO: Commissioner Fernandez has a question.

DIRECTOR HERNANDEZ: Oh, yes.

COMMISSIONER FERNANDEZ: No, actually, I didn't have
a question. I just want to thank Ravi for his work on the Commission. I didn't want it to pass by and. And not again tell him how instrumental he was and just keeping us all organized, his positive attitude. I mean, you will also be missed. And so thank you for everything you've done, Ravi.

MR. SINGH: Thank you.

CHAIR TOLEDO: Thank you, Ravi. And Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah, I completely second thought about Ravi. Thank you so much. We are -- we already miss you. But the other one is although -- and for everybody. Because for the public's benefit, could you please, you know, you talk about SSM-I and all these letters of things, could you please say what they are? Because even those of us who are on the Commission who you're pretty sure we know what you're talking about might not, and let alone anyone who from the public. So if we could all try to remember if we get a little too caught up in abbreviations. So if you can, please do that. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Andersen.

Commissioner -- Vice Chair Turner.

VICE CHAIR TURNER: Thank you. I wanted to circle back to Ravi once more.
Ravi, I want you to know that you have set the bar high. Your attention to detail is just phenomenal. And I wanted to add that in and say thank you for taking such excellent care of us. I'm convinced that we were able to get through without falling asleep and starving to death and ensuring that we had all of our copies, all of our paperwork, all of our accommodations. And I just had to tell you how much I appreciate you personally and this Commission as a whole. Just -- I don't know what we would have done without you. You were phenomenal. Thank you.

MR. SINGH: Thank you.

CHAIR TOLEDO: Thank you.

DIRECTOR HERNANDEZ: So circling back to Commissioner Andersen's comment --

CHAIR TOLEDO: Well, before we move on, I think --

DIRECTOR HERNANDEZ: Yes.

CHAIR TOLEDO: I think Commissioner Sinay had a comment --

DIRECTOR HERNANDEZ: Oh.

CHAIR TOLEDO: -- question or a comment.

COMMISSIONER SINAY: Thank you. I wanted also --

Ravi, you were awesome. You made this experience so memorable and -- un abrazo. Thank you.

MR. SINGH: Oh, thanks.
COMMISSIONER SINAY: The other piece I want to say is, please be patient with those of us in Orange County, in Southern California. Our internet here is very unstable. And so we may freeze, we may whatever, but we hear you and things are going well.

CHAIR TOLEDO: Thank you for the update.

Alvaro, you can continue now. Thank you.

MR. HERNANDÉEZ: Okay. Thank you. Sorry about that.

So I wanted to reference BCP, that's a Budget Change Proposal. That's a funding request that we submitted, and we'll talk more about that shortly. I also mentioned SSM-I, which is Staff Service Manager I, level 1. That's the position that we requested in our BCP, again, Budget Change Proposal, and that was approved. And so we're moving forward with putting together the duty statement job op, and will be sending that out soon so that we can start looking at candidates for this position. And this position will be for the next eight years of the Commission, and so they'll be working for the Commission for that period of time. And, you know, it's a very important position, because they'll be doing a lot of everything, basically.

All right. So I was going to move on to our Commission Communications and give you some updates.
First, I'll start with the transcript. We received an estimate from our vendor to produce the missing transcripts. This is a new vendor that we have on board. They estimate they'll produce approximately 18,500 pages at a cost of nearly 53,000. That's $2.85 per page. So we're amending their contract to include this amount and extending it through June 30th, 2023. This is to complete those transcripts that were not completed previously.

Moving on. There was a request for a map requests. So we reached out to the United States Postal Service and are waiting to hear back to see if they can provide a listing of ZIP codes for the various counties. In the interim, staff was able to find a website that has United States ZIP codes at unitedstateszipcodes.org that provides a list of ZIP codes by state where the individuals can also search by counties. The data sources referenced in this website include the U.S. Postal Service, U.S. Census Bureau, Yahoo!, and the IRS. So we'll be putting a link to that website for people to utilize to identify their ZIP codes in the counties. That's what we have available. So that's what we'll be putting out. And again, we have not heard back from the U.S. Postal Service.

Update on the state archives. We're preparing
website files, outreach and communication files to 
provide to The state archives a meeting and working with 
Paul Mitchell, our data analyst. He's working with them 
in regards to the GIS files. GIS, I don't know what 
that stands for, but they're basically our --

UNIDENTIFIED SPEAKER: Government Information 
Service.

DIRECTOR HERNANDEZ: -- Government Information 
Services files.

Our map viewer and our database. The outreach and 
communication files are being prepared for them as well. 
From the website, meeting agendas, handouts, and public 
comments are also being prepared for them. The target 
for the handoff is in August.

In regards to the website, we reached out to the 
website subcommittee and are hoping to have a meeting in 
the near future to discuss options available and what 
would be required of the 2020 website. In the interim, 
we're moving forward with transitioning the website to an 
approved California Department of Technology platform 
that they use. And now that we have the funding from the 
approved BCP or partially approved BCP, we're going to be 
able to move forward with that. But we'll have 
additional discussions and more updates from the website 
subcommittee in the next -- at the next meeting.
Any questions?

CHAIR TOLEDO: We have a question here. Commissioner Kennedy and then Commissioner Fernandez.

COMMISSIONER KENNEDY: Thank you, Chair. Quick question regarding the website files for the archives. Has the archives gotten back to us with information about what they already have, particularly information from the 2010 Commission? I'm wondering specifically if some of the content that was eventually lost from the website 2010 Commission website coming from the 2011 meetings might actually be in the hands of the State archives.

Thank you.

CHAIR TOLEDO: Commissioner Fernandez?

Director Hernandez, do you are you able to respond?

DIRECTOR HERNANDEZ: I don't recall what extent of information they have from the 2010. I do know they have some information. I'll have to circle back and get back to the Commissioners on that specifically how much of the information they have and how it relates to the website content that is still out there that is limited. So I'll circle back. Thank you.

CHAIR TOLEDO: Thank you.

Commissioner Fernandez?
COMMISSIONER FERNANDEZ: Thank you, Chair.

I just wanted to, excuse me, circle back on the Staff Sources Manager I position that was approved for the Commission for the next eight years. That -- the duty statement and the recruitment information was forwarded to the Finance and Admin Subcommittee for review. But I thought it was important to bring forward and make a decision as to how we're going to handle that recruitment. I know when we initially hired the Executive Director and some of our executive staff, we had a subcommittee that would deal specifically with, you know, reviewing the applications and questions and all of that stuff. So I just wanted to bring that forward to Chair to see if we wanted to address that.

CHAIR TOLEDO: Are you interested in forming a subcommittee?

COMMISSIONER FERNANDEZ: I was just bringing it up for Commission. I don't mind being on it, which is fine, since I am somewhat familiar with some of the duties for that position. But obviously, there should be someone else that doesn't have that experience. I always think it's good to have different thoughts and ideas.

CHAIR TOLEDO: Great. Thank you.

Commissioner Turner?

VICE CHAIR TURNER: Yeah, I'd like to serve on the
subcommittee with Commissioner Fernandez.

CHAIR TOLEDO: Excellent. We will establish the -- I don't even know what to call it -- continuing staffing. Staff Services Manager I subcommittee -- recruitment subcommittee, and Commissioner Turner and Fernandez will serve on that committee. Thank you.

All right. With that, I just wanted to thank Alvaro and the rest of our staff and Commissioners who have been working on the budgeting process. It's an important process. It's also a very complex process. And as they work to get us the resources that we need to continue to do our work.

With that, we'll move on to legal update.

Alvaro?

DIRECTOR HERNANDEZ: Yes, Chair. I still have some additional information I'd like to share.

CHAIR TOLEDO: Oh. Okay, we'll continue on.

DIRECTOR HERNANDEZ: All right.

CHAIR TOLEDO: All right.

DIRECTOR HERNANDEZ: And actually, you segued right into it. So we'll talk a little bit more about the budget and where we are.

So as far as expenditures, the funds appropriated in the Budget Act 2019, 2020, and '21 will be available for encumbrances or expenditures through June 2022. Any
funds not encumbered cannot be used for any expenditures beginning July 1, 2022. We're still waiting for a few Commissioners to submit some travel claims up through December 2021 to finalize the expenditures to the completion of the maps. We're also asking that everyone complete their time sheets for June. Due to the year-end activities, the deadline for processing any request is June 15th. It submitted later, they will not be processed until probably mid-June -- mid-July, I should say. So they kind of stop processing any requests for a period of time so they can focus on the year end activities. And they being the Department of General Services and other agencies that deal with the processing of payments.

As far as our fund requests, request for the remaining COVID funds was made in March, March 17th, to be exact. Those funds can only be used for identified COVID activities encumbered through June 2022. The JLBC, which is Joint Legislative Budget Committee, has asked that we go back to see if we can have any expenditures from July 2020 through December 2021 that could be charged to the COVID funds. You may recall that the COVID funds will not be used to calculate the 2030 Commission appropriations. And so we're looking and working with JLBC to provide them that information. We
had already provided initial information on that, but we're going back to see if there's anything more that we can associate to the COVID funds.

During our BCP meeting with Department of Finance -- and BCP, again, is Budget Change Proposal, with Department of Finance, they suggested that we request the remaining post map funds of 4.297 million for our downsizing operations and preparing the Commission's operations for fiscal year '23, '24, and thereafter. These funds were reappropriated in the 2021 Budget Act, and they were made available for post-map operations, including litigation. Prior to that, in the 2019 budget allocation, they were specifically for litigation, but they changed the language and allowed us to use that for post map operations as well as litigation if needed. JLBC is looking at all of our request for funds, including the Budget Change Proposal. So they're looking at these requests for the COVID funds that we submitted, the request for the post map operation funds and also the BCP.

Now, as it relates to the BCP again, Budget Change Proposal, we met with DOF, the Department of Finance, to discuss the BCP. They did approve a full-time staff person and we'll be pushing that forward to the legislature for final approval. So though we have their
approval, it's not final, final. And so we're moving forward with having those discussions to request additional information. And the funding for Commission meetings was limited to four meetings per year, and the basic ongoing operation costs. So that's kind of where we've landed. I'm not going to steal the thunder of the subcommittee who can dive a little bit more into the BCP and the next steps for where we're going with that.

Lastly, as far as our contracts, as I mentioned in the last meeting, we're closing out contracts that are completed. We're also looking at amending contracts to extend or add funds as necessary for services that the Commission will need moving forward and for as long as we can extend them. Some of these contracts can only be extended through year 2023. So that's what we're going to do. Funds for these contracts are from the 1.5 million post map operations that were already released to the Commission. And these again, our post map operations. The contracts include a videographer, ASL, transcriptions, and translations to name a few.

So with that, I can take any questions.

CHAIR TOLEDO: Thank you, Alvaro. We'll start with questions.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Thank you, Chair.
Alvaro, I think we should just talk about the BCP, the budget change proposal, in terms of what was approved and what our next steps are right now, instead of -- since you've already mentioned it, I think we should just go right into it.

What do you think?

DIRECTOR HERNANDEZ: I just wanted to tee it off for you, so it's up to you.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: Will you be making that update, Commissioner Fernandez or Alvaro or?

COMMISSIONER FERNANDEZ: Pardon?

CHAIR TOLEDO: Would you be making that an update or not?

COMMISSIONER FERNANDEZ: I guess. I guess I can make the update on it. So as Executive Director Hernandez noted, the majority of our BCP was not approved, and what was approved were the basics supporting our systems, which is great, and also our migration possibly to the state systems four meetings per year, the SSM-I, and so this was brought to the long-term subcommittee because we're the ones that came up with the plan. And what our next step is, is we've reached out to the Joint Legislative Budget Committee. Is that right? Is that the right name, JLBC? I think so. We reached
out to them to set up a meeting because, I guess, we want to do what's that called, an appeal? Or we want to appeal to get more of the funding approved of what we asked for, specifically for our subcommittee work that will continue. We would like to have funding for that.

And then for our travel costs and then also for more meetings than just the four, because we actually don't know how many meetings. What also was not approved was the work with the census and the state auditor potentially as it gets closer -- as we get closer to the 2030 Commission recruitment. But we also -- we felt as we get closer to those fiscal years, we can submit a Budget Change Proposal at that point. Instead of trying to do that now, we're just trying to get additional funding for, as I mentioned, subcommittee work and potentially additional meetings. And -- oh, and also our for our retired annuitants, we requested funding for an attorney and an information technology, retired annuitants, and we'd like to have funding for that.

Did I miss anything else, Commissioner Akutagawa, that were hoping to meet with them?

COMMISSIONER AKUTAGAWA: No. I think you covered it all. Thank you.

CHAIR TOLEDO: Director Hernandez?

DIRECTOR HERNANDEZ: So that's the plan moving
forward is to go back and ask for the additional funds that were not approved. What was approved for 2020/'23 was 244,000, and then ongoing is 216,000 for our operations. And that includes the staffing of the SSM-I, the website costs, DGS, Department of General Service, contracts, per diem for the Commissioners, some limited travel for this four meetings that were approved per year. So that's kind of the summary of what we have already been approved. But we're asking for more because we identified a need. And one of the interesting things that I garnered from the meeting that I had with Department of Finance is that they're looking at 2010. And so I definitely explained that what happened in 2010 is very different from what's happening now. And 2010 was the first iteration of this Commission, first cohort. We've learned quite a bit from that experience and quite a bit from this experience. And so things have changed considerably.

So I'm trying to communicate that, trying to express that to Department of Finance. I think that's a key part of their understanding or that we need to express to them as well as JLBC things are different from what they were before.

Thank you.

CHAIR TOLEDO: Thank you, Director Hernandez.
That's helpful. And just a quick question on that. So you mentioned as well that the COVID funding that we received that would be carved out and essentially not form the budget for the 20-- or used in the calculations for the 2013 budget.

Is that correct?

DIRECTOR HERNANDEZ: That is correct. They made sure that in the budget chain -- in the budget act, it clearly indicated that those funds would not be used to calculate the 2030 appropriations. And so, I don't anticipate they'll have a similar situation that we've had here with COVID, so they wouldn't be used for those activities. And that's where we tried to make sure that we disseminate what was actually COVID related versus what we were going to do anyway regardless of COVID; outreach, public input, those type of activities were going to be done regardless. So we wanted to make sure that we didn't overlap the COVID funds with that, because then they wouldn't be appropriated for the next Commission.

So we've done our due diligence, to a certain extent, in trying to identify what is COVID related, given the amount of time that everything got pushed back, and we're going back and looking to see if there's anything else that we may have missed.
CHAIR TOLEDO: I guess I'm a little concerned that potentially there are some costs that were -- yes, they were COVID related, but could have also just been operational costs. I mean there were costs that we didn't incur, such as travel to all over the State of California, and our costs were different, but not -- so I'm just wondering if there's potentially some comingling and if the budget that the 2030 Commission will get is, you know, not -- well, they won't get the resources that they need to be successful in doing this work. So I want to make sure that we think through that as well.

Commissioners Sinay, Andersen, then Fernandez.

COMMISSIONER SINAY: I just wanted to make sure that we don't lose, you know, setting the agenda in 2020- whatever it's going to be. So yeah, this piece about, hey, we can go back and ask for money to work with the census and work with the auditors on outreach. Yeah, on recruitment. And I wanted to confirm, is that going to be part -- is the long-term subcommittee kind of creating that, you know, holding on to all those agenda pieces so they're not lost, or where should we be putting them? And I also want us to think through how do we educate, you know, the budget folks on our needs? You know, do we invite them to come in with a panel and, you know, what do we need to do? And I just want to make sure, you
know, we're going to keep -- our staff is going to get
down to one, so I just don't want it to be lost. It's
going to be really up to us as Commissioners to continue
the momentum.

CHAIR TOLEDO: Thank you, Commissioner Sinay.

Commissioner Andersen, Fernandez, and then
Hernandez.

COMMISSIONER ANDERSEN: Do we want to have an answer
to that on first?

CHAIR TOLEDO: Sure.

Commissioner Fernandez, whether the long term and
the committee is going to keep a -

COMMISSIONER FERNANDEZ: Oh, I guess we could, if
that's what you want us to do, or the finance and admin
could probably do it as well. So either one, because --
I can see it going to either subcommittee. Thank you.

CHAIR TOLEDO: Okay. So at this point, let's just
keep it with a long-term subcommittee and maybe report it
up to finance or through finance

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yeah, thank you. I actually
want to clarify here, just to make sure and in terms of
going forward. What was approved was only the one person
or also the -- because -- and you mentioned, you know,
the retired annuitants, like for an attorney, and you
said information systems person. And I just want to make sure, now, so those were approved or were not approved? And what exactly is the information services?

CHAIR TOLEDO: Commissioner Fernandez --

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: -- are you able to respond?

COMMISSIONER FERNANDEZ: Oh, yes. I can respond.

Yes. The only thing that was approved was the Staff Services Manager I, and we did ask for an a -- retired annuitants, one specifically for attorney for any legal advice we may have for our meetings and whatever else we may need their services for. And then also it's an IT, information technology, to support our systems retired annuitant was the other position. And those two did not -- the funding for those two positions did not get approved.

COMMISSIONER ANDERSEN: Okay.

COMMISSIONER FERNANDEZ: And that's what we're going forward to the Joint Legislative Budget Committee to request that funding.

COMMISSIONER ANDERSEN: So that leaves the other portion, which I was - would like to make sure we add, if it's not already in the SSM-I position. You know, who's doing the accounting? Is that in the SSM-I position now?

COMMISSIONER FERNANDEZ: Yes, it is. And we also
will still have contracts with Department of General Services, in terms of the relationship that we have now, that they basically process everything for us, those invoices and all that. But we still, the Staff Services Manager I would be the position that would initially process the -- like the recruitment or the -- anything with our contracts, with our invoices, with our travel claims, our time sheets. So that position would process all that, and then it still goes to the Department of General Services.

COMMISSIONER ANDERSEN: Great. Okay. In which case, can -- could the Committee -- the full Commission receive the duty statement to review for SSM-I, please.

CHAIR TOLEDO: Absolutely.

All right, let's move on to --

Commissioner Fernandez, her hand is raised.

COMMISSIONER FERNANDEZ: I was trying to remember why I raised it. Oh, yes, I do -- I think -- and maybe Executive Director Hernandez was going to speak on this. But when we talked about going back, Executive Director Hernandez talked about going back to see if there were any additional expenditures that could be, I guess, charged to the COVID funding, that's two-fold, because if we are able to do that, then it does free up some of that funding for our use this year and potentially next year.
So I just want to make sure everyone was clear as to the advantage of doing that.

CHAIR TOLEDO: Mm-hm.

COMMISSIONER FERNANDEZ: Thanks.

CHAIR TOLEDO: Thank you, Commissioner Fernandez.

Commissioner -- or Director Fernandez?

DIRECTOR HERNANDEZ: Yes. Thank you. I did want to follow up on a couple of things. But just to put things into context, the -- we are going to have one position, the SSM-I, that will do essentially all that we've been doing.

Obviously, we won't have as many meetings, we won't have as much activity, but they'll still be doing a lot of the work that the administrative staff has been doing. The context in which I want to make sure you understand is that the last Commission had a quarter time retired annuitant doing all of that. And so one of the challenges that came about was the processing of per diems, TECs, the website crashing. Those were a result of not having someone on top of these things managing the day-to-day stuff. And so that's one of the main reasons that we were asking for a full-time person, because it really does need someone to oversee all these different activities. They will be working with our partners, our agency partners at Department of General Services,
Department of Finance, Department of Technology, wherever and whenever needed. So we have those avenues for them to utilize those services as needed. And as far as the RAs for the attorney -- Attorney RA and IT, you know, we requested those, because we see that there may be a need for them, and those are as needed, so they're not salaried. So they will submit their time sheet and post the number of hours that they actually work. So it's not an ongoing cost. It's a cost that is subject to what they're doing at that time. If there's a need for them, then they submit a time sheet with their hours that they worked. And if they didn't work any hours, then they don't submit a time sheet. So there's a variable in the cost for those individuals.

I also want to circle back in regards to Chair Toledo's comment in regards to making sure that the 2030 Commission does not miss out on any of the funds. And really, that is the -- our intent is to make sure that we provide as accurate of information as we can in regards to our operations, overall operations, and what was COVID, what was not COVID. When we initially requested the COVID funds, we had to provide the Legislature and Department of Finance our estimate and our calculation and how we determined what was COVID-related. The Commission as a whole started in the COVID world. They
did not have in-person meetings, so there were no --
there was no traveling. And throughout the process, the
Commission planned on having in-person, and then we were
not able to due to the Executive Orders. I believe there
was (sic) two different Executive Orders that we had to
adjust our activities because of them.

And so with that, I think there was some savings, if
you want to call it that. We actually did not utilize
all the COVID funds, at least in my interpretation and
initial review of the information, because we did not
actually incur those additional costs that we had planned
originally when we submitted the BCP back in March of
2020, asking for those additional funds. But we will
definitely circle back and provide more information and
clarify, because we want to make sure that the 2030
Commission can get the funds that they are going to need.

Additionally, the 2030 Commission can also request
additional funding if they see that they have different
needs, similar to our situation where we requested that
additional funding. And so although this will be a
baseline for them to start, it doesn't preclude them from
requesting additional funds if they identify and see the
need for those. So I just wanted to put that out there.

Thank you.

CHAIR TOLEDO: Thank you, Director Hernandez.
Commissioner Sinay, then Akutagawa.

COMMISSIONER SINAY: Thank you. I would encourage us for things like this, like the budget and getting a budget update, that we actually have a written report. And I think a lot of the questions we keep going back, because it's hard to grasp all the information that's being given to us verbally. And we have asked for written budget reports in the past, and that would allow us to be able to go back and the community to actually see it all in one place. So if possible, Chair, could we ask staff and the subcommittee to create a report retroactively to be placed with the handouts for this meeting or wherever we have reports like this, so that we can all go back to it. We don't have to circle and ask the same questions over and over again. But I know we're busy, especially as Commissioners, but I do want to encourage us to continue to think about handouts and how we create reports in a timely fashion so that we come prepared to these meetings.

CHAIR TOLEDO: Thank you, Commissioner Sinay.

Just going to ask the Finance Committee -- Finance Administration Committee, do -- is there a report template? I'm going to ask the subcommittee to work with our staff Executive Director to develop a report, a written report for the Commission. It doesn't have to be
extensive, but just pretty much an executive summary of
our financials. Thank you.

Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah. I just wanted to --
sorry about that. I just wanted to answer Commissioner
Sinay's question about what's happening, in terms of
keeping track of the later items. We have our very long
previously, you know, shared handout with all of the
different issues or topic areas that the Commission was
interested in, which did include the census coordination
work, or at least some kind of earlier start to the
redistricting work so that we can try to request budget
early. So we do have that on our spreadsheet, and that's
very much -- well, at least it's being tracked right now.
If somebody else is going to be taking over for us at a
later time then they could -- that's something that we
could hand over. So there -- it is captured in one
place, so it's not going to be forgotten for sure.

CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

Any other updates, Director Hernandez?

DIRECTOR HERNANDEZ: No, that concludes my updates.

Thank you.

CHAIR TOLEDO: Perfect. We'll move on to Chief
Counsel updates.

MR. PANÉ: Good morning, Chair and Commission. I
don't have anything specific to change or have an update, but as always, I'm happy to answer any questions the Commission may have.

CHAIR TOLEDO: Any questions from the floor?

Seeing none, we'll go -- I'm actually going to go back to Commissioner announcements. So before I do that, we'll go to Commissioner Yee. And then Commissioner Announcements, so get your announcements prepared.

Commissioner Yee?

COMMISSIONER YEE: Thank you, Chair.

Chief Counsel Pane, I don't know if this was the time to discuss the whole question of post-maps litigation budgeting and adjustments to the (indiscernible) also list your contract, or were we going to do that another time?

MR. PANE: So to answer your question, Commissioner Yee, I will be providing my new recommendation for any new estimate for the Commission's consideration. But I haven't been able to come to a formal conclusion as to that today. I believe that would be something that the Commission will be able to take up at a future Commission meeting.

COMMISSIONER YEE: Very good. Thank you.

MR. PANE: You're welcome.

CHAIR TOLEDO: Thank you.
With that, let's move on to Commission announcements.

Any announcements from the floor?

Commissioners Sinay?

COMMISSIONER SINAY: Thank you. I just wanted it on public record that I did Chair for the Commission since it was my first time Chairing, I Chaired last month, and even though we had no meetings, that was part of my role as the Chair was making that decision. But more than anything, I just wanted to say that that there were things that that took place, and we purposely didn't have meetings in May not because I didn't want to Chair a meeting, but because we wanted to make sure that we had a robust agenda and enough of us to have a robust discussion and robust information. Yes, robust was the critical piece.

We didn't want all of us to have to drive to Sacramento, Orange County, and it be a two hour meeting or we meet and we didn't have the appropriate quorum or number of Commissioners. And so I appreciate -- I just want to say thank you for everyone being here today and coming prepared with great questions. And I just wanted the public to know that I didn't skirt being a Chair at all. I did do it once.

CHAIR TOLEDO: Thank you, Commissioner Sinay.
Commissioner Yee?

COMMISSIONER YEE: Which means all fourteen have Chaired at one time or another, one hundred percent. Also just to mention, Commissioner Sinay and I did participate with the North -- a North Carolina Independent Redistricting Commission workgroup. They wanted our advice on various matters, and we were able to meet with them. That was as private citizens, not as -- not on the CRC clock. So I wanted to share that.

CHAIR TOLEDO: Thank you, Commissioner Yee.

Commissioner Turner?

VICE CHAIR TURNER: I just wanted to share for our Commissioners, because I got a total kick out of it, so you got to know. So I have had an opportunity to participate in a couple of on voter information sessions, just general nonpartisan sessions, where they were -- where we've educated public about what was on their ballot and who's on there and what the options are and what all the various roles mean. And there was a question that kept coming up in the session as far as, do you know where your local office is of your elected official? And so I wanted to just say, for the good of all of my Commissioners, most folk in all of the sessions did not know where their -- did not know where the local office was. And I just wanted to name that, because I
know we had lots of conversation about the importance of people being able to reach it. And so, you know, there's still a lot of people that do know, but I just had to share that, because each time I thought of each of you with fond memory of our long conversations about how close those offices should be and accessible to the public. That's all.

Thanks.

CHAIR TOLEDO: Thank you, Commissioner Turner.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, I thought I'd share that about a month ago, I was able to speak at a class at Cal State Fullerton to a government and civics class. It was a panel with myself and also Paul Mitchell from Redistricting Partners. And the students asked a lot of questions, pretty wide-ranging questions.

I will like to say that I encouraged all of them to be mindful that, you know, serving on the Commission is something that they, too, can think about for 2030, and that they should also be mindful of the fact that there are requirements to serve on the Commission, which includes making sure that you're voting in statewide races. And so encouraging them to make sure that they are voting. I think there was a lot of curiosity about being on the Commission as well, too.
And so hopefully, we'll be seeing, you know, a lot of young voices at least applying and perhaps applying and also participating in the next Commission.

CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you Chair. Two comments in relation to the Secretary of State's Voter Information Guide that should have reached everyone by now.

First of all, on the Board of Equalization, it was a bit disappointing to see the map page showing the Board of Equalization Districts and then have the counties listed. And we know that in that process, San Bernardino County was the one county that ended up being split in the Board of Equalization Districts. And the Secretary of State's office did not list out the cities that were in the two different parts of San Bernardino County.

So I really wish that the Secretary of State's office had worked more closely with us. I know that our staff had reached out at one point, hoping to have some space in the Voter Information Guide to walk voters through the process or through the new reality of possibly having or most likely having new districts and new representatives that would determine, you know, what kind of ballot they received.
And that being said, it occurred to me that perhaps, and this would be for the long term planning subcommittee to consider and perhaps take up with the JLBC, is the possibility of, okay, if the Secretary of State's office is not able to provide us with space in the Voter Information Guide to explain thoroughly to voters why their districts are new and why they're seeing different races on the ballot, different candidates on the ballot than they might have expected, maybe that's something that the 2030 Commission should have funding to do on its own. Either that or, you know, I notice that the Secretary of State's Voter Information Guide, the hard copy, is sixty-four pages. Sixty-four pages is, you know, one of those multiples that printers like, because you have to have multiples of four and preferably multiples of sixteen when you're printing something. But, you know, maybe the 2030 Commission could be funded to do its own four-page insert into the Secretary of State's Voter Information Guide. I think that would really help the public understand the practical impacts of the work of the next Commission.

I feel like, you know, our staff did the best they could to get space in the Voter Information Guide this time around. They were told there was not room in the end. I think that's unfortunate, and I would hope that
we could push for at least funding for the 2030 Commission to do its own four-pager. Whether that gets mailed out separately or whether that goes in as an insert into the Secretary of State's Voter Information Guide, we'll leave that for future discussion. But I think that it would be very helpful to the citizens of California if the 2030 Commission were able to do that.

Thank you, Chair.

CHAIR TOLEDO: Thank you, Commissioner Kennedy.

Any other updates from the floor?

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Okay, this really doesn't have to do anything -- well, kind of does with redistricting, but it's just showing how big and how small California is. I was in the Los Angeles area last week helping someone move, and I rented a U-Haul, and I'm going to -- I went to fill up before you turn it in. And who do I see that's also filling up to return their car, but Kennedy, our line drawer. And so, I -- for me, I thought this is so odd, because I live in Northern California, and Kennedy and I live about 15 minutes from each other and we both happened to be down in L.A. So I'm just -- and one of the benefits of being on this redistricting is I never know who I may see that I've met through this.
So I just thought it would be a nice little tidbit. Careful what you say, where you are, because you never know.

CHAIR TOLEDO: Excellent. That's pretty awesome.

All right. So with that, let's take public comment on agenda item number 2.

PUBLIC COMMENT MODERATOR: Sure thing, Chair. In order to maximize transparency and public participation in our process, the Commission will be taking public comment by phone or in person. To call in, dial the telephone number provided on the livestream feed. It is 877-853-5247. When prompted, enter the meeting ID number provided on the livestream feed. It is 8329110985 for this meeting. When prompted to enter a participant ID, simply press the pound. Once you've dialed in, you'll be placed in a queue. To indicate you wish to comment, please press star 9. This will raise your hand for the moderator. When it's your turn to speak, you'll hear a message that says the host would like you to talk. Press star 6 to speak. If you'd like to give your name, please state, and spell it for the record. You're not required to provide your name to give public comment. Please make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call. Once you're waiting in the queue, be
alert for what it is your turn to speak. And again, please turn down the livestream volume.

And for those in the public here with us in Sacramento, if you wish to give comment, please press raise hand on the Zoom computer in the public comment room.

And we do not have any callers or raised hands at this time.

Alvaro, do we have any public comments in Orange County?

COMMISSIONER SINAY: We do not.

PUBLIC COMMENT MODERATOR: Thank you so much.

Chair, back to you.

CHAIR TOLEDO: Thank you. Thank you so much.

We will continue on to subcommittee reports. And if we get a hands up in the next minute or so, we can take the comment.

So let's start off with the Redistricting and Engagement Subcommittee.

COMMISSIONER SINAY: Right. I just -- we got an update from Commissioner Yee. I'm trying to get us back into remembering everyone's last name now. We got an update from Commissioner Yee regarding North Carolina.

They're working on an legislation and getting it passed for independent redistricting Commissions. And
that was done through our partnership with Common Cause, working with the National Common Cause. And I just also wanted to update that we have submitted a proposal for a National Independent Redistricting Commission Conference to Stanford University, because they were interested in maybe doing something like that.

Common Cause is taking the lead on that and then we will also be submitting it for funding along with -- would like -- Common Cause would like to have a staff member who can help facilitate engaging Commissioners from all the different independent redistricting Commissions across the country.

So we're really looking at this as a national kind of effort of tapping into the expertise throughout the country, not just in California. And so we'll just keep you updated as those pieces move forward.

Commissioner Yee?

COMMISSIONER YEE: Thank you, Commissioner Sinay.

Yes, so we did develop -- you may recall we were tasked with developing a recommendation on publicly explaining election district boundaries and line drawing decisions. You may recall way back, we were requested by the Board of Equalization to come visit and explain the new districts that we drew for them, and we declined that invitation. And since then, we've had maybe a couple of
other similar invitations from community-based organizations. So in the handouts today, there is the recommendation that we have developed. At this point, we're thinking to keep it as a recommendation and not as a policy proposal. And basically we're recommending that Commissioners avoid giving verbal or written explanations of specific line drawing decisions. And so, of course, this is to keep all our line drawing discussions and debates and process consistent and coherent, you know, with the actual process that we went through to draw the final maps and to not get in a position where we're giving explanations that may not quite match what we have in our final report or may raise other questions of why decisions were made, why lines are drawn, and so forth. So that's the basic recommendation.

And then the rest of the handout, you see some of the further guidelines we're suggesting. Of course, if you're asked to give an explanation of or to talk about a specific district, go ahead and look up the final report, and look carefully at the, you know, whatever we ended up putting down in print describing that district and make sure everything you say is absolutely consistent with what's in the final report.

Generally, speak -- try to speak for yourself, you know, talk about what you remember about the
considerations going to that district, how you felt
about, you know, what was considered and try not to speak
for the whole Commission. You may well find yourself in
a position to mention particular considerations. You
know, perhaps a particular community of interest has
invited you to speak to, you know, their group and wants
to know how they figured into the final maps. It's not
that you can't comment on that. It's that you don't want
to be in a position to, you know, say that, you know,
their considerations were the reason or the only reason
for a particular line drawing decisions, because every
line, you know, had multiple reasons behind it. Of
course, as we've emphasized all along, except for a few
districts, avoid mentioning any race or ethnicity as a
reason, especially -- particularly not as a predominating
reason for any line drawn decisions. It's not that it
can't be mentioned, but it has -- if mentioned, it has to
be clear that it was not a predominating consideration.

Of course, we can refer people to all sorts of
public documents that we have on a report, the mapping
playbook and so forth. The official record is a video
archive, of course, if they really wanted to research all
the considerations that went into a given district. And
then all the other, you know, talking points we're
familiar with about how we drew our maps; demographic
changes, the loss of one crashed Congressional seat, the
decision we made not to start with the 2010 maps. In our
process, all the compromise -- kinds of compromises we
had to make, line drawing decisions, how they all affect
- one district affects the next district, affects
districts across the state, and how we went through
drafts and various days of discussion, you know, drawing
any particular district.

When -- if you do get an invitation to speak about a
given district or part of the state, we encourage you to
consult with the Executive Director and Chief Counsel
before accepting that invitation, just to make sure, you
know, and get a check in to be careful about potential
legal risk in responding to an invitation and then
registering engagement subcommittee requests that you
just keep us informed of speaking engagements you do
have, just so we can keep a record and, you know,
accumulate a record of those engagements. So that's our
recommendation.

We don't need a discussion or a vote, but we're
happy to have a discussion about this and develop it
further or change anything that you think needs changing
and use this as guidelines going forward.

CHAIR TOLEDO: Thank you, Commissioner Yee.

Commissioner Kennedy.
COMMISSIONER KENNEDY: Thank you, Chair. I just want to go back to Commissioner Sinay's remarks a few moments ago and ask. I understand that there are certainly reasonable concerns about the extent of our engagement in activities outside the Borders of California. But I would be very interested in seeing the proposal that has been or will be submitted to Stanford. And I also have some other ideas as to where such a proposal could be submitted, like the Democracy Fund, based in Washington, D.C. and others. So I don't know if that's possible. Thank you.

COMMISSIONER SINAY: The proposal is from Common Cause, you know, we added to it. And so let me check with them, if they're willing to make it a public document, just because I know a lot of times nonprofits don't want to share their proposals, because then others can copy them and use them. And you know, I probably should check with Anthony how all that works since we helped in development of it, you know, if we need to make it a public document. So I'll get back to you.

And definitely I would like to have -- the idea is eventually to have a very solid proposal just for this national piece. And we do have a draft budget that we've worked with Common Cause on what it would cost for common cause to be the facilitator or all of that, because we
are not using any Commission funds for any of the work that Commissioner Yee and I have been doing. And when other Commissioners -- you know, we're just the facilitators and kind of getting it out to everybody. The reason we stepped in for North Carolina, was that they asked us. We said, sorry, we have a meeting, and then we canceled the meeting. And we were able to say, Oh, sike, we can come. And it was just going to be too difficult to facilitate it out, and so we did it. But definitely I'm hearing you. And part of it was, we had hoped to get further along and have a proposal together, but life is a lot more complicated now that we're back to our day jobs. So you're on my list.

CHAIR TOLEDO: Thank you, Commissioner Sinay and Commissioner Kennedy.

COMMISSIONER FERNANDEZ: Thank you, Chair.

And thank you, Commissioner Sinay and Yee for this document. It's very helpful. The only item I wanted to comment on was 3(c), where it talks about how all lining -- line drainage decisions above compromises. Our goal was to spread the pains and gains as evenly possible as possible.

Personally, I never really liked the pains and gains, because it somehow leads you to believe that you
are knowingly doing -- either hurting someone or are
providing support for someone. So if we could maybe
something of honor, a community of interest as much as
possible. I mean, I know what you're trying -- what
we're trying to say, but I also I think there's a better
way that we can say it other than pains and gains. So
that's just my comment. But thank you so much for the on
the document. It's very helpful. I'm going to keep it
with my outreach information. Thanks.

COMMISSIONER YEE: Sure. Thanks.

CHAIR TOLEDO: Thank you, Commissioner Fernandez.

Commissioners Sinay.

COMMISSIONER SINAY: It's interesting you say that,
Commissioner Fernandez, because in talking to others
outside the Commission, they actually appreciate that we
are aware that there's pain, and you know that it's --
that we're taking in, but that there is a shared need for
pain, and they've used that language back to us. So I
hear what you're saying, but I just also want us to be
aware that it does make us aware of what the communities
were feeling at the same time.

CHAIR TOLEDO: Thank you, Commissioner Sinay.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Sorry. On that same point,
I also do not like -- never liked the words the pain, you
know, spread the pain and gain.

And I believe what is actually we were all talking about is in compromising, you can't do everything. And that explain it. We can't do everything. We don't have to say pain gain. It's just, you know, we can't do everything. Not every -- not everyone's desires get met.

Thanks.

CHAIR TOLEDO: Thank you, Commissioner Andersen.

Just a quick question for Chief Counsel Pane. We have this guidance document, this document that provides guidance to the Commission. Is there -- can you just provide some guidance between guidance versus policy and how that might fit in and whether we need a vote or not to make it official?

MR.Pane: Thank you, Chair. So I believe the subcommittee considered this to be a recommendation and as such, Commissioners are free to use it or not use it as they would like. It is not something that has been officially sanctioned by the Commission, so no vote is required.

If we were -- if the Commission were to decide to make a policy, then I believe a vote would be -- would be needed. But if the subcommittee's recommendation is simply to keep it as a recommendation, a vote isn't required and
Commissioners are not bound to use it.

CHAIR TOLEDO: That's very helpful. So this is a nonbinding recommendation at this point.

MR. PANE: That's correct.

CHAIR TOLEDO: Thank you. Any additional comments or feedback? Perfect.

With that, any other updates from the Redistricting and Engagement Subcommittee.

COMMISSIONER YEE: I think that's it. Yeah?

CHAIR TOLEDO: Thank you so much. We're going to move on to the Bagley-Keene/ADA Subcommittee and come back to Long Term Planning after lunch. So let's go to Bagley-Keene.

COMMISSIONER FORNACIARI: Do you want me to go or are you going to go? Okay. So let's see. I think I'm going to find the email that I sent. Maybe. I can't find it. I wasn't quite ready. So basically what happened is the Bill to modify Bagley-Keene got pulled. There was some disagreement among the parties involved. I believe the Bill allowed for one hundred percent remote meetings. Some of the members of the assembly or members of the committee, I guess, felt that there should be at least one public location required.

And so Bill got pulled. And I guess at this point it's basically dead because it didn't get approved by the
end of last month. And so it won't be able to move forward until the next legislative session. So that's kind of where we're at.

CHAIR TOLEDO: Thank you, Commissioner Fornaciari. Any questions from the Commission?

Commissioner Andersen.

COMMISSIONER ANDERSEN: Can we then add it to our Long Term Committee to bring back at the appropriate time?

COMMISSIONER FORNACIARI: Well, I was just thinking the Bagley-Keene Committee would continue to monitor it.

COMMISSIONER ANDERSEN: That works, too.

COMMISSIONER FORNACIARI: Unless we really want to pile on, you know, we could do it, no -- okay. No, we'll just -- we'll keep track of it next time around. Thanks.

CHAIR TOLEDO: Commissioner Sinay.

COMMISSIONER SINAY: I'm sure everybody's noticed this, but at the local and county levels, they have gone back to having online meetings because of the resurgence of COVID. And so I just wanted to make us all aware and just keep in, you know, keep -- if we can just send to -- I don't know if it makes sense to have a list of which counties have gone back or not, if it makes sense for legal to keep that information. But it were, you know, State is the only one kind of holding back on this -- or
is the last, from the San Diego perspective of holding
back on this.

CHAIR TOLEDO: Thank you, Commissioner Sinay. Just
a quick question for the Committee. I see that there's
the advocacy piece that the Committee is charged with and
also the legislative piece. I think the update was
mostly focused on the legislative aspect. And I'm
wondering if the Committee has considered any advocacy or
education that may be needed to garner support for the
legislation, given that the that the legislative proposal
did not -- was not successful this time around.

So or in terms of just the Commission's position on
this issue to do so, educating the public around that or
the members of the legislature.

COMMISSIONER FORNACIARI: Well, we had had Anthony
draft -- Anthony drafted a letter to the -- we were
going to send to the legislature, basically saying that
we -- well, we're going to bring it to the Commission,
you know, before we sent it. But basically saying the
Commission supports either approach and, you know, we
just want the option of people to participate remotely.

So that was going to be our approach there. But
since the Bill got killed, it really is a moot point.
But I -- yeah, that's a good point. We don't -- we
should consider that. We'll go back and think about an
approach to advocacy that we might be able to take. So
thanks for that, Chair Toledo.

CHAIR TOLEDO: Thank you, Commissioner Fornaciari.

With that we will be taking a break, a fifteen-minute break.

And then when we come back, we'll go into closed Session.

(Whereupon, a recess was held)

CHAIR TOLEDO: Welcome back to the California Citizens Redistricting Commission. We are coming back from Closed Session and lunch. We were in Closed Session under the pending litigation exception as well as the personnel exception. Action was taken on a personal matter to give an increase to our Chief Counsel.

And with that, we will continue on with our Subcommittee Updates. So we're going to start with the Long Term Planning with Commissioner Fernandez. And once we have a Commissioner or actually, let's start with Chief Counsel Pane, because he drafted a memo that we all received -- general memo that we'll post on government code.

And it's the government code change process. It's a very -- it just outlines the process by which code needs to -- government coding, by which we change the government code. So if he could just go through that
MR. PANE: Hello, everyone as you all -- as you may recall, if we're if the Commission is going to make changes to the Commission's statutes, which are government code Section 8250 and following, I think about 8050 through 8256 or so. There are certain requirements that need to be met. And I think most of you have heard me talk about these requirements in the past. One is that the print needs to be in for any Bill that's a legislative change. Needs to be in print for at least 12 days.

It needs to further the purposes of the act of the Commission statutes Why the Commission exists and what it is directed to do by the initial proposition.

It also needs to -- the Commission needs to provide a recommendation by a supermajority over the change. And it needs to provide the exact language. And approve the exact language of any legislative change.

Such a change needs to be approved by two-thirds of both houses of the legislature. And of course, signed by the governor. If those requirements are met, then the government code statute can be changed. If there was -- any one of those requirements are not met, then you cannot make those changes. The Commission will remember that there is a current Bill right now that is not part
of the 8250 line of statutes. It is in the elections
code. I believe it's -- it'd be 1858, it'd be in 1848,
one of those two, I mean I have the Bill language right
on me.

It does impact how the Commission counts imprisoned
individuals for State correctional facilities and that --
because it is housed in the elections code, those
requirements are not needed.

Similarly, another proposed legislative change, and
I'm not sure it is a formal recommendation at this point
by the Commission, so I'm just bringing it out as an
example. One of the potential changes as well is in the
government code. And it is regarding requiring Attorney
Generals' approval prior to seeking outside counsel.

While in the government code, that is in a different
section of the government code, it is not part of the
Commission statutes. Similarly, those requirements are
not needed. So it's going to be important for us to know
first, if those requirements are in fact needed. And it
depends if they, you know, are altering the Commission
statutes.

Is that helpful or does anyone have any -- happy to
answer any questions the Commission has.

CHAIR TOLEDO: I think that's good background as we
move on to prioritizing our legislative matters. Any
questions for Anthony? Any other questions around the information that we received in our packet.

Hearing none, then we'll turn over to Commissioner Fernandez to -- maybe you can start off with an overview of where we are today, because there is legislation that was passed, I believe, in the assembly and where we are with our legislative priorities as they stand now.

COMMISSIONER FERNANDEZ: Great, thank you. Sure.

Yes. So in terms of in terms of the current Bill, Assembly Bill 1848, that's as Chief Counsel Pane had noted, that's the elections code. And that had to deal with our incarcerated population. And it has passed the Assembly and it was read into the Senate on May 26. So it's going through the process right now. And we're hopeful that it will continue through the process and pass.

And in terms of the other three items that the Commission has.

Oh, Peter, it's Commissioner Fernandez. Yes, who's speaking.

And in terms of where we are in the process with the other three items that the Commission in the past has voted to move forward. One is the ability to award grants. The other is an exemption from contracts. And the third one has to do with the extension of our three-
day reporting requirement for agendas.

Those three at this point -- our last conversation with our -- the legislative staff that we met with, it sounds like those three, we will push them out to the next cycle, which will be next year. And the reason for that is, we don't want to include our government code section in with the election code section because we don't want to jeopardize one or the other. So right now we kind of want to keep them pure. Kind of makes sense to keep them pure.

At this point it's too late to introduce a new Bill. So we would -- which, actually it works out fine because we're still developing the language and finding language for those three areas to move forward with. And so what our goal is, we have those three and then we also have the listing of potential legislative changes that has been reprioritized based on feedback from the Commissioners in terms of their top priority areas.

And the goal for today would be to hopefully go through maybe, like, five or six of them. And with each meeting, maybe add another, you know, maybe go through the following five or six. And the goal is to make a decision as to whether or not there appears to be consensus. Or maybe there's something that needs further discussion. Or there may be some that will be put in a
pot where there doesn't seem to be consensus at all and, you know, put it at the bottom of the list instead of, you know, talking about it again at the next meeting and rehashing the same issues and concerns.

And then there's also separate pots in terms of those changes potentially that would impact our government code section, which is a Government Code 8250. And as Chief Counsel Pane mentioned, does it impact the different code section from a different agency? And then also the third section would be, if it requires Constitutional change. And that's a whole different process that we'd have to go through.

So with that, I did want to make sure that everyone saw a handout that we posted. As Chief Counsel Pane had mentioned in the criteria for changes is justification for moving forward with any of our changes is to further the purpose of the act.

So we did put we did post a document. And it has to do with the proposed change of government code Section 8253, and that's for the -- allowing for the three week public notice period for meetings in the final three months instead of the current two weeks or fourteen days. And so what the subcommittee did as long, along with our Chief Counsel, is we try to bullet areas in terms of what the benefit of that change -- what the benefit of that
change would be.

If you have any comments on that, you can always forward it to Chief Counsel Pane and we can incorporate it. But we just wanted to make sure we captured the discussions that we've had and some of the communication back and forth in terms of the benefit of going with a -- with a three day for a longer period of time.

CHAIR TOLEDO: Thank you, Commissioner Fernandez. Also, I guess, was there -- is there a deadline for June 1st? I remember hearing -- and I'm trying to understand what that deadline is and -- because it's today. And so anything with a deadline of today is probably our first priority. So just curious, can you provide a little bit more elaborate more on that?

COMMISSIONER FERNANDEZ: So initially, when we were told of, you know, how quickly we need to move forward, they mentioned -- the legislative staff that we're meeting, the group that we're meeting with mentioned June 13th. Which meant that we'd have to approve it by today. And that meant any changes or any additions that we would want, we would need to vote or make a decision today. But as I noted earlier, the rest of the items on our list pertain to different government code sections.

So at this point, the goal is to move forward. If there's items that we can continue to add to those
remaining three that we have, it would be great to be
able to add that to our list so we can continue to draft
language and work with our -- in our subcommittee and our
extended legislative support that we're receiving and
help, which has been absolutely wonderful, so that we
will be in a better position for the next cycle to have
the language that the Commission is agreeable to. And
then find an author, someone that's willing to author the
Bill for us.

So there was a June 1st deadline but based on our
last conversation we had with the team last week, I
believe -- with the group last week. It's kind of too
late at this point, because we don't have the language
drafted yet that we would want to use for our government
code section. Does that make it fuzzy or clear?

CHAIR TOLEDO: That's helpful. So it's --

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: -- so let me see if I'm
understanding. So there's -- the legislative work that
we have in this legislative cycle, and that's been
approved at the Assembly, moving onto The State Senate,
and it's pertaining to incarcerated populations and how
they are -- how they are counted in our work.

And then then for the next cycle, there's three
areas of priority that the Commission has already
approved. And that's the three that you outlined. And today, for today, we're not really prioritizing those three. Those have already been approved. Is there language that we have to work through for those or --

COMMISSIONER FERNANDEZ: The language -- the subcommittee will work through the language first. And what we're doing -- and when I say "we," it's really a great collaboration as we have a Chief Counsel that's looking for language that may be appropriate, that other agencies may have similar type of grant authority or exemption to the contracting or -- so we're working together with the legislative team that we have to come up -- and they're helping with that as well, coming up with language for that.

So what we'll do is, at the subcommittee level is, we'll work through that, get the language and then bring that forward to the full Commission. And at that point, we would have something to work with. because right now, if we try to -- if the fourteen or thirteen or twelve, however many, that if we try to work through language right now, it's -- it's going to be midnight. And so that's how we're thinking in terms of moving forward.

CHAIR TOLEDO: And that's helpful. And then so the other piece is really identifying -- going through the other potential legislative priorities that that are
still on our list. All right. So let's start with
Commissioner Sinay then Commissioner Kennedy and then we
will start going through the grant grill process for
going through this and sorting and prioritizing.
Commissioner Sinay.

COMMISSIONER SINAY: Just clarification. Should we
be looking at the justification for proposed change to
government code Section 8253, that the recommendation
that was given to us? I'm guessing, you know, it's
proposed. Anyway, Is that where we should have our
focus? Because that's where my questions are right now.

COMMISSIONER FERNANDEZ: No. The handout that we
had on the justification, that was just something that we
wanted to just post, this is based on the comments and
feedback that we received. We've already moved forward
with -- the Commission has in terms of moving forward
with this in terms of asking for a three-month period
instead of a two-week period.

And if you have any additional comments or bullets,
we could -- if you could forward that to Anthony, that
would be okay.

COMMISSIONER SINAY: Okay. I just -- I don't
remember voting on three-day, but I trust everybody
because I don't necessarily trust my brain. But I do
want us to take into account that the League of Women
voters did send us a letter on exactly on this one. And so I just wanted to confirm that we did vote that this is the way we wanted it set up. Just that we have that on record. Okay. And what day did we vote? So the League of Women voters know, the public can know.

CHAIR TOLEDO: So we can ask Alvaro to take a look at that --

COMMISSIONER SINAY: Okay.

CHAIR TOLEDO: -- and bring it back to us.

COMMISSIONER SINAY: Just for --

CHAIR TOLEDO: Give him -- with the next couple minutes?

COMMISSIONER SINAY: Yeah. Just for public. And then going back to the other list that was mentioned. I do have some concern about depending too much on the legislative staff. Because there are some pieces that we think is important but the legislature isn't necessarily going to support.

And for instance, making it public when the legislature strikes any individuals. I don't want us to not move something forward because the legislative staff doesn't see it's in the best interest. But maybe come up with a plan on how we're going to educate ourselves and bring in the public who does agree with this idea, to be able to move it forward.
So I think one of the recommendations I would have, is to look at this list and see which ones we want to work with the legislature on. And which ones we may want to educate ourselves a little bit more before we make any recommendations. Because I still don't feel like I have enough good information on some of these to make a decision that will affect Long Term Redistricting.

CHAIR TOLEDO: Thank you, Commissioner Sinay.

Commissioner Fernandez, did you want to respond?

COMMISSIONER FERNANDEZ: Yes, I will respond. And I just want to clarify that when I say that we're working with the legislature, it is -- we're the ones leading the conversation. We're the ones saying, this is what we are proposing and we are the ones that are drafting the language. So I apologize if I wasn't clear with that piece.

And yes, of course, in terms of the items on this list, the purpose of it is so that we can actually go through and talk about it and as a whole decide whether or not we want to -- we agree on any of them to move forward at this time. Or is it just going to be continued discussion at future meetings? Thank you.

CHAIR TOLEDO: Thank you. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. You know, when we've been looking at legislative changes, we've
been starting from a base of our legislation, the
Government Code Section 8250 and so forth. Which is a
fine place to start. But I wanted to call our attention
to the fact that subsequent to the establishment of the
Statewide Citizens Redistricting Commission, the
legislature did pass language in the elections code
providing -- or making provisions for certain aspects of
local redistricting.

And in some senses there are features in that -- in
those code sections that maybe are more, I don't know,
more advanced. They were -- they're based on lessons
learned from particularly the 2010 redistricting cycle.
And I just wanted to encourage us as we look at this, to
also go to Election Code, particularly Section 21508.
Which is the one that talks about "The board shall" --
and this the board of supervisors, "shall take steps to
encourage residents, including those in underrepresented
communities and non-English speaking communities, to
participate in the redistricting public review process,
including providing information to media organizations,
providing information through good government civil
rights, civic engagement and community groups."

There's also an interesting provision in here,
because we've been talking about, you know, how do we
maintain our website? Well, if you go down to --
21508-G, it says, "The Board shall establish and maintain for at least ten years after the adoption of news of supervisorial district boundary, an internet webpage dedicated to redistricting, shall include or link to the following: a general explanation of the redistricting process for the county in English and applicable languages, the" -- oh, let's see, "recording or written summary of each public hearing and workshop, each draft map, the adopted final map."

So there are some interesting provisions that the legislature put in place subsequent to the establishment of this Commission that might be useful for us to look at as we move forward with this. So I just want to encourage us all to take a look at that newer legislation that is, yes, in a different code. Yes, it's related to local redistricting, but it reflects in some sense a newer understanding of how to go about this, as I say, particularly at the local level. But there may be some aspects of it that are relevant to us and could be useful to us in our own proposals.

Thank you.

CHAIR TOLEDO: That's helpful. Thank you, Commissioner Kennedy. So we did get a response back from Alvaro.

Alvaro, did you want to provide us with the
information about the motion that was passed.

DIRECTOR HERNANDEZ: Sure. The motion was passed on March 30th, 2022. I'll read the motion as it was approved.

"Motion to move forward with legislative changes listed in Group A. That's A1, A2, A3, A4, and A6 of potential legislative changes 3/3/2022 Handout. A6 with edits. Three days public notice for meetings held three months before map deadline in the year ending in the number of one." That's all.

CHAIR TOLEDO: Thank you, Alvaro. So I know Commissioner Fernandez, as our -- has a comments.

COMMISSIONER FERNANDEZ: Oh, just to Commissioner Kennedy. It's not -- the list that we have is not a comprehensive list. I will assume that as we continue to move on this process, you know, month, year, we will continue to add. Things may come on the list, come off the list. And I mean, that's great to continue to see if there's other sections that may apply.

And then another goal for today for us would be to establish, I guess, will there be another subcommittee that will further this effort? The Long Term Planning, this, this I want to say it kind of fell on us. And we were directed to do it because due to the short time frames of trying to get something through this -- through
this Bill cycle that.

But we already have the one Bill that's moving forward. And so in continuing years, I believe it's important to decide where that will fall. if it will still fall with us. Is it going to be a new subcommittee? Does it go to government affairs? So that's -- that was like another goal that Commissioner Akutagawa and I had, as we move forward in this process.

CHAIR TOLEDO: Okay. I think that clarification will be good. So let's start with the priorities.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: Let's look at -- let's begin the process.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: Can you walk us through what that is maybe? And is there a way to post that so that everybody can see it on --

COMMISSIONER FERNANDEZ: Oh --

CHAIR TOLEDO: -- on the screen? I know we're having technical difficulties in Orange County.

COMMISSIONER FERNANDEZ: That would require me to have it up and running.

CHAIR TOLEDO: Commissioner Fernandez is going to try to

COMMISSIONER FERNANDEZ: I'm going to try but I
think Commissioner Fornaciari might be better at that.
Like how I delegate that kind of?

CHAIR TOLEDO: So one of us will Chair it. So yes, let's start the process.

COMMISSIONER FERNANDEZ: Oh, there we go. Thank you. See, he's great.

CHAIR TOLEDO: Maybe frame what we're saying. And then we can figure out a way to prioritize?

COMMISSIONER FERNANDEZ: Okay. So what we did is we prioritized it already, based on the feedback from the Commissioners. I think at least half provided feedback. So thank you for all that provided feedback. And I think the other half just thought it was great the way it was. So that's good, too.

And so as you will note, the first column will be the priority. So that would be like the number of votes or -- I don't have a better way of saying it, of those Commissioners that voted for that. And then the second -- the second column is, will note how many voted for that, as well is it'll have the prior C number. Because this was our C spreadsheet. And we didn't want to lose that connection.

And then the topic is obviously the topic -- that the topic and the code section to amend, those have not changed. What has been added to the notes is, if there
has been any prior discussion on these items or on these
topics, we tried to include that so that Commissioners
and the public are aware of what some of the comments
have been. Either pro or con or either way, neutral to
the proposed change or topic.

And so I believe it's in priority order already.
And so what we were hoping to do is, you know, maybe, if
we can somehow get through at least for number four,
maybe five today, that would be great. But again, I,
don't know how beneficial it would be to spend too much
time on it. Other than, we'd like to get to a point
where we can put it into buckets as to, okay, maybe this
is one that we might be able to vote on for today. This
is one that we need further discussion and then maybe a
third one where there's just too much dissension and it's
probably not going to move anywhere. Maybe we move it to
the bottom of the list. So we're not continuing to
discuss it at every meeting and have the same discussion
items. So I don't know if -- is that okay? Or how do
you want to do it?

CHAIR TOLEDO: Yeah, I guess. Are there any of
these -- are any of these more time-sensitive than
others? Is the other question I would have.

S3: The only one that could potentially be time-
sensitive is 3-B. Potentially, we might be able to get
that into this cycle but we don't know for sure. And that's the one, the ability to hire outside Counsel without the Attorney General prior approval.

And just a little bit of background on that. Chief Counsel Pane has reached out to the Attorney General's Office, letting them know that this could be a potential. And we haven't we haven't decided for sure. But just trying to at least give him a heads up in case it's something that we may go forward with.

There is -- it would actually be the language of the Attorney General's office, because they actually have a list of other agencies that are exempted from their prior approval. So I don't want to say it would be a quick -- a quick amendment, because if I say that, then it won't be a quick amendment. Now, I'm going to jinx it. But it could be something that potentially might be -- we might be able to get into this cycle but I would not hold my breath.

So and then the other items again, would be related to our specific code, so that we would hold for next year. But it would still be beneficial to try to get through as many as we could so that we can start working on that language and working with our committee on that.

Again, on 3-B, there is two sections that were noted. One is our government code section and the other
one the Government Code Section 11041. That's the
Attorney General's section. And we felt that that would
be an easier route to take if the Commission did decide
to move forward with that.

CHAIR TOLEDO: So let me just understand this
correctly. We wouldn't be working on the language. We
would be look, we -- all we're trying to do today is
just -- is this a priority that we want to task a
committee -- potentially to work on language and come
back to the committee, to the Commission for approval?
Okay. And then, my understanding is also that, that some
of these have been approved already, no? The number 3-B.
I thought was already previously approved.

COMMISSIONER FERNANDEZ: No. 3-B, we talked about.
It was not part of the initial motion that Executive
Director Hernandez just told us. So what was approved
initially was the incarcerated, both on The State and the
Federal, to move forward, instead of requesting that the
future Commissions would do that. The third one was for
grants, ability to issue grants. The fourth one was an
exemption from contracting and procurement requirements.
And then the fifth one was the three day, the three-day
public notice period.

COMMISSIONER FERNANDEZ: Okay. So for today, our --
it's essentially, do we all -- we're trying to find
consensus on whether to move these forward to the committee --

COMMISSIONER FERNANDEZ: Right

CHAIR TOLEDO: -- and to task the committee to draft some language --

COMMISSIONER FERNANDEZ: Right.

CHAIR TOLEDO: -- around these.

COMMISSIONER FERNANDEZ: Yeah. And again, it's not to approve the language, so it doesn't require that supermajority vote. It would be just to move forward to work on language and do some research on how best to come back with that information to the full Commission. That makes sense.

CHAIR TOLEDO: Makes sense.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: Okay. So do you want to start from --

CHAIR TOLEDO: -- the top, then go through the first --

COMMISSIONER FERNANDEZ: Yeah.

CHAIR TOLEDO: -- four or five?

COMMISSIONER FERNANDEZ: Yes. Yes. And so the fourth -- the first one is to clarify what a day is and defining mapping deadlines. And so there are -- there is one definition already. And it's not as clear as we
would want it to be. And from what I gathered of the
discussion in the past was, we were looking for
potentially, a day would be a twenty-four hour period.
So let's say right now we had a motion at -- I don't
know what time it is. We had a motion at 1:30 p.m. So
the twenty-four hours would start as of right now. So
1:30 tomorrow would be a twenty-four hour period.
Versus right now with Black Laws Dictionary (sic),
that one day would start at midnight, regardless of what
time you move forward with anything during the day. The
clock wouldn't start until midnight. So potentially, you
know, and this kind of came into play when we were
talking about like the draft maps and the final maps, the
three-day period, the fourteen-day period. And so it
potentially could impact future Commissions and their
ability to maybe have two final maps, potentially. To
actually be able to act on it if there's, you know if
they finish enough in-advance time or even with the draft
maps. So opening it up for discussion in terms of any
comments with that.
CHAIR TOLEDO: Yeah. This received five votes so
that the item that received the most votes.
UNIDENTIFIED SPEAKER: Yes.
CHAIR TOLEDO: Commissioner Andersen.
COMMISSIONER ANDERSEN: Yeah. This is a really
important one. And I was very involved in this because of roughing up the first schedule of, you know, when, what dates we have to have, you know, one of the drop dead dates. We have to have this in order to meet the three day and the ten day at the end. Also, I lobbied for the twenty-four-hour. And the reason is, is because also in the posting of the contracts, before you can actually a contract goes final, and you can essentially let a permit or when you are hiring the line drawers, any protest, the definition they use the Black Laws Dictionary definition and it sort of benefits the public.

And that's kind of out there. As far as the public gets a little bit more time, if it is the twenty-four hour, the Black Law, Black's, Black Law Dictionary, Black's Law_Dictionary -- Law Dictionary definition versus just twenty-four hours from, like say we pass at 8:30 in the morning, it's 8:30 the next morning. As opposed to, okay, we pass it, you know, about it today and through tomorrow, essentially, you know, it gives them that extra portion of that day.

I think it's very important and I really am glad that this is right up there, number one. I would recommend that we. Charge the subcommittee with coming up with words for that. But I would lobby for the Black Law -- Black's Law Dictionary definition.
CHAIR TOLEDO: The Black's Law definition, midnight to midnight?

COMMISSIONER ANDERSEN: Correct.

CHAIR TOLEDO: Okay. Anyone in opposition? Or I'll start with Commissioner Kennedy and then and then we'll go with -- we'll talk about whether we have consensus here.

COMMISSIONER KENNEDY: Thank you, Chair. You know, my point throughout this discussion has been to minimize or eliminate the possibility for misinterpretation or discrepancies in interpretation. Let's make it impossible to misunderstand.

And I look at this and I kind of sound things out in my mind. If we say about something, no later than two days prior to such and such deadline, does that mean you know, we have to have two full days? So it's actually the third day before? Or when we say no later than two days before, you know, can it be less than forty-eight hours? I want us to avoid any possibility of misinterpretation or divergent interpretations to the extent possible, you know, whether I support one way of doing that or another, you know, that's another question.

But let's eliminate to the maximum extent possible, any possibility of diverging interpretations because that just raises temperatures in the end. Thank you.
CHAIR TOLEDO: Thank you, Commissioner Kennedy.

Commissioner Sinay.

COMMISSIONER SINAY: I thought I was following Commissioner Andersen and then I got confused. And so I want to -- my thought is, especially when we're thinking about the draft maps, that having the twenty-five -- twenty-four hours from the time the motion is passed, allows us to move quicker than if we use the Black Laws Dictionary (sic).

Am I misunderstanding the two? Because where we were -- well, I know staff would rather have the Black Laws Dictionary because it's very quick to post things and stuff. But I thought we wanted to be able to move quickly when we were in the draft map stages. And that's why we were discussing twenty-four hours from the time the motion is passed versus the Black, if I'm understanding what the Black Law Dictionary definition was.

CHAIR TOLEDO: I'll ask Anthony, Chief Counsel Pane to weigh in also on this.

MR. PANDE: Sure, Chair. So Black's Law would define a typical calendar day as midnight to midnight. So if instead the Commission wanted to move forward in a different definition. Which would mean, in the past we've discussed -- we've discussed this in terms of a
clean day, a full twenty-four hour period to count as one
day. That is -- and that is the Black's Law definition.
That's the default.

If the Commission wanted to change it, to say that
twenty-four hours from the date the action is passed, or
the day of action is taken, or action is taken, that is
different than the Black's Law Dictionary because then
the clock starts to count the twenty-four hours once an
action is taken. It is not based midnight to midnight.
So that's the distinction.

So if you're -- if the question is which one is
quicker, quote unquote, a change, not Black's Law
Dictionary, a twenty-four hour from the date of action
would be quicker. Black's Law Dictionary requires three
full midnight to midnight clean days, which would really
end up being roughly three and a half if, say, you took
an action at 12 noon, you need to wait and go midnight to
midnight the next day for day one, if that helps.

CHAIR TOLEDO: That's helpful. Do you see any
disadvantages with not going with Black Laws (sic)?

MR. PANE: No, I don't. I don't. I think it's a
policy choice for the Commission. That definition is
there as a starting point. Different public bodies and
different departments are free to create regulations and
statutes that fit their needs. And in the absence of
that, at least there's a sort of a failsafe way to go by.
And that's the that's the dictionary version.

But certainly the Commission is free to chart its
own course if they want. No legal disadvantage. I think
it's a -- it's more of a policy call as to whether, you
know, the Commission is -- whether the change -- and
I'll go back to the requirements that I mentioned
earlier. This would be a change in the Government, in
the Commission's statutes. And one of the requirements
is that it has to further the act.

So I think what really, if the Commission wants to
recommend a change, I think part of it needs to be -- the
discussion should center around how it furthers the
purposes of what the Commission does. And how that's
better for the Commission.

CHAIR TOLEDO: And we would need a supermajority to
move forward with any recommendations --

MR. PANE: For a recommendation, yes.

CHAIR TOLEDO: But at this point, if we wanted to
recommend to move this forward to the committee to
develop some language, that wouldn't require a
supermajority.

MR. PANE: Well, if this is a recommendation of the
Commission for a subcommittee to move forward on
something, I think it would be best to have a
supermajority if it's a recommendation. If you wanted to do a recommendation vote at a later time. You certainly could. What is required is that there be a recommendation by a supermajority. When that occurs isn't in the statute. We just have to be able to, again, check off all the requirements. One is a recommendation. And one is providing the exact language.

So if today is not the day for the formal recommendation by two-thirds, it could be another day. But if you want it to be a day, it would be a day by a two-thirds majority.

CHAIR TOLEDO: Thank you. Commissioner Fornaciari --

COMMISSIONER FERNANDEZ: Fernandez.

CHAIR TOLEDO: -- this is a follow-up and then we'll go to Commissioner Fornaciari

COMMISSIONER FERNANDEZ: Thank you for that. So regardless, let me make sure I -- regardless, we would still need to have a supermajority later. Like, let's say we did a supermajority today. We still need to have another supermajority when we actually had the language. Correct?

MR. PANE: Correct.

COMMISSIONER FERNANDEZ: So we could do not a supermajority now, but we'd have to do one later when we
actually have the language for the Commission to approve. Correct?

MR. PANE: Correct. The statute doesn't further define what a recommendation is. So if we recommended it at this and vote on the exact same language once, that's theoretically possible. You all had a supermajority in voting to recommend amendments on March 30th for those five, A-1 through 4 and A-6, I believe.

So that piece was checked off. The exact language pieces is still left to be done on those, so.

CHAIR TOLEDO: Thank you. Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Thanks. So, Anthony, I believe you just said that Commissions can create regulations. And I believe that the government code section says a day or three days or whatever. Right? And we interpreted that -- that a day is based on Black's Law, is the way we interpreted it and executed. I mean, do we need to go and change The government code to decide now, we want to interpret it a day to be twenty-four hours from the time the action is taken? Can we just codify that ourselves in a regulation or do we need to have the government code change to be explicit?

MR. PANE: So in order to -- in order for any department or Commission or public body to promulgate or effectuate a regulation, they need to have authority to
make regulations. What this Commission is lacking currently is specific authority to make regulations. And so the best approach to do what you were getting at, Commissioner Fornaciari, is to change a statute that defines a calendar day, how the Commission wishes to do it.

Alternatively, and this is more a laborious process, is to get a statute to the Commission statutes changed and added that specifically allows the Commission to promulgate regulations. And then any -- this Commission at any point can pursue the administrative process that is required in order to promulgate or effectuate a new regulation. If that were the case, the Commission could promulgate a regulation, again, through that process, through the administrative law process to promulgate a regulation. That's another route.

CHAIR TOLEDO: Thank you. Commissioner Andersen.

COMMISSIONER ANDERSEN: Okay. Just to finish that one. But the second way to have us build to promote regulations. That would help us, you know, essentially do particular things, but it's not directly affecting the act. You know, moving the act along. It would be kind of like, well, it's another tool to help us move the act along, not directly in helping the act. Where if we just change something directly, that would be directly
affecting the act.

So I think our chances of doing whatever the project is would be higher if we actually try to change our specific language as opposed to changing the fact that we can -- can we or can we not make regulation? But that aside, I thought we did, in terms of -- I guess, what's the real crux of the matter here is, do we want to do twenty-four hours from the time of motion? Or do we want to go a full, clean, not a day. We decide something and then it's the next day is clear.

And I completely agree with Commissioner Kennedy. This can't be open to interpretation, which has been the problem. And we decided how we went with in terms of the calendar, we went with clear days, we decide something and then there are three clear days after before we do anything else. So we do something on the fourth day, not on that third day.

Now, that does -- we do lose, like, half a day as you -- as Anthony very clearly pointed out to us. But, you know, there is precedent for those separate days, as I said, to be in contracting, there's a protest period. And that is in public domain -- kind of gets out there a lot. I think if we do not go -- and Anthony, please clarify right now. Everyone's assuming that the Black's Law is the rule, not the twenty-four hours. So if we
want to go the twenty-four hours, we actually have to change our government code section. Is that correct?

MR. PANE: Yeah. If the Commission wishes to have a different application of how to count time or a calendar day, you're going to need to have different authority for making that new application. If there is none, barring any change, the Black's Law is sort of the default.

COMMISSIONER ANDERSEN: Got it. Okay. So we should actually just clarify what that is. And then write -- and use this time to task our recommend, our subcommittee to come up with proper wording to put Black's Law into a clarification.

MR. PANE: Yes.

COMMISSIONER ANDERSEN: Okay. That's what I would --

CHAIR TOLEDO: That makes sense.

COMMISSIONER ANDERSEN: -- make a recommendation for on number 1.

CHAIR TOLEDO: Okay.

COMMISSIONER ANDERSEN: Or so move or whatever.

CHAIR TOLEDO: Commissioner Turner then Commissioner Fernandez and then we have Commissioner Kennedy.

VICE CHAIR TURNER: Yeah. I just wanted to go back real quick because the twenty -- we're having the discussion because there was advantage at some point for
us to at least discuss the twenty-four-hour time frame from the time a motion is passed as it relates to defining map deadlines.

And so just to kind of go back, a long discussion, we decided this is our map and we're in a time crunch. We did that at 4:57 in the evening. Our day one the next day, 4:57 is the first day to -- and then three, the third day out. Do we need to add in the holiday? I mean, holidays, weekend days, is it just twenty-four-hour days? I mean, I don't know how all that comes into play, which then extends this Black Laws (sic) definition. I'm still back to thinking we need to do twenty-four hours and then clarify, are we talking weekdays?

CHAIR TOLEDO: All right. So Commissioner Andersen, do you have something --

COMMISSIONER ANDERSEN: Yeah, I do.

CHAIR TOLEDO: -- to respond to that?

COMMISSIONER ANDERSEN: There is a difference. Is it business days or days? And we definitely went through -- there are some that are business days. And then -- but our -- the three-day period, it's a three-day period. So it doesn't matter if it's a holiday or that's -- that sort of thing. I know Anthony gave us a little -- clarified this for us. But there's a difference in the definition between a business day or a
twenty-four hour day -- or a day.

So calendar days, calendar day or business day.

That's the difference. If Anthony wants to clarify, that would really help. But it doesn't automatically mean, you know, calendar -- by going by calendar days, it doesn't matter if it's a holiday or a weekend.

CHAIR TOLEDO: Excellent. Thank you, Commissioner Anderson. So let's go to Commissioner Fernandez and then Commissioner Kennedy.

COMMISSIONER FERNANDEZ: Thank you. Okay. Now, remember, I actually wrote it down, which is good. I just wanted to -- I'm glad Commissioner Kennedy is next. I just wanted to ask him if he was fine going either way. He just wanted clarification, which I think that's what he was saying. But I just want to confirm that.

And then the second thing about the twenty-four-hour period, I believe it did come into play because when this discussion first came up was when we were backing -- backtracking from the final due dates. And then we had the -- the 24th was a holiday, so we couldn't use that day. And then the weekends, we couldn't use. So the twenty-four-hour period is not a true twenty-four-hour period, I believe. But Anthony would have to chime in when it comes to holidays or weekends.

CHAIR TOLEDO: Anthony, can you give us some
background on whether holidays and weekends count toward
this?

MR. PANE: Sure. So this discussion is about how to
define a day. And in this Commission's statutes, already
a day is calculated, but certainly, but not defined. And
in A-2 of 8251, it says, "Day means a calendar day.
Except that if the final day of a period within which an
act is to be performed is a Saturday, Sunday or holiday,
the period is extended to the next day that is not a
Saturday, Sunday or holiday."

So. I think there's really two layers to this.
One, how is a calendar day separately defined? Should
the Commission -- to do that? Understanding that
calendar day is already calculated in an existing
subdivision. So it sort of needs to go through two
layers. And that's how you can spit out sort of a final
number. Is first, how do we define calendar day? Does
the Commission want to give its own? And then layer it
in calculation as it's defined in A -- I just read it.
A -- I'm sorry, it's not A-1. It's 8251, B-2.

So that's how I would recommend looking at this
is -- and Commission is certainly free to do as it
pleases. It may just want to provide some parameters for
the subcommittee to pursue and sort of think about this,
do this, maybe have this in mind. And we could come --
the subcommittee could certainly come back with a
definition and we can talk about how that is applied in
light of the existing statutes and specifically B-2. But
day is calculated but it is not defined.

CHAIR TOLEDO: Appreciate that. I remember that
now. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. A couple
of things. One is, a lot of the discussion seems to be
starting from a perspective of, we're looking at days
after something, but we also need to look at days before
something and make sure that whatever definition we have
works for both of those. As I pointed out, if something
says no later than two days before, are we talking
literally two days before or are we talking the third day
before so that there are two clear days before? So we
all need to look at both sides of this issue.

Second of all, on the issue of calendar days versus
business days, I've even worked with an election law
where there was a specific provision that said, you know,
within the last thirty days before the election, you're
counting business days. But if it's before that, you're
counting calendar day. So that during those last
important days, you're giving the public or whoever -- or
candidates or whatever more time. The clock runs a
little bit slower if you're counting business days versus
calendar days.

And then that is just to say in this context, we don't have to necessarily choose one or the other for the entire definition. If we wanted to, we could say, you know, during the last month, we're counting business days only, not calendar days. You know, Anthony read the language from The government code. So if the final day of a period within which an act is to be performed is a Saturday, Sunday, or a holiday, that only refers to the final day. But what if the second day is a Saturday, Sunday or holiday? Do we want to count that or not? And what I'm saying is, in the end, we could do whatever we want to. And as Commissioner Fernandez has pointed out, my goal in this is to eliminate possible misinterpretations or divergent interpretations. Let's make this whatever it is, as clear as possible. Thank you.

CHAIR TOLEDO: So with that in mind, it sounds like there's consensus in moving some -- moving this issue forward and trying to get some clarity and trying to remove some of the ambiguity. And we need parameters for the committee. So are there any parameters around this in terms of developing the language that the Commission would like to see? Or is this enough guidance for them to develop the definitions?
Commissioner Le Mons and then Commissioner Sinay.

COMMISSIONER LE MONS: I don't have a recommendation on parameters, but I did want to make sure I was clear. So it sounds like we're defining day. And then there's application of the definition of day as we define it. And it's complicated because we want to be able to have a different level of expediency to move things toward the end of this process. And therefore, if we go with this twenty-four-hour from the time of motion pass, that enables us to do -- So it sounds like we're trying to solve a problem that we want to solve, that's complicated by the current definition. And so therefore, we're clarifying or being more definitive about the definition to solve that problem.

So I guess that's where I'm -- that's my question.

CHAIR TOLEDO: Turn it over to Commissioner Fernandez and because she's been synthesizing all the feedback.

COMMISSIONER FERNANDEZ: Oh, I don't know if I'm synthesizing it, but I think because -- what I'm thinking is if there's enough consensus to at least move forward, you know, that we want to provide some clarification on what a day means. And then the subcommittee, whatever subcommittee that may be in the future, can then come
back with some suggestions in terms of, you know, if we
do twenty-four hour or different scenarios and then maybe
the Commission at that point can -- I don't know how you
see it, Chair?

CHAIR TOLEDO: So I guess I'm -- I may be
misinterpreting Commissioner Le Mons, but what's the
problem we're trying to solve? Is it is as Commissioner
Kennedy has stated very eloquently, to remove -- to make
it clearer, and to be able to remove any ambiguity there
may be? Or is it something else? Is there something
else we're trying to solve? Commissioner Le Mons, did
you want?

COMMISSIONER LE MONS: No, that's correct, Chair.
It is potentially multiple things that we're trying to do
and I think is getting lost. I'm not tracking all of
what we're trying to do with this.

CHAIR TOLEDO: Thank you. Let's go to Commissioners
Sinay, Andersen, Turner, and me.

COMMISSIONER SINAY: Thank you, Commissioner Le
Mons, for always asking, what is the problem we're trying
to solve? And I know Commissioner Ahmad is also very
good at reminding us of that. I would like us to, as you
were asking about parameters. I would -- yeah, we had
more -- okay, I'm not going to say we had more time or
less time because that's always debatable, but I guess
for me, I would like to focus on the parameters of this
to be similar to the justification proposed changes to
Government Code 8253. And that it be for only the final
three months. It can be debated if we want to keep, you
know -- but I'm saying the final three months since that
is already in some of the changes we're making. Make it
twenty-four a day, twenty-four hours a day -- twenty-four
hours is a day in all calendar days.

And I'm thinking just about that crunch time, it
didn't matter if it was Sunday or if it was Monday or if
it was Wednesday for us at that time. And so that was
where we really were kind of struggling with what is a
day. And then -- and that helps define what we're
meaning about allow for three day of public notice period
for meetings because that, you know -- it pops up there.

And so again, I would say -- I would say for
parameters twenty-four hours for the day. It's a
calendar day and this definition applies in the three
months prior to -- the final three months before the maps
are submitted.

CHAIR TOLEDO: Thank you, Commissioner Sinay.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah, I was going to give us
just a little bit of -- the reason why this became such a
huge deal is because of the holidays, and we were stuck
with, you know, the Christmas and New Year's and Thanksgiving. And that's where this kind of happened. Basically we would've had to been voting and doing all that work on Christmas. And then it moved to the 24th, and that's where if we had, like, an extra couple of days, we actually would have had the maps due after the new year because of the way the holidays -- you know, you can't do the action until it's a business day and it would've kicked it enough.

And that's where this sort of all came from. Going back and forth with the calendars. And so what is our drop dead day? When do we have to have, you know, the final map and then we have the three-day time period ticking from that point forward. And that's sort of where it all came from. Hopefully no one else will be in that situation, so you won't have quite the problem that we had.

However, it was very ambiguous and that's where we said, look, we really have to pin it down. And the clear days I thought was more beneficial because there's no ambiguity in it, where if you start twenty-four hours, like Commissioner Turner said, okay, we voted on that at 4:57 so does that mean before the end of the business day the next day you better have said something or it's over? Yes, it does if we got twenty-four hours. So it means
they have less than a day. Anyone who wants to say anything about it. And that's where I think we're going to have a bit of a problem, which is why I recommend the Black's Law day.

However, this does come into play for the last three days and the ten-day -- through last three months essentially of our work. That is when all these deadlines really kick in. Except for the forty-day meeting notice with a ten-day meeting notice. That would be the only other time that that would come forward.

So I just want us to -- I like the motion that -- the recommendation we set to the subcommittee is -- you know, the twenty-four -- whatever twenty-four hour, or the Black's Law twenty-four hours, but let's -- we could just -- we could if we want to just put this into the last, say, two months or three months of the actual work.

CHAIR TOLEDO: Thank you, Commissioner Andersen.

Commissioner Turner.

VICE CHAIR TURNER: Yeah, thank you. I agree. I like the last three months. And I'd like to just then have us agree to allow the subcommittee to move forward and come back with the scenarios. And I'd like to see them both for the twenty-four hour and the Black's Law dictionary definition of a day. Particularly the before and after to see what the impacts are. And if we can do
that, I think in that next meeting, we can see the impact of both around holiday periods and say this is what we clearly want to have happen and then be able to move forward.

CHAIR TOLEDO: Thank you. That sounds like a good plan.

Commissioner Yee.

COMMISSIONER YEE: Yeah, you know, I'm torn. On one hand, of course, I think it's to our advantage to land on the shortest possible time period, you know, which gives us the most flexibility and the most expeditious schedule. And so that would be Commissioner Sinay's scenario I think, which is twenty-four periods from the time of a motion, and calendar days, not just business days. And versus, you know, being as generous as possible to the public, you know, and using the furthest possible timing and dates. That would, you know, just -- someone would consider three full days.

And I think I'm landing with Commissioner Sinay's scenario of the shortest possible. You know, for better or worse, we're in a hurry-up culture. When, you know, I even get package deliveries on Sunday, right, which would never happen before, you know. And you know, on one hand I don't want to encourage that. I think we're probably too hurry-up of a culture. On the other hand, the nature
of the work of this Commission is a hurry-up work.
Absolutely. And the next Commission will probably have
an even greater time crunch than we had. Even though
hopefully it will not have all the holiday conflicts we 

had.

And I think people understand that. So I think I am
landing towards the shortest possible time period,
Commissioner Sinay's proposal of twenty-four periods from
the time of an action. And then calendar days, not just
business days.

CHAIR TOLEDO: Thank you, Commissioner Yee.

Commissioner Kennedy, then Le Mons.

COMMISSIONER KENNEDY: Thank you, Chair.

I would probably also come down on the side of
greatest flexibility for the Commission but perhaps for a
shorter period of time. I mean, we submitted our maps to
the secretary of state as I recall on the 28th of
December. If we go back two months from the 28th of
December, that's the 28th of October which was before we
even sat down to put together the draft maps.

And I kind of question the need for any change any
earlier than that. So I would probably go with maximum
flexibility for the Commission but for a shorter period
of time, most likely not to exceed two months. Thank
you.
CHAIR TOLEDO: Thank you. Commissioner Le Mons.

COMMISSIONER LE MONS: I certainly support this subcommittee exploring and coming back with the impact. I guess I'm landing that we should leave it as it is, a calendar day. I see the potential for confusion, particularly since we vote on motions all times of day and night that keeping track of, oh we voted that motion at noon and we voted that one at midnight and we voted that one at 2 a.m. The public would have a very difficult time tracking what's being asked of them in a time period because they have to then keep track of all of these different votes that dictate the calendar.

A calendar day, most people have been trained to understand what a calendar day is, and while it doesn't make our job easier, I think we do have to balance between making our job easier and remembering that these postings and things are about the community's involvement.

CHAIR TOLEDO: Thank you, Commissioner Le Mons.

Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah, I am agreeing with what Commissioner Le Mons just said. I think while the -- you know, the twenty-four hours from the time of the vote sounds like it would be good, I can just imagine how confusing it could be. And I would be concerned
about it being too confusing where we end up maybe even confusing ourselves.

So I think I would support what Commissioner Le Mons just said. I think what Commissioner Kennedy said about the shorter time period, Commissioner Kennedy, I'm just going to -- I'm just going to maybe throw out like, say, for example, you know, perhaps, let's just say if you mean by a shorter time frame, you're talking about maybe a two-month time frame instead of a three-month time frame.

My recollection of our process was that we started doing the visualizations in October, so I -- for me, I think three months would be I think helpful to give us that flexibility because we did start the visualizations in early October, not late October. And so I think being able to have that.

And then I think there's just some -- we want to also -- I'm also thinking about consistency in language too because we have a proposal about three-day notice within three months. And I think just trying to keep it all consistent would be the least confusing I think for everyone. And so I just want to throw that out there in terms of that kind of consistency and alignment. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Akutagawa.
Let's go to Commissioner Sinay and then come back to Commissioner Fernandez for next steps.

COMMISSIONER SINAY: Thank you. I would agree. I kept it to the -- I said the three months just to be consistent because if not, at that end, you know, just the craziness of trying to remember, wait, this one's a two-month, yeah, it's kind of like the super majority and majority votes, you know, that we have to keep track of which is which.

I would like to propose an amendment to my own recommendation. And keep it at twenty-four hours not from the motion but twenty-four hours from the close of meeting. And maybe that would encourage people to close -- to end a meeting a little quicker. Just a thought. You know, because then all the motions that were made that day would be at the same time, so if the meeting ended at 10 p.m. that night, the days start counting at, you know, counting twenty-four hours from there.

Just the starting at midnight to midnight is difficult at the -- it was difficult when we were at the end and we were trying to figure out, you know, just those last three days of, okay, what does this mean, what does that mean. And giving the flexibility -- I just keep looking at the flexibility at the very end, though
I'm a complete advocate of how do we make this easier for the largest community and that's why I've sort of compromised.

CHAIR TOLEDO: Thank you, Commissioner Sinay. And to some extent, I've heard more than -- it sounds like a consensus to send this back to subcommittee for language. But I did potentially hear at least one person say that the status quo -- maybe I misunderstood -- would be preferable. So I just want to make sure that that -- you know, so this is an item that will require a super majority. So let's go to Commissioner Fernandez, and then if there's somebody who wouldn't want to move forward with this, maybe perhaps they could speak up.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Okay. Thank you. And then I guess just clarification back to Commissioner Sinay. She said from the close of the meeting. Is that the recess meeting or adjourned meeting, because you know, it'd just go on forever. But no, sorry, I'm just -- it's just, like -- what is that? PTSD was coming back to me right now. But I -- part of me feels like we're making this more complicated than it needs to be. And to define -- to provide a definition for a day for only two months out of the whole cycle versus I think we'll confuse people even more if we -- I feel we should just
apply it for the whole term of -- instead of just, like, during a specific period.

It just -- I think that would be even more confusing of having to keep track of, oh, okay, now it's the next -- now it falls into this two-month or three-month period so now we're going to count it differently or define a day differently. So in that situation, we'd actually have two definitions of what a day is. We'd have one for the last two or three months and then you'd have one for every other.

And I mean, personally, I would just prefer to have one definition for the entire thing. And if it's Black's Laws, that's fine. It's kind of what we went with. If it's a twenty-four period, that's fine also. I just think we're making it a little bit harder than it needs to be.

CHAIR TOLEDO: Commissioner Sinay and then Commissioner Akutagawa.

COMMISSIONER SINAY: Well, I had a question. Based on what I had said, which is similar to what you had asked Alicia, but if a meeting ended at 1 in the morning, so then it would have to go -- which we did have a meeting end at 1 in the morning -- would it then have to be pushed to 12 the next day, not the 12 that just passed. But that's no here nor there, but just it does
get complicated.

To answer your question, Commissioner Fernandez, I think when I was thinking of having -- and now I can -- you helped me clarify what I meant by the -- why the three-month period was important. I think in that last three months, counting it as a calendar day versus a business day is important, but I think prior to those three months, counting it as business days makes sense.

So I think that's why I was trying to -- I was using the final three months, was more thinking about it -- the question about is it a calendar day or a business day. I don't think we need to have everyone thinking about, you know, working weekends and holidays and all that except for that crunch time.

CHAIR TOLEDO: Thank you, Commissioner Sinay. We'll go to Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah. I want to go back to what Commissioner Le Mons did say about I think trying to keep it as simple as possible. And I think someone just mentioned this, too. I think the consistency that we can have with also what is Black's Law dictionary I think keeps it less confusing instead of us trying to create our own definition. I think keeping it in alignment with something that is -- I'll just say maybe generally accepted by at least the lawyers who would be probably
advising, you know, other Commissions and others.

I think that might just make things a little less confusing all the way around if that's also being used from an advocacy point of view if that's the understanding of those that are watching the process.

I hear what Alicia's saying. I also, you know, hear what -- or I'm sorry, what Commissioner Fernandez said. I hear what Commissioner Sinay just said. On the one hand, I think having it apply throughout the whole would make sense but I would also be supportive of just keeping it within the last three months because that is really when we do start to reach the crunch time. We are using the weekends and the time is a little bit more urgently because of the, you know, just the urgency of all the work that we had to do.

Hopefully for the next Commission, they will not have to go through the kind of holidays and other days that we had to but given that we did, I think we're able to come in with a little bit of a what if kind of scenario understanding versus, like, if all goes good and it reverts back to its normal time, I believe the maps would be due sometime in, like, August. I think mid-August it was supposed to be. So you know, the only holiday during that time as far as I can understand would be the Fourth of July. That would be the one holiday
that would hit prior to the maps being due. Possibly
maybe even Memorial Day depending on, you know, when they
start their process.
So I think that -- I think if we could just try to
keep things as simple as possible would be probably
easiest for everybody. Thank you.
CHAIR TOLEDO: Great. So I think the charge is to
keep things simple, to try to explore options around the
two definitions and come back with some language and as
well as the pros and cons of these.
So let's move on to the next topic. Commissioner
Akutagawa and Fernandez. Both of you, together. So --
COMMISSIONER FERNANDEZ: I said yes, give it to
Commissioner Akutagawa. Okay. So the next one I'm sure
will be just as quick as this one, is the number 2, C18,
receive four votes. That was my sarcasm, sorry.
Defining fully functional. And this came about, of
course, as we all remember during our early days. As
soon as the fourteen of us were appointed and
established, the state auditor went away.
And they decided that that was considered fully
functional by having two parttime retired annuitants.
And as we know, we ended up having to do quite a bit more
work than I think we should have without that extra
support and it took us longer. Not that we're opposed to
working, but it's having the processes take so long just
to get a position hired, just to get a contract through
the process with RFP.

And so this came up a few times in terms of defining
what fully functional. And if you look on the chart,
it's actually fully functional is noted in two sections.
And one is in our government code section, and another
one is in the CCR -- what is that -- code of regulations.
Code of regulations from the state auditor, they also
have similar language saying, you know, they will provide
support until we are fully functional. And no one's
really defined what fully functional is.

And maybe we decide to move forward with something
or we just leave it at is. So the prior discussion was
maybe define fully functional as once executive team is
hired and on board. And another discussion was the gap
goes beyond the auditor phases, which was pretty much we
needed support prior to when they let us go.

CHAIR TOLEDO: Thank you, Commissioner Fernandez.
That's a good framing of the issue.

And this received four votes, so the second highest
amount. This has been something that we've all talked
about and seem to have general consensus on. Any
parameters around this issue? And guidance for the
Commission as they draft language for this?
Commissioner Le Mons?

COMMISSIONER LE MONS: I just have a process question, if maybe this can be achieved in a different way. Does it really require a legislative change. If our relationship with the state auditor's office -- maybe it just starts with a discussion with them since there is language in both co-sections that talk about fully functional, it may just be an agreement between those two departments as to what fully functional looks like. So it's, like, based on our experience this is what our recommendation is. As opposed to needing to actually go and change code and maybe we define it in a way that short changes what fully functional is for 2030.

So I'm wondering if this is a really necessary process for this problem we're trying to solve.

CHAIR TOLEDO: Thank you, Commissioner Le Mons.

Commissioner Fernandez or Akutagawa, did you want to respond to that?

COMMISSIONER FERNANDEZ: You know, Commissioner Le Mons, you bring up a great point. We could actually because there is a regulation that the state auditor has, so it could be something that if we work with -- if the Commission worked with the state auditor and they agreed to it, then they could actually just change their own regulation instead of us having to change our government
code section. So that might be a quicker fix than us
having to go through the whole bill process. So thank
you for bringing that up.

CHAIR TOLEDO: Thank you. Commissioner Turner?

VICE CHAIR TURNER: Yeah, I just wanted to add in
the onboarding process for Commissioner is brutal for --
and I think it is one of those hidden even equity issues.
When people come on board, there's a lot of learning,
there's a lot of reading, and I think the last thing we
want to do is to take time to do what could be staff
functions.

And so I just wanted to support however it happens
in the conversation that to me is something that
definitely need to be shifted so that there is more
support, and not an expectation of Commissioners coming
on board to also need to do some of the staff functions.
So that it does need to be fully functional with an
executive team hired for additional support as opposed to
the Commission carrying the brunt. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Turner.

Commissioner Fornaciari.

COMMISSIONER FORNACIARI: Yeah, I agree with both
Commissioners Turner's and Le Mons' comments.

So when I responded to this, I sent some very
specific recommendations, you know, around, you know,
adequate office staff to make travel or just to complete travel reimbursement forms, to pay the Commissioners' public relations support, IT infrastructure support. I mean, it's not even the exhaustive list, but I think, you know, before we go get with the state auditor, we need to get that fleshed out with what we need specifically, what we feel needs to be in place to be fully functional.

CHAIR TOLEDO: Thank you, Commissioner Fornaciari. Commissioner Yee and then Commissioner Akutagawa.

COMMISSIONER YEE: Yeah, Commissioner Kennedy and I actually did meet with the state auditor as part of the lessons learned process and talked to Stephanie Ramirez. And it helped me get a much wider perspective on the early day of the Commission. And on one hand for sure, there are many pinch points that we experienced, you know, the Perdian (ph.) system and the tech system taking so long to roll, to get up to speed. Website was so difficult to work with and to get public meeting notices out and all that. Not having public relations staff and having such a hard time getting all the executive staff hired, the things that Commissioner Fornaciari just mentioned. Yeah, I mean, those were all pinch points from our point of view.

From their point of view, you know, I mean, they just did a lot of work to get us as far as we got at
quite a strain to their staff. You know, I'm not trying to make excuses for them or be defensive for them, but it was a pretty full-on effort on their part, even though we experienced it as inadequate at some points.

So not really quite sure how -- you know, if we start naming specific things, like if we try to craft language around having the website up, I mean, who knows what technology will be like in ten years. That might be kind of messy to try to do.

So not quite sure where to land it. You know, yes, we definitely experienced pinch points that we hope the next Commission will not have to. On the other hand, could definitely see after talking to the auditor staff how they made the best effort they could and yet, you know, we ended up where we were. So not quite sure how to get past that, but I don't want to just keep adding things, thinking that they had this kind of unlimited staff that can do more and more for us next time. It's really not like that.

CHAIR TOLEDO: Thank you, Commissioner Yee.

Commissioner Akutagawa then Kennedy.

COMMISSIONER AKUTAGAWA: Yeah, I believe in some of the early iterations of our potential other things that we wanted to make sure we either accounted for in the budget over the next ten years. We had also some robust
discussions around staffing towards, you know, the 2028-2029 period as well too, perhaps to alleviate some of this as well too. And I think, you know, we won't know as to whether or not we'll have approval for that. That may alleviate some of this but I think what we did want to at least -- again, I think it's kind of like the first one about clarifying what a day is. I think we just wanted to have clarity, less ambiguity so that then if the state auditor's office -- and Commissioner Yee I appreciate what you're saying. I do agree. I think they did, you know, a lot of great work, especially, you know, in recruiting all of us and putting us through the whole process.

I'm wondering if they are aware in that time frame that there's going to be other additional things to help transition the new Commission, if that could be taken into account for their budget. And maybe this is just me speaking as someone who just doesn't understand fully all of the ins and outs of the budgeting system. But you know, I'm just thinking that, you know, by then hopefully that's something that could be accounted for to then enable them to have appropriate numbers of staff to be able to help support the 2030 Commission.

But in the absence of that, I do also want to just bring up that one of the -- I'll say one of our kind of
items on our list for the end of our term is to also be
looking, you know, can we bring on a few extra staff a
little earlier so that they can also help with that
transition. Not only in terms of the work that we want
to do as we transition out, but also to be there as a
transition for the next Commission as they come in as
well too. That may also alleviate this as well too.

I know it doesn't solve the problem, but I just
wanted to just point out that that was something that was
brought up previously. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Akutagawa.

We have about six minutes before break, our next
schedule break. I'm going to ask Commissioner Kennedy if
he can help us with the problem that we're trying to
solve here. I think we all know what the problem is.

Let's just make sure that we're on the same page with the
problem. And then we can start delving into this a
little bit more, and I know he had some comments as well.

So Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you. Yes, and I think
it was Commissioner Fernandez who mentioned that one of
the primary difficulties beyond contracting and payments
and so forth was the lack of communications support at a
point in time when we really needed solid communication
support.
You know, I think part of this is also there was very clearly and reasonably a desire not to burden us with permanent staff that we didn't have a role in choosing. And as I say, that's a reasonable concern. I think it could be, you know, gotten around by putting in place adequate temporary staff or RAs so that all of the roles are filled in a temporary manner or in a, you know -- at the pleasure of the Commission so that everyone knows up front that, you know, they're not necessarily with the Commission for a year or two. They're with the Commission, you know, initially and then the new Commissioners can make whatever decision they want to make.

The objective really in my mind does need to be, you know, having all of the key functions filled even if it's only in a temporary manner so that the Commission can be fully functional as quickly as possible, and not suffer, you know, delays based on, you know, having to spend quite a bit of time putting in place staff that are needed from day 1. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Kennedy.

Commissioner Fernandez, then Le Mons.

COMMISSIONER FERNANDEZ: Okay. And I just want to be quickly. I'm kind of responding to Commissioner Yee in terms of his conversation with the state auditor, and
I just want to remind everyone that the state auditor received quite a bit of funding to support us. And in terms of their claims of straining their staff, you need to adequately plan for that, that you’re going to provide that support to someone, and plan for that ahead of time. And they did. They did have some RAs.

But again, if it's something that we come to an agreement with them, they would have sufficient time to request additional funding if they feel they need additional funding as well as hire additional staff. So I don't think that should the way we're thinking or what we want to do because I think it put a huge strain on us in the beginning to have to do this and have to learn the bureaucracy of government and only have two staff so everything got in a queue and so it took longer than it should normally have if you have a fully functional support staff already in place.

CHAIR TOLEDO: Okay. We're coming to the 2:30 mark. We have a minute.

So Commissioner Le Mons, are you able to give your comment in a minute or should we come back to you after the break?

COMMISSIONER LE MONS: I can keep it below a minute.

CHAIR TOLEDO: Excellent.

COMMISSIONER LE MONS: It sounds like what we need
is a transition team. I'm glad that Commissioner Kennedy
brought up the issue of what the state auditor's office
was trying to do in respecting the Commission's autonomy.
And I think I can -- just knowing what our experience
was, if we had inherited an entire staff that was at our
pleasure or whatever the case may be, while some of the
work might have gotten done, I think that someone else
would have been driving the train when we arrived. And
this particular Commission would not have liked that. We
had a problem with that with much of the staff that we
inherited this time around.

So I would caution against how we go about solving
this problem. It sounds like the transition -- because
this is a Commission that kind of goes dormant and then
comes back a decade later, there probably needs to be
more effort put into how do you stand back up a
Commission that has history but has been dormant for a
decade. Because Commissions get stood up all the time.
Some Commissions are very short time Commissions, so they
get stood up, they end and life goes on. This is one
that comes back every ten years.

So maybe we need to think about this a little bit
differently. And I don't know personally that defining
fully functional answers the problem at all.

CHAIR TOLEDO: Appreciate it, Commissioner Le Mons.
Let's take our ten-minute break. And we'll -- fifteen-minute break. I was trying to short change those five minutes. Fifteen-minute break and then we're back at about 2:45, 2:46.

(Whereupon, a recess was held)

CHAIR TOLEDO: Welcome back to the California Citizens Redistricting Commission. We are reviewing our policy recommendations from our long-term planning committee. Working through our comment list, so next on the list was Commissioner Andersen.

So we'll go to Commissioner Fornaciari. We'll come back to him. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes. So on this one, defining fully functional, I don't know if we're even at a place right now where we can really decide to move forward because there seems to be some that are wondering whether maybe it should be this Commission to try to establish some sort of support for the next Commission and/or actually try to define it. So maybe if we don't feel that we're at a decision point, we could always bring that back.

CHAIR TOLEDO: It did sound like that there's support for some kind of transitional support for the next Commission, that we want that as a Commission. And there appears to be various options. So one is this
legislative process and then potentially the other is
more of a rule process or working through the agency to
promulgate regulation around what it would be, you know,
how to define that as well. And maybe even just having
some kind of agreement with the agency. So there are
some alternative paths to this as well.

Commissioner Fornaciari, you were on the comment
list. And Commissioner Andersen, you were too. So are
you guys ready to -- I'll call on Commissioner
Fornaciari.

COMMISSIONER FORNACIARI: All right. Yeah. I
guess -- can you hear me?

CHAIR TOLEDO: Yes.

COMMISSIONER FORNACIARI: What was I going to say?
Now I got to remember. I think I kind of have a
different perspective on this, and I think we need to
stop thinking of the Commission as separate Commissions
and think of it as an ongoing Commission. You know, if
you think about regular Commissions, Commissioners come
and go, staff stays on. You know, government office --
you know, the elected officials come and go but staff
stays on.

You know, there are certainly some critical
capabilities that are going to need to be in place before
the Commission is the next Commissioners take our place.
One of those is database. They are not going to have
time to hire somebody, build a database, and do all that
that we were able to do because we had the time. You
know, so maybe we do need to think about this differently
and think about what we as a Commission can do to make
the Commission fully functional when they come on board.

CHAIR TOLEDO: So just as a follow-up to that, so
the problem that you would be proposing we solve is not
just the transition, but rather how we -- some of the
gaps that are created because of the way that we see
ourselves as a Commission at this point?

COMMISSIONER FORNACIARI: Well, I think that -- you
know, so the initial part of the conversation was working
with the auditor's office to have the auditor's office
make -- you know, put the infrastructure in place that
the Commission needs to get started. And then the
conversation kind of transitioned into, you know, what
can the Commission do to put the infrastructure in place
for the next set of Commissioners when they join the
Commission.

So just instead of putting it all on the auditor, I
think we need to think about putting some, all, most of
it on us too.

CHAIR TOLEDO: Thank you. Appreciate that.

Commissioner Andersen, Akutagawa, then Kennedy.
COMMISSIONER ANDERSEN: That's exactly what I was going to say. Something very, very similar to what Commissioner Fornaciari said.

We came into this process, the 2010 Commission was basically closed, essentially. And we had virtually no contact with them whatsoever, had no idea, were given a couple of people from the state auditor's and had to go from there, which was kind of the 2010 start, with nothing. That is not a good idea. They knew it, the 2010 Commission knew it, we know it, so we shouldn't do it again.

So where we came from defining fully functional and having state auditor -- they essentially work with us until we were fully functional, we didn't realize that we can basically -- as the Commission right now, we are tailoring it down but then we have the ability to tailor back up essentially to rekindle the Commission. Not necessarily all of us, but we're going to have, you know, our SSM1, our two couple of retired people, you know, to doing certain functions.

We are already kind of considering the different ideas that we need to put in place to hand over to the 2030 Commission to really get them going. I believe this transition team should consist -- you know, see what state auditor can do for us but the staffing portion, the
administrative part, to have that sort of be a baseline already going and then the 2030 Commission once they do hire their Executive Director and administrative teams, then they just take over and can replace everyone at a certain point. Like, say, you know, like you do -- you have the automatic, you hand in your resignation, and they accept it or decline and say please stay with us.

I think that's more the model we should be discussing, in which case it would be yes, we want to work with the state auditor's and discuss with them, see what they can do for us and what would make sense. But a lot of the basics, including -- I could not agree more with Commissioner Fornaciari -- the database. That has to be from almost day one going.

That and all of the -- how do you do your being paid, your expenses. All that sort of stuff, we need to have that up and going. We can't wait for the two people that were given to basically help the 2030 Commission hire their executives as well as do everything else. They can't do that. They need to help the Commission, the 2030 Commission hire their executive while the other functions are already ongoing. And I think we should consider how much doing that in our last few years, including as I said the people we're hiring now to continue -- as we're sort of putting ourselves into
dormancy period, actually outlining how we're coming out
of dormancy period to turn over a functioning committee
to the 2030.

CHAIR TOLEDO: Thank you, Commissioner Andersen.
Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. This is
something that has been on my mind. I mean, obviously
the fully functional thing is something that I've been
talking about since probably the very first day.

But there's been a thought in the back of my mind
and that is, you know, the state constitution based on
the original initiative says that the members of the --
term of office of each member of the Commission expires
upon appointment of the first member of the succeeding
Commission, which left us with a nonfunctional Commission
for a period of time. A Commission whose only allowed
activity was to choose the remaining six.

What if -- this is just brainstorming -- what if
instead of the term of office of each member of the
Commission expires upon the appointment of the first
member of the succeeding Commission, it said upon the
appointment of the corresponding member of the succeeding
Commission, meaning the new first eight would be there
with the appointed six from the preceding Commission for
administrative purposes, to be able to function.
Now, the old six shouldn't have a role in the selection of the new six, unless somebody thinks they should, but I think that -- personally, I think that should remain with the new eight. But having the six from the preceding Commission stay on until their successors are named would mean that you don't have a nonfunctional Commission for some critical period of time. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Kennedy.

Commissioner Turner, then Akutagawa.

VICE CHAIR TURNER: Yeah, very interesting what Commissioner Kennedy just said. I hadn't thought of it or considered it. I like that a lot, would like to spend some more time thinking about it.

I wanted to comment on Commissioner Fornaciari's -- because to start out talking about the seated or the ongoing staff. And for sure I think there are some positions that that would be advantageous for, however, I immediately saw a lot of potential challenges or flags, in that resident or permanent staff are typically are set in the way that -- what they've done, how they've done, what they've set up, what they've put into place. And we saw that play out for us and it did not bode well for anyone in the end.

And so I think Commissioners have to have ability to
move as they deem fit. Even for something -- because I wanted to say, well, maybe just for data or for the website or for -- we had very specific ways we wanted that to look. And I think anyone that has had something already set up, there's a natural pushback when people try to change it. And you start hearing this is how we do it, this is what's been set up, we've already spent this amount of money to set -- and so I want to be real careful.

And I do think this is going to take more time to say what positions we feel comfortable with trying to keep in place and whatnot. But I am very intrigued by the idea of these Commissioners staying on a little bit longer so that they have support and that they're not basically seated without any ability to move forward in anything. Thank you. Except for bringing on the other Commissioners.

CHAIR TOLEDO: Thank you, Commissioner Turner. Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah, gosh, so many different ideas to go on this one. What Commissioner Fornaciari said was a thought that crossed my mind in that there's a lot of existing Commissions that hire staff and also hire Executive Directors to keep the business of the Commission going. And as Commissioners
come and go, Executive Directors also come and go. And so it did cross my mind that on the one hand, we came in as a Commission saying, we get to choose and do whatever we want in terms of our staffing and everything else.

However, perhaps to Commissioner Fornaciari's point, you know, if it's -- if this is what -- if this is what they get, you know, you just work with it for the time that they have. You know, this is the way the structure is. You know, I think perhaps the Commission or the next Commission could understand that this is then, you know, for them to accept and then choose to change if they want to change.

But where I'm thinking about along the lines of what Commissioner Fornaciari is saying is, you know, in normal Commissions, you know, whoever the Executive Director is would just continue on as the Commissioners come and go. Since we do take this kind of hiatus in a sense or go dormant in the, you know, kind of middle years, there's really no need or no reason to have an Executive Director on payroll and I'm sure there's a budget issue as to why that would happen.

But we've already been talking about around the 27, 28 time frame, we're going to start gearing up and wanting to do some more things, you know, and in some ways charting a different course than what the previous
Commission did. And I feel like in some ways, just we're the second ones, so there's still a lot of opportunities to do things differently, and if one of those opportunities to say, hey, we feel that we need to hire an Executive Director in let's say 2028 to help us carry out the things that we want to carry out and then when the 2023 Commission comes in, you know, the Executive Director is there to just ensure that they've laid out the kind of prep that needs to be done to help transition the 2030 Commission successfully.

Now, as with any transitions, it will be up to, you know, the next Commission to decide if they want to keep the person or not, but by then that person will have been in place, you know, possibly three years. They may be ready to move on anyways, and it may actually work out that, you know, they'll just stay on through a transition until the next Executive Director could take their place. That's one thought I am thinking about in relation to what Commissioner Fornaciari is saying.

You know, in terms of what Commissioner Kennedy said, I hadn't thought about that. That's really kind of interesting. I had thought about -- I wonder if there's an opportunity or if we were precluded from all fourteen of us staying on until the full 2030 fourteen is put in place. And that there could at least be one meeting in
which all of us come together, if anything for the
purposes of a formal handoff in transition.

It just felt really abrupt to me that, you know, we
never really formally got to meet the 2010 Commission. I
know that COVID and everything changed everything but
even just for the purposes of call. Just having really a
formal handoff, that might be an interesting way to do
things, one in which we can also discuss some other, you
know, things. I mean, lessons learned document is going
to be great, but I don't know how many people are
actually going to read the full document. Maybe we need
a Cliff Notes version of it.

Lastly, I'm going to throw Commissioner Le Mons
under the bus here a little bit. He had a suggestion
that I feel would be helpful for everybody to hear, so
I'm going to -- I'm going to ask him. And he already has
his hand up so I'm going to pass this over to him.

COMMISSIONER LE MONS: So first I just want to say
that I'm excited to see that this conversation has moved
from defining fully functional as a -- in the context of
which we were talking about it, and really looking at
transition. So I'll start by saying that, because I
think that that's really the issue that we really want to
address and solve for.

I love what I've heard from Commissioner Fornaciari
and Kennedy and Akutagawa. It's intriguing, like, what's now coming out of the conversation as a potential transition between the 2020 and the 2030 Commission. I too felt like it's as if the 2010 Commission was its own thing and they were some secret group and we're the new secret group, and then there'll be another secret group ten years from now. So some continuity. We are only the second one, so I think there's a real opportunity. And so I just wanted to lift that part up.

What Commissioner Akutagawa was alluding to is -- it seemed to me that a lot of our administrative challenges and some of what we're talking about now might actually address a significant portion of this. So these comments I -- these things I was thinking about was outside of the context of this new discussion. But what I was suggesting is that there are all of these partners that this Commission has to work with that are part of the state bureaucracy. And thank you, Commissioner Fernandez, for bringing the level of experience in California state government to this Commission because without you, Lord help us.

So with that said, I was saying that each of those agencies and departments that we are charged to work with should give us an overview of how this Commission works with them, because we really weren't given that. They
didn't come in and say, this is how you work with us,
this is how you get your people paid, this is how you get
your contracts done through this particular department,
and so on and so forth.

So even as a part of the training, and we've all
kind of expressed our opinions about how we felt the
information downlow we received I -- many Commissioners
don't believe we were ever really trained. We got a lot
of information, but how that training and sharing of
information and really helping the next Commission know
how to navigate some of these areas that they are
required to navigate.

So we got sort of a mixed bag here in that, you
know, you guys can do what you want to do, you have all
of this autonomy. Well, yeah, but to a point because
we're having to interface with and move through existing
bureaucracies that we do have to participate and know how
to do so.

So that was all. I just think that that kind of
additional information brought to the Commission from
those actual departments that we would be -- or the
Commission would be required to work with is the best
source of that information outside of staff.

And then I just wanted to make one final comment and
it is while I agree that, you know, Commissioners come
and go and you know, elected officials come and go, the
difference is they come and go much more quickly than
this Commission. Usually it's not a decade between the
two, and I think that's one of the challenges. And you
know, we just got feedback at the top of this meeting
about some of our budget requests around staffing. And
we have, like, one person approved so far and we're
wanting to go back and you know, ask for additional again
or rebut.

So I do think that there are some financial
implications that as we think about what this transition
might look like and when it might be activated, we do
have to look at the costs associated with it. And I
think that we'd be able to make a solid case for why
those resources would be important. Thank you.

CHAIR TOLEDO: Thank you, Commissioner Le Mons.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair.

Two points. One, I think, you know, part of the
mindset of all of this really comes out of Section 2(a)
of Article 21 of the state constitution where it says,
the Citizens Redistricting Commission shall be created no
later than December 31 in 2010 and in each year ending in
the number zero thereafter. So the constitution sets a
mindset or a framework that there's a new -- that a
Citizens Redistricting Commission shall be created every ten years. It predisposes us not to think in terms of continuity.

So it's a challenge that we have before us to kind of change the mindset. We don't necessarily need to change the language in the state constitution, but we need to change the mindset that, you know, the old is already gone and you know, something is created from whole cloth once a decade. As Commissioner Le Mons has said, you know, let's change the mindset and think more in terms of transitions rather than a phoenix rising from the ashes.

Second of all, you know, I think rather than looking at it as having -- or necessarily or only having other agencies come in and tell the Commission what they do and how they do it, one of the things that I would like to us do before we leave office is to ask the governor, whoever is in office at that point, to convene a meeting of these other agencies and for us to brief them on what the remit of the Redistricting Commission is and what is required of the whole of government in order for this Commission to successfully carry out its mandate.

And you know, that may in some cases require some changes or at least shifting of mindset in parts of the state bureaucracy to, you know, actually working with and
were to ensure the success of the 2030 Commission rather than having them come in and say this is how we do things, get used to it. Thank you.

CHAIR TOLEDO: Thank you. So I'm just thinking in terms of moving this forward. It really does sound like we need some kind of committee or a group -- I hate adding another committee because we have so many -- but to think through -- I don't know if it's a transition or if it's -- I don't know if we want to call it transition, given some of the feedback we've got, continuity. It's a continuity subcommittee, just to keep the work of the Commission going.

So I'm going to look for some volunteers to work through and tackle some of these issues and come back with some recommendations to the committee. So looking for some volunteers. If there's no volunteers, then we -- so we have Commissioner Fornaciari.

Are you volunteering or are you commenting?

COMMISSIONER FORNACIARI: I'm ready for -- I missed my naptime today. So yes, I'm volunteering, you know, but if other people want to do it, you know, I just -- I'd be happy to serve.

CHAIR TOLEDO: Thank you, Commissioner Fornaciari.

We need a partner for Commissioner -- Commissioner Sinay?

COMMISSIONER SINAY: It's always a pleasure to work
with Commissioner Fornaciari. I would partner with him.

CHAIR TOLEDO: Okay. Great. So we have a subcommittee that will work on our continuity. I guess we're going to call it the continuity committee unless they want to change it to something else, as it evolves, as their thinking evolves, as the Commission's thinking evolves.

The purpose of this new subcommittee will be to explore options around continuity for the Commission, especially around the transition points as new Commissioners get appointed over the next ten years.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: So with that, can we agree that defining fully functional, we will move that to the bottom of the list and there's no need to discuss further?

CHAIR TOLEDO: I think at this point, we agree that that's coming off the list, right --

COMMISSIONER FERNANDEZ: Right.

CHAIR TOLEDO: -- because this is moving into --

COMMISSIONER FERNANDEZ: Yes, it's going on to Z.

CHAIR TOLEDO: -- to this. And it may at some point become a legislative priority once we've developed --

COMMISSIONER FERNANDEZ: Right.

CHAIR TOLEDO: -- whatever it is we want to move
forward --

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: -- but at this point it's just -- we need to develop that a little bit more.

COMMISSIONER FERNANDEZ: Perfect. Thank you.

CHAIR TOLEDO: So with that, let's move on to our prioritization. We're going to go through two more. We have about thirty minutes for two and then we'll go to public comment.

So Commissioner Fernandez, which two do you want to tackle today?

COMMISSIONER FERNANDEZ: Do you mind if we go straight to 3(b)? I'd really like to see if we can get through that one. That one is the ability to hire outside counsel without Attorney General prior to approval. Right now anytime you try to contract with an outside legal counsel it has to go through the Attorney General's office for them to approve for us not to contract with them if that makes sense.

And with that, I believe some of their contracts with our litigation and VRA, some of the took up seven months, so we're trying to get -- to -- you know, go forward in terms of not having to go through the AG's office. And with -- if the Commission does agree to move forward, we would probably seek to update the government
code section associated with the Attorney General's office. Because they currently do have a section 11041 that specifies other agencies that have the same exemption without having to go through the AG's office.

CHAIR TOLEDO: Thank you. That's very clear. I think that we have general consensus. But let's hear from Commissioner Sinay.

COMMISSIONER SINAY: Just a quick question. Did the committee or Anthony speak with the AG's office to see what their thought was on this?

COMMISSIONER FERNANDEZ: Sorry about that, yes. Our Chief Counsel, Pane, he has been in contact with them and will continue to have discussions with them. But this is also something that if the Commission is interested in, we'd like to continue -- or we'd like for him to continue to have conversations.

CHAIR TOLEDO: Yes. So at this point it sounds like there is potentially two options. One is for the administrative route through the agency and the other is through our own legislative advocacy. But working both and trying to move this forward so that it is codified before then end of our term.

Is there anyone in opposition with moving forward with this? This was a recommendation from legal affairs as well, to move forward in this direction.
I'm hearing no opposition. We will charge the committee to work on the language for this and to work with Chief Counsel on communicating and working with the AG's office on moving this forward. Because ultimately it will require collaboration with the agency and we want to be good partners.

Thank you. So let's go on to the next topic.

COMMISSIONER FERNANDEZ: And the next one is noted as 3A on your list. It's prior C3. And that also received three votes. And that's to clarify -- just make a clarification in our government code section that taking public comment during regular nonmapping business meetings does not constitute receiving input on redistricting matters, which is subject to a fourteen-day meeting notice. If it's a regular business meeting we're only subject to the ten-day.

And we just want that clarification so that for future business meetings only require the ten-day versus fourteen-day.

CHAIR TOLEDO: Clarification from Chief Counsel, does this require any special -- well, it certainly requires a special vote, but in terms of moving this forward does this require just a legislative approval or is there additional work that we'd have to do?

MR. PANЕ: Chair, just to answer that question; it
looks like for this one we would need to -- further
clarification is certainly required for this. I think
it's in government code, so it would need to jump through
the hoops that I outlined earlier. Does that answer your
question, or?

CHAIR TOLEDO: Is what you outlined earlier the only
process that they'd have to go through or is there
additional process?

MR. PANE: Well, I think what would have to happen
is we'd have to make a change to the statute. I'm trying
to find it right now in the statute so I have it exactly,
because I don't show it specifically referenced here.

CHAIR TOLEDO: While you're looking for that let's
have Commissioner Fernandez chime in.

COMMISSIONER FERNANDEZ: If it's constitutional then
that would be a separate route than what we're looking at
right now. Because that would have to go through the
legislature, get a two-third, and then go via proposition
on -- and have the Californians vote, correct? I thought
it was our government code section.

MR. PANE: Yes.

COMMISSIONER FERNANDEZ: I didn't notice the
specific section because I thought we we're going to have
to potentially draft new language and put it into our
section. But maybe that's something we can research
further.

MR. PANE: So -- so I think an 82 --

CHAIR TOLEDO: I think it'd be helpful to know is if we'd have to go through the voters, because if it's --

MR. PANE: Right.

CHAIR TOLEDO: -- a very long process then -- we may need

MR. PANE: So. If we're changing 8253A1, which is the requirement that it's Bagley-Keene, unless it's for purposes of public input. If we're tweaking that language then that's just a simple statutory change. If we're talking about the final -- I believe it was the two weeks where only three-day's notice is required. I thought that was in constitution, but I'd have to come -- I'd have to look for it and get back to you.

So is it the second one? Is it the second option that we're reviewing?

COMMISSIONER FERNANDEZ: I think it's the government code section.

MR. PANE: Okay. So it's the --

COMMISSIONER FERNANDEZ: But I mean if --

MR. PANE: -- Bagley Keen reference then?

COMMISSIONER FERNANDEZ: But if we move forward with it then we can -- we can come back if it's different.

How's that?
CHAIR TOLEDO: Sounds good.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: All right. So any conversation on this item? Any discussion or are we all in agreement that this is something we'll have to get the subcommittee to work on?

I seeing a lot of yeses so we'll charge the subcommittee to work on the language. And just -- we're charging the subcommittee to work on that. And then we can vote on all of these four to -- just because we do have a super majority at this point.

Okay. Two will not move forward, one of -- three of them would.

COMMISSIONER FERNANDEZ: Chief Counsel Pane, do you suggest that we take a vote on this? So in terms of moving forward with 1, 3A, and 3B or as just a simple direction by the Chair? Is that good? I can't hear you.

CHAIR TOLEDO: And I'm fine with either. Whatever.

MR. PANE: Sorry. Yeah. A votes not required right now.

COMMISSIONER FERNANDEZ: Okay.

CHAIR TOLEDO: Okay. So we'll leave it at that. So the committee will be going back and working through some of this language. We are at 3:20 now.

Do you want to tackle one more or do you want us to
move on to public comment?

And we do have Commissioner Sinay.

COMMISSIONER FERNANDEZ: Well, the next one in line would be 3C, which is strikes by the legislature not transparent. Should the legislature be allowed to strike applicants from the subpool? How many strikes by the legislature? It kind of sounds like that might be a long conversation. But I'm not sure.

CHAIR TOLEDO: I'm not sure either. So let's hear from Commissioner Sinay.

COMMISSIONER SINAY: So -- you know, earlier I said that I didn't remember voting for the three-day whatever. And I think part of it was, for me, when we voted it was recommended that we would move it forward and that something else was going to come back before it went -- or -- you know -- I don't -- I'm not sure what I was thinking. But I want to be clear this time. I know we're not voting. But when we say we recommend for the committee to work on language, it still can change. It's not that we're saying, hey, you guys. Just go -- I mean -- I just -- that's why I'm glad we're not voting. But I think we need to be clear when we do vote and we're saying we'd like to move these forward. That we're not just saying move them forward -- I'm realizing that one, if I voted for it, which I think I did. It wasn't a
clear understanding on my part.

I feel like we've gone really fast on this clarify, provide definition of what public input means. We had prior discussion on it, but I think that the subcommittee said more than what's on here on the notes. There's very little. And so I'm not feeling comfortable saying yes, let's move it forward; when we were on -- well, I guess I'm the only one. So yes, move forward since we work as a democracy. But I just want to be careful that when we're saying move something forward, we're not saying run ahead. We're just saying keep working on it and bring it back.

CHAIR TOLEDO: Yeah. What we're saying is that they'd be developing language that they're going to be -- in some cases multiple alternatives of a positive possible language that can be used. But it's all going to come back and it will require a super majority in order to move forward with specified language.

Commissioner Fernandez and then Andersen.

COMMISSIONER FERNANDEZ: Yes. I just wanted to clarify that as well. It was just as a prior motion that we did a few months ago. It's to move forward. The final language still has to be approved by the Commission. So it's not -- everything will come back and there's still, you know, the opportunity to decide not to
do it or to change it or whatever the case may be.

CHAIR TOLEDO: Thank you. Commission Andersen and
Commissioner Sinay.

COMMISSIONER ANDERSEN: Yeah. I think there might
be a little confusion there because 3A is really just the
idea of -- on a business meeting you don't -- it has to
be ten days. You don't have to have it fourteen. In the
event that someone in the public comment wants to do some
public input. That's not a public input receiving
meeting it's a business meeting. So it only needs ten
days instead of fourteen. That is 3A.

Defining public input is 4A. It's on the next page.
So that's -- I think, you know, that's a bit of a
slightly more involved. It's, you know, we're -- we're
not actually -- in this particular -- by moving 3A
forward, we're talking about the ten-day, fourteen-day
issue. Not the -- what actually is public input. And
that's 4A and then 4B, or you know that's redistricting
matters. Which are a little more involved. So I just
want to clarify that.

But then I thought 4C was also another easy one that
we -- I'm surprised we only had two, but -- I thought
there was just a minor language just to clarify --
nothing impedes -- you know, you don't -- the Commission
can rotate Chairs if they want to. We're just going to
put a small little notation in the language. Say hey, it
doesn't mean you can only have one Chair and that's it.
Because it was a little bit vague. It could be
interpreted, it might not be interpreted, I thought that
was an easy one that was sort of a slam dunk. We're
going to put it -- move that forward. I thought we were
just trying to clarify some wording on that one.

Where I understand that the others were a little
more involved. So I just want to -- I'd like move -- I'd
like us to talk, maybe about -- if we're getting close
to, we can only move so many forward. I'd like to talk
about 4C, because I understand 3C is going to be very
difficult.

CHAIR TOLEDO: Do you mean to tackle that today or
at --

COMMISSIONER ANDERSEN: Correct.
CHAIR TOLEDO: -- the next meeting, or?
COMMISSIONER ANDERSEN: If we're running out of
time, I'd like us to tackle 4C because that's sort of a
low hanging fruit.

CHAIR TOLEDO: Commissioner Fernandez, 4C? In your
mind just what that is?

COMMISSIONER FERNANDEZ: Okay. So 4C. What that
is, it received two votes. It's a prior C12 and that's
to add language to note nothing impedes the Commission
from rotating the Chair. And it just provides for
clarification that the Commission, any Commission, can
rotate the Chair if they want. And so it's just
providing clarification.

CHAIR TOLEDO: Any concern with moving that forward?
Just clarifies our current practice that we're able to --
and future Commissions are able to rotate Chairs. I
don't see any -- Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah. I was just curious.
There's nothing in the language that impedes us from
doing it. Nor is there language that requires us to do
it either. And so I wasn't quite sure if it's something
that's absolutely necessary to change. If it -- if we
already have the flexibility to allow the Commissions,
whichever future Commissions, you know, to do either one.

CHAIR TOLEDO: I guess it goes back to the problem.
What's the problem we're trying to solve here?

COMMISSIONER AKUTAGAWA: Yeah.

CHAIR TOLEDO: Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. The
government code at 8253A4 says the Commission shall
select by the special voting process, blah, blah, blah,
one of their members to serve as the Chair and one to
serve as Vice Chair. The Chair and Vice Chair shall not
be of the same party. I mean, to me, a plain language
reading of one, is you choose one to serve as Chair for
the whole time. One Vice Chair to serve for the whole
time. 2010 did it with a rotation. We decided to adopt
a rotation. I don't have a problem with the rotation.
But I think that it would be helpful to the public to
have something somewhere. Regulation, policy -- well, a
formally adopted policy. But I think in this case, since
it's here in the government code, I think it would be
better to have clarification that it's not just one for
the whole time or doesn't have to be on the whole time.

Thank you.

CHAIR TOLEDO: Thank you Commissioner Kenney.
Commissioner Andersen and Le Mons.

COMMISSIONER ANDERSEN: Yeah. The reason why I --
thank you for that, Commissioner Kennedy. And that
exactly defines where -- the only reason we realized hey,
you can do something different, is because the 2010
Commission did. And they told us, "Hey, we rotated by
the way". Otherwise, it says one. And the code also
says for the first eight you choose a Commissioner.

Doesn't say, "oh, you can rotate if you want." You
choose a Commissioner. So for the first eight there was
one Commissioner. And if the 2010 Commission had not
rotated, chances are we would have had one Commissioner
all the way through.
And I think there's a lot of benefit. We've all talked about how beneficial it's been to rotate. And that's what the 2010 did, they also told us. But timing of how often, when the rotations are, that's certainly up to each Commission. But the fact that you could is not written in -- you know, if you just read the code, for the period there's one Commission.

And I recommend that we do put in you have the option of rotating. Because -- not because -- otherwise, it doesn't say that. And people could go, you can't. You know, because it doesn't say you could. So therefore you can't. Where if we just give them the flexibility to put in the code, since it is in the code that you have one. So that's why we brought that up.

CHAIR TOLEDO: Thank you, Commissioner Andersen.

Commissioner Le Mons?

COMMISSIONER LE MONS: Yes. I follow that logic. It also doesn't address frequency, which is what I would consider rotation to be. Because we chose a Chair and a Vice Chair. We just chose them over and over and over and over.

As opposed to choosing two Chairs and a Vice Chair, or three Chairs and two Vice Chairs simultaneously. So I think like anything you can interpret it that that's what it means. But I don't know that it's saying you have to choose one of each for the duration or the life of the
Commission. So again this might be one of those things where I get wanting to clarify it. I guess if it's no big deal why not? But we did it. It was done before. The new Commission is going to have the history of what we did and what the one before did. So I don't know why they would suddenly potentially think they couldn't do it. If that's what we're trying to solidify. That it can be done.

CHAIR TOLEDO: Thank you, Commissioner Le Mons. Commissioner Vazquez, then I'd like to hear from Chief Counsel Pane.

COMMISSIONER VAZQUEZ: I agree with Commissioner Le Mons. And just want to add that I'm not sure who -- I'm not sure who this really is a real problem for. Who -- I'm struggling to understand, sort of from a community perspective, why I would intervene and ask a court to interfere with a rotating Chair? I'm just not sure I see an actual policy problem. Again I get that's there's some ambiguity. That there's ambiguity in law all over the place and thinking about taking on meaningful change efforts. I'm just not sure that this one feels particularly meaningful. Because I'm not sure that I see an actual policy problem to be solved for here. So I'm fine if the Commission wants to move this forward but to me it doesn't seem especially meaningful.
CHAIR TOLEDO: Thank you, Commissioner Vazquez.

Commissioner Yee?

COMMISSIONER YEE: Yeah. I mean on one hand I agree with Commissioner Vazquez that, you know, there's not a lot of risk here. That we're trying to save the future Commissions from. It's just trying to make the language match what has turned out to be a better practice, right? And just make it cleaner and more -- and more explicit.

So for comparison, the current North Carolina draft bill mandates fixed three-month terms. And I commended them for having the idea of rotation, but I said you're probably going to want more flexibility than that. Not everybody can serve three months. Not everybody wants to serve three months.

You may not want everyone to serve three months.

You know? So I really like the way it turned out for us. You know, we had -- we had a rotation. We had very differing terms just depending on workload or personal circumstances and so forth. And I think that all worked out really well, so. And I do like the idea of having the language match more closely what turned out to be a better practice. So not a big risk but I think it's still worth at least a little bit of time to change.

CHAIR TOLEDO: Thank you, Commissioner Yee.

Chief Counsel Pane. Can you weigh in on this matter
in terms of -- in terms of our president? And the lack
of -- and how it relates to the code?

MR. PANE: Sure. I think this discussion right now
is just whether or not the Commission wants to provide
additional clarity to an existing statute. And I --
that's definitely a policy call. As you all have
mentioned this Commission, the 2010 Commission did it
without such a change. Should the Commission want to
pursue a change, it certainly would be additionally
clarifying beyond what's there. There really isn't, I
would say, a legal requirement that you would need to
pursue a legislative change. But by the same token, if a
future Commission wanted, they could also create a policy
on rotating Chairs as well. But legislative change is
another avenue as well. So it really is just a policy
decision point for the Commission. Whichever way they
want to go.

CHAIR TOLEDO: Thank you. So it goes back to
clarification. Just clarifying the code to explicitly
permit this sort of rotating Chair process. Any concern
about moving this forward to the committee to draft some
language around this? Doesn't mean that we'd be -- put
moving this forward just to have some language drafted
around this.

Commissioner Le Mons and then Sinay.
COMMISSIONER LE MONS: This is just more of a global consideration in terms of how we utilize our time and what -- how we focus on what we want to take to the legislature. We do understand that this is not a simple friendly phone call to get a change, right? And I think if we're going to prioritize, which is the process that we're doing right now, and making some decisions about how we want to, you know, use our position at this point to get these clarity points, improve things, clarify et cetera. I would say that in the context of priority, this is a low priority for me.

CHAIR TOLEDO: Thank you, Commissioner Le Mons.

Commissioner Sinay?

COMMISSIONER SINAY: I was going to say something similar. Chair, you had said that there wasn't anybody saying no, but I had heard several people saying I'm not sure why we're moving this forward. And that a diplomatic way of saying no to a certain extent. So I think -- I mean we can do thumbs up thumbs down. But it seems like a good compromise is just moving it down because -- you know one thing we have to always think about, if we say yes to something we're saying no to something else. And I definitely don't see saying yes to this being worth taking our time, effort, or political capital to say -- to get some -- do something else.
CHAIR TOLEDO: Thank you. So I am seeing some nods there. All right. So at this point, perhaps the committee will just lower this in terms of priority. Doesn't mean we won't get to it eventually. But right now the items that we'll focus on are the ones that we have already approved in terms of developing language for and we don't develop language for this. Unless there's a resource to do so at a later time. Does that -- that works?

That works for you Commissioner Fernandez and Ms. Akutagawa?

COMMISSIONER FERNANDEZ: Yes. Sorry.

CHAIR TOLEDO: Perfect. All right. With that we're going to -- we have a meeting scheduled for -- oh, Commissioner Fernandez and then we'll go on from there.

COMMISSIONER FERNANDEZ: I just would like to -- if -- because you're going to move on from this. I want to establish the responsibilities in terms of -- Commissioner Akutagawa and I -- we started this process for this cycle. And moving forward, I think it's important that we define roles and responsibilities because we've been questioned many times in terms of why we're the ones leading this effort. So I just want to make sure that if there's a new subcommittee that needs to be established, or whatever the case may be, just so
that roles are clarified. Thank you.

CHAIR TOLEDO: All right. So this is -- so establishing a legislative committee for the next cycle. We have this current cycle. This current cycle is currently Ms. Akutagawa and Fernandez. And I do -- the question becomes do we want to -- I mean you're not technically serving in the legislative cycle, but you are. You're functioning in that capacity so having you finish that out. And then I guess the question becomes do we want this sub-group to continue on -- to fill -- to continue on the work that they are doing, given that they've built a relationship with legislature, et cetera, and have the deepest knowledge in these issues, or are -- I know it's a lot of work. So is it -- are their others who are interested in participating in this as well? So that's the question at this point. Commissioner Akutagawa, and then Sinay.

COMMISSIONER AKUTAGAWA: Yeah. Thank you for that. And I just wanted to also add to what Commissioner Fernandez said. I think we just want to make sure that there's clarity with everybody about what we're doing. And it did start with, you know, having the need to do the long term planning around the budget. Which then also transitioned into -- because of the work that we were doing, transitioned into some of the immediate needs
to get some of our changes, desired changes, in front of the legislature. And since we were already working on it, we were appointed by Commissioner Yee to do so. On the one hand, I think we -- while we're happy to continue because of the relationship we've built, we also are more than happy to step aside. We're coming into a good transition time where we could finish out and then we could transition to a new committee that, Commissioner Toledo, if you want to appoint a very distinct committee that is going to work on this, so that there's no questions about scope and responsibility and mission creed and other things like that. We're happy to transition as well, too. And this is -- we're at a good place where we can easily transition. At the same time, yeah. I just wanted to give that context for this topic.

CHAIR TOLEDO: And that's helpful. It's helpful.

Commissioner Sinay and then I'll come back.

COMMISSIONER SINAY: I want to thank the two Commissioners for really successfully -- we were successful this legislative cycle in working with the -- with Bryan -- Assemblyman Bryan? Thank you. Assemblyman Bryan. And getting things moved forward. And so I do want to acknowledge the success that was had by the subcommittee -- them. I do feel that the budget issue is different than the legislative issues and that some of
the issues that are coming forward are -- we need some --
it might be good to have people who understand the
advocacy side and the players.

   Not to say -- and you may all both have that. I'm
not sure -- I've always thought that we had a legislative
committee, I think our government committee, I can't
remember what we named them. But also, I know this is an
area where Commissioner Vazquez has a lot of experience,
along with you, Chair Toledo, on knowing the players and
knowing how to get through -- navigate some of the --
what you need to be able to get -- get someone to sponsor
a bill and stuff. This time we were -- I consider it
luck, but maybe it's not luck. Someone came to us and
said, "Hey, I'm interested in working on this". And I
want to thank, again, the two Commissioners as well as
Anthony, just for all the success that we have had up to
now.

   CHAIR TOLEDO: Absolutely. I want to thank the
committee, too. And I'm always of the opinion if it's
not broke, fix it. So I'm always -- so I want to hear
from the two Commissioners if they're still -- if this is
still something that, I mean, they've been they've built
the relationships. They have been working with us. If
they want to continue doing this, because that would be
or if there's other folks who have an interest and want
to move forward, because I think it is an issue of engagement.

And just getting -- we had we canceled the May meetings partially because of engagement, partially because of schedule, partially because we're all going back to our regular lives. And I want to make sure that, you know, it is a lot of work to move this legislative work forward, to put the policy proposals together. And so whoever it is who does this, they need to have the time, the energy, and the commitment to do it. And also and I think that's actually the most important thing.

The other piece there are, you know, we can all work together on moving things forward. So I want to hear from those two and then also Commissioner Andersen and anyone else who has comments.

Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. Thank you. This is -- I thank you very much to both of the Commissioners who've been doing all this and following through. And it is a lot of work. And I do see -- I appreciate Commissioner Sinay's perspective on there is an advocacy part and then there's, as I see it, there's also then some of the, you know, there's -- okay, moving the ideas forward, get new ideas, keeping the ideas in track. And, you know, we still want to keep track of this idea and
that idea, like, you know, these numbers. Which one do
we want to do next? And then there's the actual writing
the specific wording for.

It's almost like there could also -- almost, like,
two committees working on this. There's the committee of
the here's the idea. We're making the contacts. And
then, it would be nice to have someone, like, you could
say, yeah, but this is what we'd like to see. What do
you think? I see as we could actually have -- the reason
why I believe that our two Commissioners are, like, more
than willing to hand it off sort of to someone is because
it is a lot of work. And I see it more of an almost to
subcommittee work which I think that, you know, part of
it, Commissioner Fernandez, Commissioner Akutagawa could
certainly continue on.

And then, possibly have another, like, subcommittee
actually almost be a hand-off and say, yeah, but now can
you work out the actual details of it? Now, there's --
that's one perspective.

That's an idea I'm throwing out. What do people
think about that?

CHAIR TOLEDO: I think the challenge there and I
know that Commissioner -- or Chief Counsel Pane to weigh
in on this a little bit, was having -- there's
potentially interaction between four individuals at that
point, and that could lead to a bag of issues. So really having one group lead the policy issues or the legislative issues would make the most sense. But there may be a process by which we have staff that help us, but increasingly we have less and less staff. Right?

So it's that -- even that becomes a challenge. So the committee would have to be -- would be responsible for moving a lot of this forward and doing a lot of the work that potentially in the past was handled by staff.

Commissioner Fernandez, then Vasquez, Akutagawa.

COMMISSIONER FERNANDEZ: Okay. And I'm just responding to Commissioner Toledo. And then I don't want to say that we are, like, just so willing to hand it off. The reason we needed to bring this forward is that it's been at almost every single meeting when we've brought forward this list, we've been questioned as to why we are the ones that are charged with this task. After a while, it is a lot of work and to continue to be questioned is really frustrating because we are putting a lot of work into it.

And no, I'm not saying that I want to stop doing this. I think what Commissioner Akutagawa and I have done so far has been great, and especially establishing the relationship with the legislative staff that we're working with and also with our Chief Counsel Pane. He's
been very instrumental in terms of the language, researching law, researching government code sections. So I think it's a really strong, good working team that feels that we're dedicated to move this forward and advance whatever changes we want forward to the legislature.

Thank you.

CHAIR TOLEDO: Thank you, Commissioner Fernandez, Commissioner Vazquez, and then Andersen.

COMMISSIONER VAZQUEZ: Yeah. I am willing to step up to support this effort on a new committee. I also want to acknowledge and defer to the folks who have already put in time and effort into this. I don't personally feel like -- feel strongly one way or the other, just wanted to acknowledge that I do feel like I have the skill set to at least play a committee role in terms of both strategy and I think writing. I've written or supported writing legislation and budget proposals, so I don't feel like that's too far outside of my skillset either.

So yeah, just wanted to put that out there, but also again acknowledging that there's been a lot of work in leadership on these relationships as well. So I'm open to whatever the Chair and the current committee members would prefer.
CHAIR TOLEDO: Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. I -- thank you, I appreciate all that. And what I was thinking is I like -- thank you, I like the idea that the committee is more than willing to go forward. If -- I would like to say if the committee sees a couple of sections that they could like, look, why do we give those -- or even if it's a certain part of the code, why don't we give that portion to a different team rather than having all of it together? Maybe just to work up to then ultimately unite, like, both, essentially, two subcommittees work with Anthony to then put it all together.

Just so in terms of, you know, rather than having two people do everything with no -- with no other support until they come back to the meeting. If the -- if the subcommittee thought, you know, hey, we could use some hand -- we could actually portion this for -- this bit off to another group. And I think, you know, maybe Commissioner Vazquez, another Commissioner, could jump in and help out because I do see this as a huge amount of work. And I -- while I really appreciate the two Commissioners taking it on, I would like to see if they see a way forward to actually helping themselves out by handing some of it off where needed and when needed. So I'd just like to bring that one forward. Thank you.
CHAIR TOLEDO: Thank you, Commissioner Andersen, Commissioner Akutagawa, Sinay, and then, I'll call on Chief Counsel to help us see if there's an alternate process.

Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah. Thank you very much. First off, I just want to say that Commissioner Fernandez and I know what we're getting into and what we were getting into when we agreed to participate on this. So I think any concern about the level of work, while we appreciate the concern, we know what we were doing and when we agreed to do this.

So I don't think that that should be a consideration in, you know, whether or not we continue or if anyone else wants to do it. I think this is really -- and I'll just be blunt, I mean, this is really coming from a place of, if anyone else wants to do this, we're happy to step aside so that others can participate in this. That's really what we're saying. And I think that's what Commissioner Fernandez said, but I wanted to just repeat it.

It is going to be a lot of work. But as Commissioner Fernandez said, we've been really, you know, fortunate to have the support of Chief Counsel Pane. So that's one thing. The second other thing that I want to
mention is that splitting it into two committees would be -- I would strongly advise against it. I think that whoever is going to do this has to be one committee working with the legislative staff.

If we have two committees coming at them, they are going to -- they're like, no, this is not going to work. Because you now have, you know, too many, too many people, you know, kind of trying to move this along. And I think it's going to get confusing. And so my advice on that would be it should remain with just one committee, not two separate committees, to try to spread the work around. Just know that whoever wants to do this, you know, just know what you're going to get into as Commissioner Fernandez and I know and we're willing to take on.

But we're also, you know, we also understand that others may want to participate and engage in this part, and we're happy to turn this over.

Thank you.

CHAIR TOLEDO: Thank you, Commissioner Akutagawa, and think, well, let's go to Commissioner Sinay and then we'll go to Chief Counsel Pane.

COMMISSIONER SINAY: Go ahead and go to Chief Counsel Pane.

CHAIR TOLEDO: Chief Counsel Pane, any thoughts
about how there may be, going to Jane's point, some assistance without violating Bagley-Keene. I think we've looked at options and didn't come up with any but just want to -- but I know you were thinking through these through alternative processes.

MR. PANÉ: Yeah. I --you know, I -- is the Commission is just sort of looking back, the Commission has created quite a number of subcommittees and doing that is very typical for state public bodies to create subcommittees or a smaller subsection of a state body. And then, have them do a lot of the legwork that can be done sort of quickly and do a lot of the heavy work and then bring back recommendations to the larger body.

That's the more efficient way to do it, rather than have the large public body do all of the heavy lifting at once. So functionally, those are sort of the guardrails that we have to work from. We couldn't do three without having to do, you know, the agenda, the posting, and all of that. And so, it's you know, it's that rule of three and it's still there. So I don't really see there's not really a way around that.

So I mean, the Commission can, if they want to keep it going with who they've got there's a subcommittee or if they want to create a new subcommittee, I don't know that there's a way to create two different subcommittees
and have that sort of go down parallel tracks because the functions are essentially the same, which is legislative advocacy to change and stand up the next Commission.

VICE-CHAIR TURNER: Which makes sense.

Commissioner Sinay.

COMMISSIONER SINAY: Thanks. So there's two pieces in my mind. One is that I feel like we need a plan for the next legislative cycle and not -- and some of these that are big like the -- I'll bring it up again in the legislature, you know, take -- saying no, you know, they get to say no to certain applicants within a private area. We need to think through that and we need some input from outside. And so that needs a different strategy. Whatever we move forward, I would like us to have more of a plan on how we're strategizing, who we're thinking, and kind of working in that way because we're going to need to mobilize not just one person to move it forward, but various.

I'm really thankful for all the work that Commissioner Fernandez has been doing for all of us. I mean, you know, Commissioner Le Mons brought it up earlier, and we definitely need -- we've definitely survived because of her skill set. But I also I'm aware that there's a lot that we're doing right now that's critical that is being done, you know, Commissioner
Fernandez sits on various committees. And all of them, maybe in a month or two, they won't all be critical. But I do think it's important to always have as -- more people engaged versus less people engaged. And one of the ways to have them engaged is by diversifying our different subcommittees.

And that's the main reason I'm bringing this up is just for people to feel like they can step up and so that we can have more people engaged. Obviously, Commissioner Le Mons, I don't think you're on a subcommittee right now. I'm just kidding. You should see that look. But, no, I just -- I was just trying to be funny and that didn't work. So anyway, I just want to, you know, I think it's okay to step up and step back and creating that space for others.

CHAIR TOLEDO: Thank you, Commissioner Sinay. With that, given the that the Commission the committee has been doing a great job very successfully. We'll charge them with developing a legislative plan, and to work through some of these legislative issues for the next cycle. And I think as we move forward, and there may be a portion of this work that isn't legislative, that is more on the advocacy side, and maybe that falls under either advocacy or government relations. And that's because that may be more of the policy that as opposed to
the legislative because legislative is really getting
legislation enacted versus the crafting of.

So there may be some other that we'll think through
at a later time. I don't think it's something we need to
do right now. The last thing before we take public
comment is meeting. Whether we need a meeting on the.

It sounds to me like we have venues scheduled. Correct
me if I'm wrong, Alvaro. I believe we have a venue on
the 13th of July.

DIRECTOR HERNANDEZ: That is correct.

CHAIR TOLEDO: And a meeting on the 15th. Is that
correct as well or --

DIRECTOR HERNANDEZ: Oh, I'm sorry, yes, it should
be on the 13th. That's my mistake.

CHAIR TOLEDO: Okay. The meeting is on the 15th and
we have a venue on the 15th request -- or rather is it
the 15th or the 13th?

DIRECTOR HERNANDEZ: Okay, I jumped the gun. Our
next meeting is scheduled for June 15th. The following
meeting would be scheduled for July 13.

CHAIR TOLEDO: Got it. Okay. So we have a meeting
Too many dates. June 15th. And the question becomes, do
we have enough on the agenda at this point to schedule a
meeting?
Most of the work would be legislative in nature at this point and potentially long term or other Lessons Learned.

But the question is, can -- is that enough time to get a meaningful agenda together? And I'm going to look to Commissioner Fernandez, and Commissioner Kennedy, and Akutagawa for that. For whether there's enough -- if there -- if we should schedule a meeting to go through more of these legislative priorities or can it wait until July? Is there anything pressing that we need to do in June? And then Commissioner Kennedy as well for Lessons Learned?

COMMISSIONER FERNANDEZ: Oh, okay. And I think -- Commissioner Akutagawa, I think we have enough that we can work on and especially since we won't be able to get any of these any of the changes into our government codes sections this cycle. I'm thinking we may not need a meeting on the 15th of June. I mean, again, we could still go through the list continually to -- there will always be items for the agenda if you want to have a meeting. But it's whether or not -- I don't know, Linda?

COMMISSIONER AKUTAGAWA: Yeah, I was going to actually suggest that. Could we just go ahead and agenda for June 15, so that we move forward with it if we need to? I do believe we have a meeting with the -- with our
legislative partners or the staff that we been talking
with. And we could maybe check with them to make sure
that we will not need the June 15th meeting.

And if we don't, then we could cancel it. It's
easier to cancel, I think, than it is to try to schedule
at the last minute. And then, if they -- if turns out
that we don't need the June 15th meeting, then we'll work
towards the July 13th meeting for any additional work.
Because our understanding or my understanding from this
process is that everything does need to be wrapped up by
the end of July.

So -- and Alicia or Commissioner Fernandez, correct
me if I'm wrong on that or Anthony, please correct me if
I'm wrong on that. But I do believe that by July for
sure, we will need to -- we will be coming forward with
the, I believe, the final bill language, I think.

COMMISSIONER FERNANDEZ: The bill language would
be -- it affects the election codes. So it's not
something that needs to be approved by the Commission --

COMMISSIONER AKUTAGAWA: Okay.

COMMISSIONER FERNANDEZ: -- because our specific
government code section.

COMMISSIONER AKUTAGAWA: Oh, okay.

COMMISSIONER FERNANDEZ: Only if we were going to
update our --
COMMISSIONER AKUTAGAWA: Our government --

COMMISSIONER FERNANDEZ: -- code section, would we need to have the approval.

COMMISSIONER AKUTAGAWA: Okay.

COMMISSIONER FERNANDEZ: But I do agree there might be a need. I'm just not sure right now. It would be nice to check with our group first.

CHAIR TOLEDO: Do we know -- when is your group meeting? Because I -- we have venues scheduled. So if we're not meeting have it's expensive to have venue, and audio, and all the other issues.

COMMISSIONER FERNANDEZ: I actually believe we have it scheduled for tomorrow, I think.

CHAIR TOLEDO: Okay. So if he has -- so I think Commissioner Fernandez is also -- so, all right. So if it turns out -- well, we'll hear back from the subcommittee. And if it turns out that we need a Commission meeting, we will schedule one. We'll leave it on the -- it's scheduled right now. We'll cancel it if we don't need it. And hopefully we'll hear back by the end of the day tomorrow.

Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Yeah, I just want to just make sure that we -- and I just have some clarity as to where we landed. Because I'm unclear. So I know that
Commissioner Fernandez and I did offer to step aside, but it also sounded like you wanted us to keep on going. I wasn't sure.

CHAIR TOLEDO: Oh.

COMMISSIONER AKUTAGAWA: And then I also know that Commissioner Vazquez had also volunteered as well, too. So I just want to make sure that there's clarity and just recap everything on this discussion.

Thank you.

CHAIR TOLEDO: Okay. Thank you. I thought it was clear, but obviously I wasn't. So we are establishing a legislative committee. The legislative committee is made up of Commissioner Fernandez and Commissioner Akutagawa. They're charge is to come up with a legislative calendar, a legislative agenda, and as well as to develop the language around the priorities that we have set forth at this point. And of course, to help us through the legislative prioritization process. It's a big charge, but I think they've done a great job thus far.

And of course, if there's any need from the rest of us, we can always work through Chief Counsel or through staff. So if there's anything -- of course, we have to work through staff to ensure compliance with Bagley-Keene. Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Sorry. Yeah, sorry. And
Chair -- oh, I was trying to get my hand raised. Just for clarification, I checked with my subcommittee partner and with Chief Counsel Pane. I guess I have my calendar wrong. It is not tomorrow. It is the following Thursday. So my apologies.

So just to let you know, we will update everybody or we'll update Executive Director Hernandez next Thursday after we meet so that he can then determine the space.

Thank you.

CHAIR TOLEDO: I'm just wondering, in terms of space, Alvaro, is that enough time to cancel and not incur significant cost?

DIRECTOR HERNANDEZ: I'll have to circle back on that and look at the contract, I believe we're -- if we get confirmation by next week, we might be within the time frame that we won't be charged.

CHAIR TOLEDO: So let's --

DIRECTOR HERNANDEZ: But I want to circle back on that.

CHAIR TOLEDO: That and we'll touch bases with Vice Chair Turner and I and you can coordinate on that. And then we'll promptly let the Commission know if we decide to cancel.

So it does sound like we are moving towards canceling, unless there's something legislatively
important. Commissioner Kennedy, did you have anything for Lessons Learned for this month or can it wait until July?

COMMISSIONER KENNEDY: It can certainly wait until July. I mean, I've nearly completed compiling the raw notes. We have over fifty pages of raw notes from myself, Commissioner Yee, and the fifteen-page letter from community organizations. But I don't see the point in just circulating those raw notes until I get them coded, sorted, deduced, and grouped so that it makes some sense. And then, I can -- I think I'm confident that I can get that done by the July meeting.

CHAIR TOLEDO: Excellent.

COMMISSIONER KENNEDY: Thank you.

CHAIR TOLEDO: And I did hear that we need two weeks' notice for venue cancelation. So I have to check in with Commissioner Turner and Alvaro after. Just to verify. So we may be able to get a response earlier -- sooner rather than later. With that, let's go to public comment on the full agenda.

PUBLIC COMMENT MODERATOR: Sounds good. The Commission will now take public comment on the entire agenda. This is general public comment.

To give comment, please call 1-877-853-5247 and enter meeting ID number 8329110985. Once you've dialed
in, please press star 9 to enter the comment queue. The full calling instructions are read at the beginning of the meeting and are provided on the live stream landing page and we do have a caller in the queue to give public comment.

And I want to remind those who are with us here in person today, if you want to give public comment, please go to the public comment laptop and press raise hand. Are we enforcing a two-minute time limit, Chair?

CHAIR TOLEDO: Yes.

MR. SINGH: Sounds good. We have caller 6252, please follow the prompts to unmute. The floor is yours.

MS. HUTCHINSON: Thank you. This is Helen Hutchinson with the League of Women Voters of California. And I wanted to reinforce the message that we and common cause sent in our letter to you about reducing the amount of time for your -- notice period. Mapping is your core work and it's critical that the public be there to both observe and to comment on what is -- what they see during those meetings. And it's also critical that the public be as representable -- as much representation as possible. If you reduce the public notice period to three days during your critical mapping period, you are going to limit who can attend. You will still have some people there, but it will be heavily weighted towards
what I call the professional public. You will have far
less representation. Thank you very much.

MR. SINGH: Thank you. Up next, we have caller
0003. Please follow the prompts. The floor is yours.

MS. NIMMERS: Hi, Commissioners. My name is Kristin
Nimmers and I'm calling on behalf of the California Black
Power Network, formerly the California Black Citizen and
Districting Hub. I wanted to uplift our letter sent on
February 4th advocating for proposed changes to how the
Commission deals with federal prison population data.

We know that Assemblymember Isaac Bryan has
introduced a bill, AB 1848, on the topic of the
Commission's handling of prison population data. And we
wanted to offer a proposition as you weigh your own
position.

This bill may be an opportunity to provide future
Commissions with more guidance on what to do if federal
data is not provided. As you may remember, we wrote to
urge the Commission to take two actions to address the
built-in inequities in the system around county federal
prison population. The first of those actions is
advocate to the Biden administration that they act now to
ensure that home address data with the proper privacy
protection mechanisms for people incarcerated in federal
prisons is released as a matter of course for the 2030
Redistricting Commission. We also outlined how privacy of the data should be protected.

The second of those actions was to advocate to the 2030 Commission that it should adhere to two inextricably connected and equally important principles. The first that everyone is counted, and second, that they are counted in the most equitable -- equitable way possible. These principles can be accomplished through accurate and secure --

PUBLIC COMMENT MODERATOR: Fifteen seconds.

MS. NIMMERS: -- data provided by the Bureau of Prisons. If these principles can't be met completing federal due to federal data challenges, we advocate that the Commission follow -- that the future Commission follow your lead and include federal prison populations to ensure that we're avoiding those inequities created by counting populations where they're held in custody rather than where they typically live.

We also wanted to call in support of the League of Women Voters' Common Causes letter sent on May 12th linking concerns about the recommendation to shorten the public notice period. Shortening the public notice requirement creates additional barriers to engagement and participation for traditionally underrepresented communities and a longer period, if necessary, to ensure
the diverse communities continue to engage in the process. Thank you.

CHAIR TOLEDO: Thank you. Can you repeat your name and spell -- repeat your name with spelling?

PUBLIC COMMENT MODERATOR: Caller 0003 could please follow the prompts again unmute.

The recorder would like --

MS. NIMMERS: Yes. My

PUBLIC COMMENT MODERATOR: -- your name spoken and spelled for the record, please.


CHAIR TOLEDO: Thank you very much.

PUBLIC COMMENT MODERATOR: And that is all of our public comments at this time, Chair.

CHAIR TOLEDO: Thank you so much, Kristin. And thank you to the public for commenting and continuing their engagement with us -- with our process. We did find out that we do have a two-week window to cancel our venue. And that deadline would be today. Given the amount of cost and also the -- and our limited budget, we're going to convert quickly with our Vice-Chair. We're going to cancel the meeting for next month and free up our calendars.
Given that there's nothing for this month, for the month of June, so we will not be having a June 15th meeting, will have a July meeting instead. That shouldn't be too much of an issue. If it is, well, we'll confer with our executive team. But at this point, it doesn't make sense to have two venues given the amount of time we need to cancel and to give notice to our vendors.

Well, with that, thank you so much for joining us. Great seeing everyone. I hope you had a great Memorial Day weekend and good catching up with all of you and we'll see each other next month.

(Whereupon, the CRC Business Meeting adjourned.)
CERTIFICATE OF REPORTER

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 17th day of June, 2022.

___________________________
PETER PETTY
Certified Court Reporter
CER-493
CERTIFICATE OF TRANSCRIBER

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

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

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

_______________________
LORI RAHTES, CDLT-108

June 17, 2022
DATE