STATE OF CALIFORNIA

CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

CRC BUSINESS MEETING

THURSDAY, AUGUST 27, 2020

9:30 a.m.

Transcription by:
eScribers, LLC
APPEARANCES

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

STAFF
Marian Johnston, Interim CRC Staff Counsel
Raul Villanueva, Interim Administrator

TECHNICAL CONTRACTORS
Kristian Manoff, AV Technical Director/Comment Moderator

PRESENTERS
Dr. Doug Johnson
Dr. Andrew Busch

Also Present

PUBLIC COMMENT
Alejandra Ponce de Leon, Advancement Project California
Jonathan Mehta Stein, California Common Cause, et al.
Carol Moon Goldberg, League of Women Voters of California
Angelo Ancheta, Member 2010 Redistricting Commission
Eric Fisher
Martin Campos
Abi
Jacqueline Coto, NALEO
Sophia Garcia
<table>
<thead>
<tr>
<th>AGENDA ITEM</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Training on General Government Structure</td>
<td>6</td>
</tr>
<tr>
<td>and California Executive Branch Agencies Commissioners, and Commission Staff</td>
<td></td>
</tr>
<tr>
<td>Public Comment</td>
<td>18</td>
</tr>
<tr>
<td>Training on Transparency</td>
<td>20</td>
</tr>
<tr>
<td>Public Comment</td>
<td>86</td>
</tr>
<tr>
<td>Report on Commissioner Staffing</td>
<td>94</td>
</tr>
<tr>
<td>Public Comment</td>
<td>125</td>
</tr>
<tr>
<td>COI Training with Drs. Bush and Johnson</td>
<td>132</td>
</tr>
<tr>
<td>Public Comment</td>
<td>205</td>
</tr>
<tr>
<td>Report on Commission Staffing Continued</td>
<td>231</td>
</tr>
<tr>
<td>Motion Passes to Accept Exempt Salary Schedule</td>
<td>234</td>
</tr>
</tbody>
</table>
CHAIR TURNER: Good morning and welcome back to our day 2 of our Citizens Redistricting Commission. We'll reconvene effective now.

And so good morning to everyone and thank you to those that are joining in. We'll start with our Agenda Item -- or continue with our Agenda Item Number 11. I believe that's where we're starting today.

MS. JOHNSTON: Good morning, Commissioners. As you probably know, redistricting was committed to the state Legislature until 2010. And in 2008, Proposition 11 created the Commission and gave it the authority to do the districting for the state Senate Assembly and Board of Equalization. Then, in 2010, Proposition 20 added the members of the House of Representatives.

That was a decision that caused a Constitutional question about whether or not that was legitimate. Based on a provision in the United States Constitution saying that the time, place, and manner of holding elections for senators and representatives shall be prescribed in each state by the Legislature thereof. And obviously, this took it away from the Legislature and gave it to the people through the Commission.
The saving grace is that the proposition authority that was given to the people of California in 2009, I believe it was, gave the power of initiative and referendum to the people, allowing them to deal with legislation either by initiating legislation or Constitutional amendments by way of initiative or repealing statutes by way of the referendum.

So a similar issue arose in Arizona, where there was also a redistricting proposition passed by the people, and that went up to the United States Supreme Court. And the California Commission participated as well. And what the Supreme Court decided, luckily, was that because the initiative power is the legislative power of the state, as well as the legislative power being administered by the Legislature itself, that it was legitimate for the people to enact an initiative changing the redistricting power from the Legislature to an independent Commission.

A number of other states have attempted to create redistricting statutes, particularly after the recent Supreme Court decision, saying that the Court would not get involved in partisan gerrymandering. It would get involved in racial gerrymandering, but not in a partisan where the Legislature decides to favor one party or the other. Unfortunately, not all states -- in fact, only about 20 states do give the initiative power to the
people. So it will be difficult to get state...

1. Legislatures where there is no initiative power to give up their power to redistrict. So that is an issue which is a hot topic among other states, but luckily not a problem in California.

2. Your Commission is independent in substantial part, not subject to the Legislature or the executive branches of government, and only slightly subject to limited review by the judicial branch. As you know, the application process is largely controlled by the state auditor, who is an independent entity herself. The Legislature's role is only to remove a limited number of positions.

3. Once applicants are selected as qualified by the state auditor, then each -- the speaker, the minority leader, the president, pro tempore, the Senate, and the Minority Leader of the Senate can each strike up to two applicants from each of the three pools. And after that, it's a random drawing, and then you all pick the next six. So in the selection process, the Legislature has only a very limited power, and that's a power to exclude, not to put people on the Commission.

4. Another way that the Legislature is limited is in trying to amend the provisions, because this was created by initiative power. The people's will in the initiative
cannot be changed except as provided in the initiative. And what the initiative said was that in order for any amendment to be done, the amendment has to be generated by the Commission itself. The language of any amendment that the Legislature adopts has to be identical to that approved by the Commission, and it must carry out the purposes of the original initiative.

That was done in 2012, where a few changes were made in your statutes. For instance, when the power to redistrict the representatives was added in 2020, it also changed the date when maps were due till August 15th instead of September 15. There was a problem that was not addressed in Proposition 20, which was that although you normally have to give fourteen-days' notice for your meetings, the original proposition said that in the month of September you only had to give three-days' notice.

Because the amendment in 2010 did not change it from -- although it changed the due date from September to August, it obviously didn't change the three-day notice from September to August. So the way the Commission did a workaround was to notice meetings on every day during the month of August to allow the 2010 Commission to carry out its redistricting process.

If the Commission were to delay following the California Supreme Court's lead, and
delay redistricting until December, you would have the same problem, in that you have to give fourteen-days' notice in every month except August now. But you could follow the process of the prior Commission and simply notice meetings set every day. So there are workarounds, but because it's created by initiative, it is difficult to amend the statute, which gives more security to the redistricting process done by the independent Commission.

The other way that the power of both the Legislature and the executive is limited is in the power of the budget, which of course is substantially important. The budget that the governor submits, and the Legislature passes for the Commission, each centennial has to be equal to or more than the prior Commission -- the prior ten years -- and then it can be added to as necessary. So you have that little bit of protection from any budgetary restraints that the Legislature might otherwise want to impose on the Commission.

And the other power that the executive has to a certain extent is the statute says, the Commission, with fiscal oversight from the Department of Finance, shall have procurement and contracting authority. That is the reason why you had the provision in front -- the proposals in front of you yesterday to allow Raul to enter into some of the contracting agreements that have
to go through the Department of Finance because you don't have independent authority to enter into contracts. It's got to be done with the approval of the other executive agencies.

The role of the Judicial Branch is limited in an important way in that any challenge to the Commission maps has to be done solely by petition to the California Supreme Court, and the Court has original jurisdiction whenever a map that you certify is challenged.

So among the most important of those, I think that the restriction on the budget and the restriction on limiting the amendments governing the Commission are probably the most important.

Why don't I stop there and see if there's any questions before I go on to what your authority is? Any questions? Good. Okay.

As you know, you are to establish single member districts for the Senate --

COMMISSIONER SINAY: Marian?

MS. JOHNSTON: Yes.

CHAIR TURNER: Yeah, there was one question.

MS. JOHNSTON: I'm sorry. I didn't see you.

COMMISSIONER SINAY: Just a quick question. All the way at the beginning you had said that the Supreme Court said they will not get involved in political
gerrymandering, but they will in racial gerrymandering.

MS. JOHNSTON: The United States Supreme Court, correct.

COMMISSIONER SINAY: Right. Do you or any of the other Commission members understand why they've separated out since political gerrymandering seems to be the big issue? The big challenge.

MS. JOHNSTON: I can only speculate. Traditionally, the Court has been reluctant to get involved in political questions, saying that that's not within their purview and it's not really a legal issue; it's a political question. And although gerrymandering does have certain overtones of equal protection issues arising, if the people are gerrymandered -- districts are gerrymandered so that people are not given a fair right to electronic their representatives, the Court decided to see it as a partisan issue, that they would simply stay away from. They could have gone either way.

Yes, Commissioner Kennedy.

COMMISSIONER KENNEDY: The other issue is that the U.S. Supreme Court has said that no one has yet presented an adequate measure of gerrymandering. In other words, how do we determine whether it's egregious or not? And no one has yet presented them with what the Court considers an adequate measure of how extreme a
gerrymander is.

MS. JOHNSTON: That's correct.

COMMISSIONER KENNEDY: So they're waiting, and there are academics who are busy trying to develop adequate measures that will satisfy the Supreme Court.

MS. JOHNSTON: What the proponents argued to the Supreme Court was that there was, by negative implication, guidelines developed from the voting rights cases, and those are largely repeated in the criteria that you are to apply in doing your district drawing about equal numbers, about not considering partisan, about the variety of other factors you are to consider.

But the Supreme Court said that was not sufficient, and you'd have to have something further, as Commissioner Kennedy was saying.

Anything else? Okay. So your duty is to draw single member districts for the representatives in the Assembly, the Senate, Board of Equalization, and the House of Representatives. And that power is plenary. No one, except for if you do something illegal, can circumvent what you decide. And you're given quite a lot of power in your operations. For example, staff serve at your pleasure. There's no civil service requirement for your staff. You have to have a special vote to approve your final maps. But once they're approved, that is
something that's totally within what you decide to do,
unless the Court finds that somehow you violated what the
procedure set out that you were to follow. There's
nothing that the Court can do about it. And that came
up.

There was a referendum -- a referendum is when
people get together and have enough signatures to
challenge an action, usually by the Legislature. But
they also have the authority to challenge an action by
the Commission by referendum power. And there was an
attempt to referendum the state Senate districts last
time around. And the Supreme Court rejected the argument
that while they were collecting signatures, the use of
those Senate districts should be stayed, and the old
district should be used.

There are a lot of questions that came up during
that litigation of why the Court decided to go ahead and
allow the Commission boundaries to be used for the
current year, even though the referendum process was
still going on. By the way, the referendum ultimately
failed, and it didn't get enough votes to qualify.

I think one of the main reasons that the Court
decided to allow the districts created by the 2010
Commission to be used was the process that the Commission
had followed. And as we'll talk about when we talk about
transparency, the Court was really impressed with the amount of public input that went in to the line drawing process. The number of hearings that were held, the number of speakers that presented arguments, the number of documents that were submitted was really substantial. And the Court found that given that devotion to duty and creating the Commission, that certainly whatever the Commissions -- whatever was the ultimate result of the referendum on the Commission's maps, that the Commission District was certainly appropriate to be used while the referendum process was going on.

That's probably all I have about the -- I guess another -- the other limitation on Commissioners is when you can be removed, and if you are removed, it's only under very limited circumstances. It has to be by -- let me get the exact language here -- substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Then you can only be removed by the Governor with a concurrence of two-thirds of the members of the Senate, which is a fairly high barrier to attempt to reach. So I doubt that -- it would be very difficult for any Commissioner to be removed for cause.

Okay. I think that unless you have questions about what else you may do, we'll be talking more during the
line-drawing discussion about exactly the criteria to use and how you're to apply that. But as far as your authority, it's pretty much plenary. Any questions?

Okay. Thank you, Commissioner Turner.

CHAIR TURNER: There's a question.

COMMISSIONER YEE: I have a question or questions.

CHAIR TURNER: Yes, we have a question from Commissioner Yee.

COMMISSIONER YEE: I'm curious about the legislative strikes. Of course, they're not required to give any reason for the strikes, but I did notice that in both 2010 and 2020, they exercise the maximum number of strikes. And I'm just wondering if you have any speculation as to the mindset and thinking and logic that goes behind this?

MS. JOHNSTON: I wouldn't even attempt to speculate. Commissioner Kennedy?

COMMISSIONER KENNEDY: Once we've finished this, I just wanted to draw the chair's attention to our intent from yesterday, to begin today with public comment.

MS. JOHNSTON: Okay. Madam Chair, do you want to move on to item 12?

CHAIR TURNER: Well, I did want to thank you, Commissioner Kennedy. And I apologize. I totally forgot to open with public comment. So I do want to go there,
and then I think we need public comment on 12 as well.

And so Jeff, if you can -- well, actually is Raul available to read the instructions, and then, Jeff, we can go to public comment?

INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, yes, I'm here.

CHAIR TURNER: Okay. Great. Will you read the instructions, please?

INTERIM ADMINISTRATOR VILLANUEVA: Yes, ma'am.

So in order to maximize transparency and public participation in our process, the Commissioners will be taking public comment during their meetings by phone. There will be opportunities to address the Commissioners regarding the items on the agenda and the process in general.

In addition, for each agenda item that requires a vote, the public may provide comment on that particular item. Each time that the Commissioners bring up an action item, the viewing audience will be informed that it is time to call in if they wish to make a public comment. The Commissioners will then allow the opportunity for those who wish to comment to join the discussion.

To make a public comment, please dial 877-226-8163. After dialing the number, you will speak to an operator
and be asked to provide the access code for the meeting, which is 5185236, or the name of the meeting which is CRC First Commission Meeting. After providing this information, the operator will ask you to provide your name. Please note you are not required to provide your actual name. If you do not wish to, you may either provide your own name or a name other than your own. When it's your turn to make a public comment, the moderator will introduce you by the name that you did provide.

Providing a name helps AT&T, which is hosting this public comment process, to ensure that everyone holding for public comment has a chance to submit their comments. Please be assured the Commission is not maintaining any list of callers by name and is only asking for names so that the call moderator can manage multiple calls simultaneously, and also to let you know when it is your turn to speak.

After providing a name and speaking with the operator, you will be placed in a listening room, which is a virtual meeting room where you will wait until it is your turn to speak. You will be able to listen to live audio of the meeting. Please remember to mute your computer or livestream audio because the online video and audio will be approximately sixty seconds behind the live
audio you are hearing on your telephone. So if you fail
to mute your computer or livestream audio, it will be
extremely difficult for you to follow the meeting and
difficult for anyone to hear your comment due to the
feedback issues that will occur. Therefore, once you are
waiting in the queue, please be alert for when you may be
called upon to speak, and then turn down your livestream
volume.

From listening room, listen to the meeting and call
the moderator. When you decide that you want to make a
comment about the agenda item currently being discussed,
you may press one zero. That's one zero, and you will
you will be placed in the queue to make your public
comment. When joining the queue to make a public
comment, you should hear an automatic recording that
you've been placed in the queue. You will not receive
any further instruction until the moderator brings you in
to make your public comment.

At that time, the moderator will open your line and
introduce you by the name that you provided, and once
again, make sure that you have muted any background noise
from your computer. Please not use a speakerphone, but
rather speak directly in to the phone. After the
moderator introduces you, please state the name you
provided to the operator, and then state your comment
clearly and concisely. After you finish making your comment, the Commissioners will move on to the next caller and you may hang up your call.

If you would like to comment on another agenda item at a later time, please call back when the Commissioners open up to public comment for that item and you may repeat this process. If you are disconnected at any time for any reason, please call back and explain the issue to the operator, and then you may repeat this process and rejoin the public comment queue, again by pressing one zero.

The Commissioners will be taking comment for every action item on the agenda. As you listen to the online video stream, public comments will be solicited by the Commission and that is the time to call in. The process for making a comment is the same each time. Begin by dialing 877-226-8163 and follow these steps. These instructions are also posted on the website. Thank you.

Madam Chair.

CHAIR TURNER: Thank you, Raul. I appreciate that. Jeff, do we have any callers in the queue?

AT&T AT&T OPERATOR: We do not, Madam Chair.

CHAIR TURNER: Okay. Thank you so much.

Commissioners, was there any other comment that you have on the Agenda Item Number 11 before we move to 12?
Okay. Thank you.

We'll now move to Agenda Item Number 12.

Marian, that will be you as well. The training on transparency.

MS. JOHNSTON: And this one is very difficult, and I will be the first to admit that giving public access can be a hassle. But I think we all understand how important it is. I know on the first day, dealing with the selection of the next six, kept talking about the need to have participation from each seat at the table. And as I look at the Public Records Act and the Bagley-Keene Open Meetings Act, its purposes are to give the public a seat at the Commission meetings. And that's why it's very important that even though it's sometimes a hassle, it's very important and very worthwhile to make sure that's accomplished.

There are a couple of Constitutional provisions to start with. One is your own governing Article 21 that says the Commission shall conduct an open and transparent process, enabling full public consideration of and comment on the drawing of district lines. There's also a general right of public access to the government set out in Article 1, Section 3, saying the people have the right of access to information concerning the conduct of the people's business, and therefore, the meetings of public...
bodies and the writings of public officials and agencies shall be open to public scrutiny.

These requirements for public contribution are also repeated in your own governing statutes. 8253 Section A1 says the Commission shall comply with Bagley-Keene with two exceptions, that I think you're now aware of. One is that although Bagley-Keene requires ten-days' notice, your statute requires fourteen-days' notice, except, as I stated before, in the month of August and years ending in one where you can give three-days' notice.

The other requirement that differs from Bagley-Keene is that it doesn't apply to just a majority of the members. In order to have a meeting, you must have nine to have a quorum. Normally, for a committee of fourteen, which you are, it would only be eight. But your statutes say that it has to be nine. And the records of the Commission pertain to redistricting and all data considered by the Commissioner of Public Records that would be posted in a manner that ensures immediate and widespread public access.

So that's why it's very important that all of your documents be available to the public by being posted on the website. And writing public records includes all writings which are defined as basically anything that can be communicated to other people. Including anything
transmitted by electronic mail, every other means of
recording upon any tangible thing, any form of
communication, including letters, words, pictures,
sounds, symbols or combination thereof, in any record
created, regardless of the manner in which the record has
been stored.

One of the reasons why I ask that you all use your
CRC email, and your CRC telephones has to do with The
City of San Jose case that was decided by the California
Supreme Court a few years ago, which says that if you use
your personal computers, your personal emails, your
personal telephones and for business of the Commission,
those become subject to Public Records Act requests as
well. And you would be amazed at what people put in to
emails.

So be careful when you're writing emails that you
realize they may all be subject to public review at some
point. But I assume that most of you would not like to
turn over your entire list of personal email
communications or telephone records for public review,
and therefore, we do urge you to use your Commission
equipment for all communications. It just makes life a
lot easier for you and for us if we get a Public Records
Act request.

One of the sections that there was some comment
about, I know with the first eight, is a section that
says members and staff may not communicate with or
receive communications about redistricting matters from
anyone outside of a public hearing. This doesn't refer
to communication with each other or with staff, although
those are limited in other ways I'll talk about. But
what that really applies to is receiving information from
other persons that may be relevant to your job of
redistricting.

The 2010 Commission recognized, I think rightly,
that that has to be interpreted realistically. Meaning
that if it's information that's available to the general
public, such as a newspaper article, a television show,
radio announcement, a book, whatever public media you're
talking about, this doesn't apply to information you
might receive by those means, but it refers to personal
transmission of information to you.

And my suggestion, if anyone attempts to communicate
with you, is you just simply say that in order to protect
the right of the public to access that information has to
be conveyed directly to the entire Commission, either by
submitting a document to the Commission that becomes
public comment that's posted on the website, or by
participating in a Commission meeting where, again, it's
all open to the public.
The major requirement that I think is most difficult to comply with, however, is the prohibition on serial meetings. Several of you have served on other state or local bodies, may be familiar with the idea of a serial meeting, but a serial meeting is one which doesn't happen in the public, but is a series of communications among the members; and it can either be what's called a hub or a chain. A hub is where one person in the middle reaches out and contacts a variety of different persons. A chain is where one person talks to another person who talks to another person or talks to another person. The danger in any of those is that you may reach the magic quorum number, and then it would become an illegal meeting because it's not done in the eye of the public. So I would warn you to be careful of that.

Two other provisions of Bagley-Keene that I wanted to call your attention to. One is what we talked about yesterday, about an advisory committee of no more than two members. Yes. Commissioners Sinay.

COMMISSIONER SINAY: Before we move from that one, because having served on a school board, I understand serial meetings, but I also feel that there's nuances to it that I want to make sure that we all understand or that -- so my understanding -- and this is like the email about -- an email about logistics would be okay.
MS. JOHNSTON: Right.

COMMISSIONER SINAY: Figure out, should we all go together, or should we not go together? That's okay. An email saying, hey, I think line number six should be moved over to here, would not be okay.

MS. JOHNSTON: Correct.

COMMISSIONER SINAY: If there is an article that we saw in the paper about the Commission, can it be sent out to all the members? Like if I read something, I'm like, oh, and it's interesting, can I send it out to all the members, or would that be considered serial?

MS. JOHNSTON: You can send it to all the members, provided that you also send it to be posted on the website as information for the public.

COMMISSIONER SINAY: Perfect. Because I think that would be great for the public, as the articles come out and stuff and some of these background documents to be put on our website. So because part of the difficulty we're having is finding them.

MS. JOHNSTON: Yep.

INTERIM ADMINISTRATOR VILLANUEVA: Marian, if I might jump in? In the situation that you're describing where you have something that you would want to go out to the full Commission, really a better way to do that is to send it to your staff. Then they can go ahead and take
care of having it be posted, send it out to everybody
else and take care of any of the other matters that go
with that.

MS. JOHNSTON: Absolutely. Posting is not an easy
activity, as we learned yesterday.

INTERIM ADMINISTRATOR VILLANUEVA: No.

COMMISSIONER SINAY: So does it need to be posted
before it goes out to all the other members? Because
sometimes an article -- we're going to want to know, hey,
this is out there in the press. Do we need --

MS. JOHNSTON: It doesn't need to go out to all the
members. You can discuss it. You can send it out to all
the members, but it can't be discussed until it's during
an open meeting.

INTERIM ADMINISTRATOR VILLANUEVA: And once you have
a communication director, that would be the staff person
you would send that to, so that they're aware also of
something that's catching your eye.

MS. JOHNSTON: Any more questions about that?

Because it is a difficult area and one there has been
quite a bit of litigation.

Yes. Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yes, thank you. And a thank
you to Commissioner Sinay as well for this question,
because it's also been on my mind as well. Certainly
there have been articles written about the Commission in the last couple of months. There's also been reports that have been put out by various public policy groups. And I think one of the questions I also have kind of straddles both this question about serial meetings as well as receiving information from other people during the time of COVID. Everything's online, or most things are online, or recordings of meetings are online that may not come from the press, per se. But it seems that there are a lot of organizations talking about things.

I had brought this up in the earlier meetings that there were conversations happening where I ended up not participating in them and not even logging in to view them. But at the same time, there are organizations that are providing perspectives on various cities around much of the state and I think would be helpful just to get guidance. Is it that if that occurs -- an organization records their conversations, we then choose to put it up as public comment if we want to share it with the other commissioners?

MS. JOHNSTON: Correct.

COMMISSIONER SADHWANI: And I wonder, and at that level, like, well, at some point there could be a lot of information. Is that something that we wouldn't want to systematize in some way, shape or form? Or does it
become perhaps too daunting of a task, or --

MS. JOHNSTON:  That --

COMMISSIONER SADHWANI:  I guess I'm seeking additional guidance on that.

MS. JOHNSTON:  That was a real problem for the last Commission, trying to categorize public comments that came in. And there was not a successful way, probably because we didn't have a staff person devoted to doing that. That may be something the Commission wants to consider. But an enormous amount of material comes in, and it's very hard to -- even if you read it all the first time, to go back and access where it is, where you want to recover and draw attention to something.

So I would certainly recommend setting up some kind of an indexing system that you can retrieve information when you want to.

Commissioner Kennedy.

COMMISSIONER KENNEDY:  Yes. Following on Commissioner Sadhwani's question. I had raised with previous counsel a question about attending -- and in the age of COVID, attending virtually -- local redistricting commissions because as far as developing an understanding of communities of interest, I think that at least virtually attending county or municipal redistricting commission hearings could be a great source of wisdom,
knowledge, input as far as local communities of interest.
And as I recall, I was told that question of whether we could, in fact, attend those should be deferred until we were the entire Commission of fourteen. So I see this as a good opportunity to bring this back up.

MS. JOHNSTON: Certainly. Well, it's addressed in Government Code 11122.5, part of Bagley-Keene, that you all should have gotten a copy of. It's the same section that says that a majority shall not, outside of the meeting, use any series of communications of any kind to collect information. But that same statute says you are not prohibited from attending meetings of other bodies that are open to the public. Assuming that anyone who is interested in that particular -- the activities of that Commission would also be -- if it's a public entity, would be subject to either the Brown Act, if it's a local government, or Bagley-Keene if it's a state agency.

The problem is, if information is presented that's not part of the public record, and in such circumstances, then you would be not only violating Bagley-Keene, but doing a disservice to the Commission in not allowing all that information to be presented publicly to the Commission. So it really depends on the nature of the entity and the type of meeting that you're talking about. That's a little vague. I hope it's sufficient.
Yes. Commissioner Ahmad.

COMMISSIONER AHMAD: Actually, I'll defer to Commissioner Vasquez, she had her hand up quite some time.

MS. JOHNSTON: Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: Actually, I think Commissioner Vasquez was going to ask.

MS. JOHNSTON: Oh, I'm sorry.

COMMISSIONER VAZQUEZ: All right. Yes, thank you.

I am still a little confused about -- I think this is similar to Commissioner Kennedy's question about -- so again, if there are reports or videos that are open to the public, but maybe not widely disseminated, about what Commissioner Sadhwani is talking about, right. But in order to educate myself more about the various issues and perspectives, if I choose to view those videos or read those reports, do I then have to pass that information along to staff to be posted for discussion or otherwise? Or is it sufficient that I just -- like, I guess I'm sort of like, do I have to share everything that I receive in order for it to be proper?

MS. JOHNSTON: If it's information that you intend to rely upon in the redistricting process, then yes. Let me read you the statute itself. "The attendance of a majority of the members of a state body at a conference
or similar gathering open to the public that involves a
discussion of issues of general interest to the public or
to public agencies of the type represented by the state
body. It is not a prohibition if the majority of the
members do not discuss among themselves, other than as
part of a scheduled program, business of a specified
nature that is within the subject matter jurisdiction of
the body."

So if it's a public meeting, you may certainly
attend it, and you may not discuss it, with anyone else
on the Commission outside of a public meeting. Yes?

COMMISSIONER VAZQUEZ: Sorry, a follow-up question.

So then if I don't -- if I don't share it, keep that
information to myself, but then use it to inform my
decision making around mapping, that's then a violation,
correct?

MS. JOHNSTON: Yes. If it's something you're going
to be using in the redistricting process, it should be
given to all the commissioners.

COMMISSIONER VAZQUEZ: Okay. Thank you.

MS. JOHNSTON: I don't know who is next.

Commissioner Ahmad?

COMMISSIONER AHMAD: Just to segue on that question.

Maybe I'm just thinking about this way too hard. By that
logic, wouldn't theoretically, everything that I've
learned from age 0 to now be something that I'm using to inform my decision-making for the mapping process? And that doesn't seem like it -- that just doesn't seem like it's right. But I'm not a legal expert in it by any means. So from what I understand, Bagley-Keene -- and please correct me -- is if we are discussing anything that is directly related to the actual mapping and our charge, but if we are sharing information that's just factually based, that this is what redistricting is. This is what the mapping process looks like, that's okay, right?

MS. JOHNSTON: Well, remember, it applies to information you receive while you're a commissioner. So it certainly wouldn't apply to all the information you've gained in your however many years of experience --

COMMISSIONER AHMAD: Okay.

MS. JOHNSTON: -- in this area. So it's information you receive while you're a commissioner that you may use as a commissioner. Does that help?

COMMISSIONER AHMAD: Yeah. Maybe I can ask it in a different way because I don't think I'm asking my questions clearly. I'll just use a real-life example. There are elected officials who post things on social media, and my thing is going to be the social media aspect of this and learning about Bagley-Keene, which is,
I know, California specific, but other similar type regulations across the country. I just look at it and I'm like, how are they posting a video or a news article without violation of whatever regulation that falls over their jurisdiction? So maybe you can help me understand how certain things seemingly are allowed and others are not. I don't know if that makes sense.

MS. JOHNSTON: Well, if it's a meeting that's open to the public, then it's assumed that anything that goes on there is a matter of public record. If it is a government entity, then there are certain rules that govern that public entity, either on a local or a state level.

I think if there's any question, the better practice, both to comply with the law and for the sake of the Commission is to bring it back to the full Commission and allow them access to it. And certainly, if you're going to be discussing it, it needs to be something that's brought to the whole Commission. It will involve a whole lot of material. It is difficult.

INTERIM ADMINISTRATOR VILLANUEVA: Marian?

MS. JOHNSTON: Yes.

INTERIM ADMINISTRATOR VILLANUEVA: I mean, I make it -- Commissioner Ahmad?

COMMISSIONER AHMAD: Yes.
INTERIM ADMINISTRATOR VILLANUEVA: So when you're looking at the tweets of the public information campaigns that an elected official may do. You, as a Commission will be engaging the same thing. And that's one of the purposes of your Communications Director. Is that public outreach; is that public communication; is that public education process? That is in addition to, and quite often apart from, the strict Commission business. If that makes sense.

COMMISSIONER AHMAD: Okay. Yes, that makes so much more sense and makes it very clear.

INTERIM ADMINISTRATOR VILLANUEVA: Right.

COMMISSIONER AHMAD: If it's strictly Commission business, open meeting.

INTERIM ADMINISTRATOR VILLANUEVA: Correct.

COMMISSIONER AHMAD: If it's general information --

INTERIM ADMINISTRATOR VILLANUEVA: Well, if it's --

COMMISSIONER AHMAD: -- it can be repeated?

INTERIM ADMINISTRATOR VILLANUEVA: So if it's strict Commission business, it has to be in an open meeting --

COMMISSIONER AHMAD: Right.

INTERIM ADMINISTRATOR VILLANUEVA: -- and it has to be available to the public. You as the commissioners can direct your public communications officer, then, we want you to develop this public education program. They would
then go ahead, develop it, you would approve it, and then they would go ahead and disseminate it in as broad a manner as possible for the greatest access across communities on your behalf.

But the Commission business would be the part of putting it together, authorizing it, saying, yes, approving it, and that has to be an open session, and that falls under Bagley-Keene. I'm hoping that, as I'm understanding your question, that maybe that distinction might be helpful for you.

COMMISSIONER AHMAD: Yeah. I think it'll become more clear as the discussion continues. I just want to know if I can tweet things or not.

MS. JOHNSTON: What are you going to tweet about?

INTERIM ADMINISTRATOR VILLANUEVA: You would probably want to do that in cooperation with your public communications officer.

COMMISSIONER AHMAD: Right. Right. And I think I'd refrain from similar to the other Commissioners, engaging in conversations, engaging in interaction, even online platforms for this reason until I get a better of what the regulation sets forth.

MS. JOHNSTON: Remember that anything you put out to the public can come back and haunt you.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.
MS. JOHNSTON: So --

COMMISSIONER AHMAD: Yes.

MS. JOHNSTON: -- be very careful.

INTERIM ADMINISTRATOR VILLANUEVA: There's Government Code restrictions --

MS. JOHNSTON: Yeah.

INTERIM ADMINISTRATOR VILLANUEVA: -- that apart from Bagley-Keene on communication. Anyway.

CHAIR TURNER: You have almost all the commissioners waiting to speak. So there's Akutagawa, Sadhwani, Kennedy, Le Mons, I know that I've seen, and Commissioner Yee.

COMMISSIONER ANDERSEN: And Commissioner Andersen.

CHAIR TURNER: And Andersen.

MS. JOHNSTON: Who was first?

CHAIR TURNER: I think with this -- and Vazquez, I saw you too. So I think Sadhwani's been waiting the longest. Oh, Akutagawa, I'm sorry, Sadhwani. Akutagawa, because you had your hand up earlier. So Akutagawa, Sadhwani, and then we'll go from there.

COMMISSIONER AKUTAGAWA: Okay. Hopefully these will work better. And so you can hear me more clearly than you could yesterday. Okay. It looks like it's going well. All right. I guess my -- I had an initial question. Now, I have a second question.
So just first, my initial question. I think, around the kind of meetings that we can attend; what information we're going to get. I am certain that all of us are engaged in community activities, organizations, things like that, where we will be invited to -- so for example, I'm on a board. So that is not always going to be a public meeting. And if a discussion around redistricting should come up, do I excuse myself? Is that, perhaps, the safer way to do it, so that if whatever information I hear, some of it -- because it's not necessarily a public meeting, do I get the minutes of it, and then share that with the rest of the Commission?

I think I just want to be careful about making sure that I'm understanding how that will work out. I understand the public part, that it's going to be publicly available, and if there's something that's relevant to the Commission, it's either sharing it with the staff -- or that's what I'm hearing anyway. So that's question one.

Question two may seem innocuous, but in terms of the social media use, I understand being careful about tweeting, posting, sharing anything around what we would be talking about as the Commission, in terms of redistricting, the drawing of the map, et cetera. What if we chose to just say, hey, had our first meeting,
really looking forward to the process of doing this important work with my fellow Californians. I mean, it seems dismissive, but I'm like, now I'm just getting really paranoid here, so.

MS. JOHNSTON: That type of information would be fine. Just say, we had our first meeting. It was really exciting. We're looking forward to the process here with my other Commissioners. Let me read you, again, the statute. "A majority of the members of a state board shall not, outside of a meeting authorized by this chapter." I'm sorry, that's the wrong one. "Commissioners and members of a staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing."

So your question about a board meeting that's not private -- that's not public, but is held in private. One solution would be to make that a public meeting. Another solution would be to get a recording of it and post it and have it distributed to the Commissioners.

Minutes, if they're very detailed and convey whatever the information is, any handouts that you receive at a meeting that pertain to the redistricting business, it is limited to redistricting matters, and I would interpret that as something that might guide you in how you draw your lines.
If it's talking about how many congressional seats the Commission is going to have to redistrict after the census, I don't think that is a redistricting matter because it affects the number of lines you draw, but it doesn't affect the substance of those lines. So anything that affects your line drawing, I think would be the way to sensibly understand that.

COMMISSIONER AKUTAGAWA: And just a follow up. Does that also apply to, for example, if a specific organization asks to meet with any one of the commissioners, just to establish a relationship, is that allowable --

MS. JOHNSTON: Establishing a relationship --

COMMISSIONER AKUTAGAWA: -- if they work on redistricting matters?

MS. JOHNSTON: Establishing a relationship would be fine. If they want to contribute to the redistricting process, they should do that by coming to the Commission.

COMMISSIONER AKUTAGAWA: But not individually meeting us as commissioners, then?

MS. JOHNSTON: Correct.

COMMISSIONER AKUTAGAWA: Okay. Okay. Thank you.

CHAIR TURNER: Commissioner Sadhwani, then

Commissioner Andersen.

COMMISSIONER SADHWANI: So the social media
component is something I'm concerned about also. As a part of my noncommissioned profession, it is the best practice, actually, at this stage in this era of information sharing, for professors who engage in research who will be active on Twitter and other social media platforms.

So I do raise that because it is a concern for me that -- and I've had these same questions as Commissioner Ahmad and others have raised, about can we even say that we had a Commission meeting? At this point, I've really tried to just not even acknowledge that I am a commissioner on my on my social media profiles. I don't know if that serves us, or it doesn't.

One of my thoughts is that as a Commission -- as we continue to move forward, as we hire staff and in particular, a Communications Director, and at the risk of becoming like the queen of committees, that we might want to just establish some guidelines for ourselves that would be our impression of being adherent to the law -- which I don't think any of us are trying to circumvent or break -- but that can provide some more day in and day out best practices for us.

I mean, when these laws were written back in 2008, 2012, it was a slightly different world. I think the social media world has taken off in a different way and
people do communicate differently, particularly during COVID. So I think having some more concrete guidelines of how we can -- can we tweet about the fact that there's a meeting coming up? That would really be helpful for me because right now, I don't know.

I had raised a question with the previous counsel during the earlier meetings that people were tweeting at me during those meetings. I didn't respond to any of them. But I recognize that that could be problematic. And I think my interest is to be aboveboard on all of this, and if someone attends a meeting, perhaps we have some guidance that our best practices -- in the beginning of a meeting maybe, we'll go around, and people can share what they've seen and make sure that any documentation of it is posted online. Something like that. So I think --

MS. JOHNSTON: That would be helpful.

COMMISSIONER SADHWANI: -- as we move forward, perhaps developing some of those best practices and committing to them all -- having everyone commit to them might be something we would want to consider.

MS. JOHNSTON: As to your question about tweets or other emails or whatever you received. I think the fact you received them in your email box or however you receive a Twitter doesn't mean that you actually have them. If you read them and consider them and think that
there's something that does affect redistricting, then I would certainly share it with the Commission. But you may ignore them also. And if you ignore them, then it's not something that you received. But it is a tricky issue, particularly in light of COVID.

But the way -- particularly the Public Records Act -- it's any electronic communication of any kind, which who knows what that's going to lead to next as far as technology.

CHAIR TURNER: I have Commissioner Andersen, Vazquez, Le Mons, Yee, and Kennedy.

COMMISSIONER ANDERSEN: Thank you, Madam Chair. Guys, this is something we have to be hard and solid about. This is where we could get into serious trouble. And I don't mean to be like doomsday, but think about how, oh, this is going on. A quick little innocent comment can get twisted and destroy our credibility. It can happen instantly. We have to be so, so careful about this. And I know that you're kind of like, well, I was just doing, and oops, the whole house of cards can all come crashing down.

We have to be hyper-aware of -- I don't mean to be like a doomsday, but we really have to be hyper-aware of who is trying to sabotage us because there are -- basically, we are -- when we just -- counsel just told us
how much power we actually have in drawing these lines. And there are people who do not want us to succeed or really want to turn us in one direction or another.

So we have to be extremely careful about being on a board and there's talk about redistricting. Your first instinct should be, withdraw. And your first instinct on virtually everything should be to submit it to counsel and to our staff, and then get the reading on that. We need to come up with a policy that then we can maybe step back from, but not, well, that's okay, that's okay, that's okay, we discussed, no. And then add it in. It's almost like, if you're a young child, you have to say, no, no, you don't do any of that. And then you slowly add what they can do. Because it's just too slippery slope.

So I would really, really like us to put together a policy of, as soon as something comes in that you're not sure about, instantly send it to staff. That being counsel, communications, and only then do they go, oh, yes, that's okay. You can do that, or yes, that should be sent to everyone.

Well, I know Commissioner Sadhwani is saying I'm basically pretending I'm kind of not on the Commission. I certainly have to do that with certain -- and I just have to say, enough. Sorry. Send it to public comment.
I'm not going to hear any of it. And it's harder when you have a large profile on social media. I understand that.

So we really need to put some policies together on this, and I think pronto, before we innocently get ourselves in trouble, which we have no intention of doing, but all of a sudden could happen. So I just wanted to really put that high priority.

CHAIR TURNER: Thank you. Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Yes. Thank you. I am trying to get some clarity on the piece of the language sets outside of a public meeting, and I think I'm potentially rephrasing my previous question. So again, there -- and Commissioner Sadhwani mentioned this, too -- there are reports about redistricting, about mapping, about the -- so maybe something a little more gray is helpful. So like the census. And there are reports about census counting, et cetera, stuff that exists, stuff that will exist.

It is available to the public. There are probably outreach campaigns where it only is viewed by folks who are in the know that it exists. One, can I seek those out? Two, if I seek them out, do I have to then forward that to everybody? It is publicly available. And then to what extent -- I guess those are my two big questions.
Can I pick those out? Do I have to then forward that to everybody, whether or not they read it? But because now I sought out information, received it, digested it, does that then have to go to everybody?

MS. JOHNSTON: If it is something that will affect your redistricting process, then it should go to everybody and be posted. The census may or may not fall into that category. If you just -- if it's some article about how awful it is that the Census Bureau delayed its time and then sped up its time, that probably doesn't affect the redistricting process because you'll get whatever data it is. If it's a discussion about whether the data is sufficient to allow you to carry out your redistricting process, then it probably is something that needs to be made public. It's really hard to answer in the abstract, except I keep coming back to the redistricting process, the line drawing process. And as Commissioner Andersen was saying, to air on the side of making everything public if you have any question about it.

CHAIR TURNER: Commissioner Le Mons?

COMMISSIONER LE MONS: Good morning, everyone. I wanted to -- I'm in the same position as Commissioner Andersen on this. I think we're still in the infrastructure building stage, and I think we're kind of
getting a little ahead of ourselves on a few things. So as far as -- that's why we're hiring staff. We have counsel. So I think we can -- we got to get to the point where we even are talking about the RFP to hire staff. So once we have a Communications Director who understands what we can and cannot do, understands all the different channels and media in which we can use those channels, the ones that can get us in trouble, et cetera, we'll then be able to lean on that support to makes these decisions. I don't think in this conversation we're going to be able to parse out all the potential challenges, dangers, things we don't even realize might be a situation. But we'll have a team of people to help us with that as it comes up.

I remember, right after the appointments first came out, I was approached by the media immediately. And my first inclination was to contact counsel and dodge -- she commented about how grateful she was that I did that. And she gave me some very specific instructions: don't talk to anybody. And I said okay. End of story. And then when we get to the point where we can talk and do whatever it is that we're supposed to do, we'll do it. And I do think we have a lot of power. And to Commissioner Andersen's point, there were people who tried -- and groups who tried to sabotage the 2010
commission, and there will be groups that try to sab -- and they're talented, and experienced, and it won't just be coming to public comment and attacking us verbally. It will be setting traps; it will be putting things in place where, oops -- it's like a thread being pulled out of the whole situation.

So I just wanted to say, I support what Commissioner Andersen is saying. I think we have time for this particular thing, and it should be a high priority, as we have the proper people in place to help us put together P&Ps that make sense, and we continue to keep the transparency and all the positive things that we want this commission to be.

MS. JOHNSTON: I would simply disagree with the advice about don't talk to anybody.

CHAIR TURNER: Well, that -- yeah. I'm not telling you what to do at all. What I'm saying is --

MS. JOHNSTON: But even members of the press. If they wanted to know what your qualifications are, what your interest is, what your background is, those types of questions --

CHAIR TURNER: I said read the website -- read the website. It's all on there.

MS. JOHNSTON: Okay.

CHAIR TURNER: There's a whole interview process.
They had a whole process to get here. Read the website.

COMMISSIONER SINAY: Can we hear from Counsel about -- on that? Can you please continue?

MS. JOHNSTON: I'm sorry?

COMMISSIONER SINAY: Can you continue on what you were trying to say about what parameters you would advise?

MS. JOHNSTON: As long as it's not linked to the redistricting process. That's what you have to keep going back to. And I'm sorry that it's not a very clean line. I think it will become cleaner to you as you get into the redistricting process. But things that are not intrinsically related to that, such as when your meetings are going to be held; if someone wants to know when the next meeting is, it's certainly fine to give them that information; if someone wants to know what your background is; if someone wants to know how often are the commissioners meeting; what's on the agenda. Anything like that, it's not a problem, because that does not intrinsically affect the redistricting process. But if anyone comes to you and say, well I'm in this community that really is tight, and they really want to stay together, they want to have one representative, that clearly crosses the line. And there're going to be a lot of gray areas.
CHAIR TURNER: Thank you. Thank you, Counsel.

Thank you Commissioner Le Mons and all of the commissioners. Just a couple more in queue before we take new, and that's Commissioner Yee and then Commissioner Kennedy.

COMMISSIONER YEE: Thank you, Madam Chair. So I have three situations I'm wondering about. Let's go from easiest to hardest, I think.

The first, not using our personal emails for commissioner business, obviously. But as we're using Gmail, that exists entirely on the cloud. And so are we required to use our state issued laptops only to access Gmail, or is Gmail accessible to us from any device, since it's not tied to a device, and there's no local storage of information?

MS. JOHNSTON: I wish I knew more about Gmail and about email. I assume you can't get access to it unless it's someone you've invited to see it or has your password.

COMMISSIONER YEE: Well, you access it with your password, but you can do that for any device anywhere in the world.

MS. JOHNSTON: So --

MR. VILLANUEVA: Mary, what he's talking about is, is you can get Gmail and access it through your laptop.
You can also access it through your phone, through your tablet --

MS. JOHNSTON: Even your personal accounts. I guess as long as it's Gmail, because that's recorded on the commission's records, right? We see our CS controller with the commission Gmail?

MR. VILLANUEVA: Yes. But I think what -- Commissioner, are you asking about a situation where if you were using your personal phone to access commission email, would your personal phone, at that time, be discoverable also; is that what you're asking?

COMMISSIONER YEE: Yeah, yeah.

MR. VILLANUEVA: And I --

MS. JOHNSTON: If you're using Gmail, then it's already -- you wouldn't have --

MR. VILLANUEVA: No. If he's using it -- his personal phone to access --

MS. JOHNSTON: CRC Gmail.

MR. VILLANUEVA: Then his personal phone now becomes discoverable also.

MS. JOHNSTON: Not if it's also on your -- in the commission's record keeping.

MR. VILLANUEVA: Because I think that was his question.

MS. JOHNSTON: One possibility that has been used by
other agencies, is if you use your personal email to always cc yourself at your commission address, and then there is a public record of everything. And that's doable, it's just very difficult to monitor; to know whether or not you've always cc'd your official business email address. But I think if you use the CRC email address, then it will always be part of the CRC records.

COMMISSIONER YEE: Right. So as long as I don't save any files or so forth -- create any files on a nonstate device, I can --

MS. JOHNSTON: Or to a nonstate website.

COMMISSIONER YEE: Nonstate website, right. Okay.

Okay. I think that's clear.

Second situation, communication among ourselves outside of a public meeting. So for instance, a concrete example, Commissioner Toledo and I are working on a nominations committee. We wanted to remind everyone to let Raul or you know that if they did not want to ever serve as Chair -- so we could not have you in the rotation, perhaps do that before Monday. So a reminder like that, can I just send that out, or is that, you know, the start of --

MS. JOHNSTON: It would be better to have Raul send it out to make clear that it is an official communication. If you wanted to send it out and cc Raul,
that would be acceptable also. And it's not something that would be a public record, because it's personal. And there is a limit on what information is public and what information is personal. For instance, your travel arrangements. If you wanted to talk to somebody about sharing a car to drive here, that would not be public business; although, tangentially, it is related to your attending the commission meeting. There's a California Supreme Court case where -- I think it was the Chief Justice -- asked why the hotel records of a public official should not be a matter of public record, and the attorney answered, well would you want your hotel reservations to be a matter of public record? And the court agreed that when you come to that, you don't some -- because that's personal. That's not something that's -- how much you spent on the hotel room would be public, but not where you are and how you travel and that kind of information.

COMMISSIONER YEE: All right. A follow-up email that has to do with an item of business that we discuss;

that is --

MS. JOHNSTON: That is --

COMMISSIONER YEE: I mean, I don't know.

MS. JOHNSTON: That's why we limit committees to two people. As long as it's two, and it's purely advisory,
then it's not subject to Bagley-Keene. There's a strict exception for that. So there's nothing wrong with you and another committee member working together to come up with whatever. It doesn't --

COMMISSIONER YEE: Right. But again, let's say Commissioner Toledo and I sent -- are we free to send an email out to the whole commission reminding them of something that was already discussed?

MS. JOHNSTON: Depends on what the something is. If you wanted to send out something -- sending out what you want people to vote on at the next meeting as far as the rotation, then that should be something that is posted, because it's going to be discussed at the next meeting.

COMMISSIONER YEE: Um-hum.

MS. JOHNSTON: But if you're just soliciting from people information about who individually does not want to be included on the rotation list, then that's not a public record.

COMMISSIONER YEE: Okay.

MS. JOHNSTON: And again, there's no finer line I can -- it's very situation driven.

COMMISSIONER YEE: Right. Right. Here we are all trying to put a very fine line on things.

MS. JOHNSTON: Yeah. I know.

MR. VILLANUEVA: If I may, if you look at it from a
transparency side, is it a violation to send that email
to everybody on an administrative manner by law? That's
one question. Transparency asks you to look at it in
other ways also. Is there a practice amongst the
commissioners of sending emails to each other, even if
it's an administrative matter that nobody knows about?
And so --

MS. JOHNSTON: But you might be --

MR. VILLANUEVA: -- there may not be a law, but
that's one of the reasons, if I may Mary -- if I may
finish my thought -- is one of the reasons that Marian is
asking you to send those types of things through staff.
It's because it's then -- it's a communication through
staff --

COMMISSIONER YEE: Sure.

MR. VILLANUEVA: -- on an administrative matter, and
it's not the commissioner's talking --

COMMISSIONER YEE: Sure. Sure.

MR. VILLANUEVA: Right? And I think that's one of
the things --

MS. JOHNSTON: Right.

MR. VILLANUEVA: -- about transparency. It's about
an ethos as well as the law.

MS. JOHNSTON: And if you send out a list to
everybody what your proposed slate is going to be -- a
rotation list is going to be, and it's not made public, there would be the implication you're trying to gather votes --

COMMISSIONER YEE: Sure.

MS. JOHNSTON: -- ahead of time --

COMMISSIONER YEE: Sure.

MS. JOHNSTON: -- for who approves of that particular arrangement.

COMMISSIONER YEE: Right.

MS. JOHNSTON: And that's not what you're trying to do. You're simply trying to make people aware of this is going to be the proposal. But if someone wrote back to you and said I think it's a good idea, except I think she should go here and that he should go here; that could be seen as actions outside of the public meeting.

COMMISSIONER YEE: Sure. It makes sense.

Okay. My third situation, giving and receiving information. So a colleague of mine, it turns out, teaches a class on gerrymandering, and she found out about my commissioner status and said, oh, why don't you come and tell my class about your work. And so this -- this would not happen until next January. So the question I guess is, giving information versus receiving information, and --

MS. JOHNSTON: If the information is giving is a
matter of public record already. For instance, how you
were selected, what criteria the law requires you to
follow, what the statutory time limits are. That would
be fine. If you have adopted a draft map, and you're
talking to people, here is a draft map that the
commission has agreed upon, that would be fine. It would
not be fine to say, next week we're going to be
discussing this, this, and this, and this is what I think
should happen.

COMMISSIONER YEE: Sure. But in a classroom
situation, of course, there's give-and-take. So let's
say, there's questions and answers, somebody offers some
background information on the Voting Rights Act; that is
information coming to me at that point. At that point,
have I crossed the line?

MS. JOHNSTON: Not if you bring it back to the
commission, or tell them to bring it to the commission.

COMMISSIONER YEE: Right. Yeah.

MS. JOHNSTON: Maybe you should invite your friend
who's a teacher to talk to us about gerrymandering.

COMMISSIONER YEE: She would be excellent, actually.

Yes.

Okay. Thank you.

CHAIR TURNER: Thank you, Commissioner Yee.

Commissioner Kennedy, Sinay, and then back to Le
COMMISSIONER KENNEDY: Thank you, Madam Chair. I've had a concern for a number of weeks now. I mean, we're only a few months into this from the date of the random draw, and as Commissioner Sadhwani mentioned, there have been lots of articles out there about the commission.

Now, I've been working for 30 years on the elections around the world, often helping establish new entities, election commissions, and so forth, and I've seen how -- I've seen firsthand how damaging the absence or loss of a positive reputation can be. One of the most precious assets that we have is our reputation. Our eventual success depends on our maintaining a positive reputation.

I was monitoring the press, and I could see that even before the commission was fully formed, the reputation was already being undermined. I've got a colleague -- a long-time colleague who's doing a doctoral dissertation on the impact of reputation of the election management bodies. And I mean, we really are one of the number of election management bodies in the State of California on the eventual acceptance of election outcomes and the general heath of democratic government. One of the things that she found in her research is that public pronouncements of key influencers are given weight and validity by the public at large, and "will be conclusive
to how history, or the general public, judges the course of events”.

So part of what I am concerned about is, we have counsel to, in many ways, tell us what we can't do, and that's very valuable, and we appreciate it. We have administrative support. I don't understand why the commission has not had a communications support from the state auditor's office from day one. Commissioner Le Mons, yes, we can wait until we have staff on board, but I really don't understand why we have not been provided with the same level of communications support as we've received as far as legal support and administrative support. As I mentioned yesterday, I think we need to be out front, introducing ourselves, working to build that reputation, rather than sitting here with our hands tied behind our back, letting anyone and everyone take pot-shots at us and not responding.

CHAIR TURNER: Wow, thank you. Commissioner Sinay?

COMMISSIONER SINAY: Madam Chair. That was really well put, Commissioner Kennedy. I hear what you're saying.

I've got a couple of things. The national -- NCSL, which is the National --

MR. VILLANUEVA: Counsel --

MS. JOHNSTON: Conference of State Legislatures.
MR. VILLANUEVA: Yeah.

COMMISSIONER SINAY: Thank you. They've got a really comprehensive redistricting training, and they're providing it for Legislatures and others, and it's online now. Would something like that -- I mean, I would almost want to say, can we all -- can we all be paid to do it, because when I was looking at the agenda, it's just amazing, and it would be a lot of good information for all of us.

MS. JOHNSTON: I agree with you.

COMMISSIONER SINAY: Okay.

MS. JOHNSTON: I've already ordered their book. They have a handbook on 2020 redistricting, and I was going -- I ordered a copy, and if it's good enough, I was going to recommend that we get it for all the commissioners. I don't know what the cost is to attend this seminar.

COMMISSIONER SINAY: It's not that much. I was surprised how little it was, and we don't have to travel, and it's online. But anyways, so that was something I wanted to bring up -- was if we see something like that, and we're like hey, this would really help us. I mean, I feel like -- anyway, I looked up their agenda and stuff and I was like wow, this is really what we -- so we could all at least have the same base, because I know each of
us is bringing something, but it would be great to have a
really in-depth training. So we share that -- this is a
public meeting now, but just to -- there is going to be
other opportunities like that out there, so we would
share that just directly with staff, and then staff can
choose.

MS. JOHNSTON: Well, it's better -- I think you do
have to have a decision by the commission about how you
would like to authorize individual commissioners to spend
commission money. But I think you could come up with a
policy that would certainly allow, within reason,
attendance at events like that.

COMMISSIONER SINAY: Yeah. But I mean -- and now
with it virtually, these are already taped, so it's not
like you can even ask questions or -- yeah, so it's
different than when you go to a conference and -- ton of
people -- the networking piece -- has kind of lost that
bit.

As we think through -- now this goes back -- way
back when Commission Sadhwani was speaking about social
media. Social media is very different than it was
before, and those of us who are kind of professionals in
the civic world -- well, we all are now, because we're
all commissioners -- but who've been involved for a long
time, it is one of the tools that's kind of been used to
promote civic engagement and democracy. And so as much as I'm hearing the fear, I want us to try to balance kind of what we've heard from Commissioner Andersen also with what we've heard from Commissioner Kennedy, and remember that we keep going back to this commitment of, we want the public engagement. And so one of the questions I had -- because public comment is really difficult. I sat through every single session to try to figure out if you all were going to choose me or not choose me, and I'm an independent contractor, and anytime that I'm here, I'm not working with my clients or -- luckily, I'm not teaching anymore. I don't know how those of you who are professors are going to deal with all of it.

So one of the questions -- and this is -- is it possible for us to think through -- create a hashtag on Twitter that is -- that allows for public comments. And then if it was California CRC -- CACRC, the hashtag is that, then we read them -- when we see a public comment, we read every one of those hashtags, so it's part of the public comments. That allows people to send us things when they can, versus on our time. So that's just one question, is --

MS. JOHNSTON: And I think the commission had a Twitter account last time around --

MR. VILLANUEVA: Yeah.
MS. JOHNSTON: -- even though Twitter was not as well known.

COMMISSIONER SINAY: Well, I'm not asking for a Twitter account. I'm asking for --

MS. JOHNSTON: Well, that might be the easiest way to do that.

COMMISSIONER SINAY: Can we use a hashtag? Yeah.

MR. VILLANUEVA: Right.

COMMISSIONER SINAY: I mean, it is having a Twitter account, but allowing -- so let's say I'm not on the commission or -- okay, I'm -- we're all are looking at my applications, and something is said about me that's not accurate. And so I would put -- instead of calling in on a public comment because I've got to do it -- is hashtag CACRCCommissionerSinay. Just to clarify, I am a Latina; I was born in Mexico. Whatever you need it to be.

MS. JOHNSTON: Well, my understanding of Twitter is if use that hashtag and it's the commission's -- I don't know, address -- whatever you call it, wouldn't it be on the --

MR. VILLANUEVA: Account.

MS. JOHNSTON: -- commission's account? No?

COMMISSIONER SINAY: A hashtag wouldn't. If you at them, it would. If you put their address, it would, but not if you use the hashtag.
MS. JOHNSTON: What if the commission -- can you retrieve all the ones that have that certain hashtag?

COMMISSIONER SINAY: Yes. Yes.

MS. JOHNSTON: So if you came up with a hashtag that everybody used, that would then be posted on the commission's website -- here again, you need a Communications Director that knows about this stuff.

MR. VILLANUEVA: Exactly.

MS. JOHNSTON: But I think that there is a way.

MR. VILLANUEVA: Exactly. If I may? So one of the things for the group to keep in mind, please, is as you discuss these, these are check marks in terms of the types of areas of interest that you're going to be wanting to use in the interview for your Communications Director. These are also areas of interest that you're going to want to make sure that you bring to the table day one with them, in terms of helping to develop your whole public relations campaign. If I may, you folks are like -- you're the horses at the horse race; you've been at the gates, you're ready to roll. You just had your first day one commission meeting yesterday. That's how old you are as a commission. But you're ready to roll. And the fact of the matter is, one of the purposes of this meeting here is to help you get some of these pieces -- parts together. As Commissioner Le Mons -- I
thought you put it just so eloquently that there's so
much that everybody wants to do, you need to get the
pieces together -- your staff, to start moving these
things forward. But please, keep track of your ideas.
Keep track of those things that are concerns to you, that
you're having passion about, because these are the things
you'll use to select those folks. These are things
you'll use to design the programs with them from day one.

    MS. JOHNSTON: And I did do that last time.
    MR. VILLANUEVA: Yes.
    MS. JOHNSTON: I don't know if what the resources
are, but the last time the commissions director -- every
time there was a newspaper article -- I guess there's
some way to get copies sent to you of everything on a
certain topic.

    MR. VILLANUEVA: We had the feeds --
    COMMISSIONER SINAY: Yes.
    MR. VILLANUEVA: -- come in every morning.
    MS. JOHNSTON: And they would be posted --
    MR. VILLANUEVA: Yeah.
    MS. JOHNSTON: -- so that they were a matter of
public record then. So I think if someone knows the way
to accomplish that, it can be done.

    COMMISSIONER SINAY: So what I'm hearing is, is
let's wait to create something like that. And what I
would also hope, as the public is hearing our different conversations, because we've some conversations about dockets and about our agendas and stuff -- if there are tools that they know about that works and helps with participatory democracy, we would love to -- this a break. Please, share.

And I think my other -- yeah. You all answered my other ones. I'm sorry. I've been keeping a running list instead of raising my hand every five minutes. Thank you.

CHAIR TURNER: Thank you Commissioner Sinay.

Commissioner Le Mons and then Commissioner Andersen, and I think we'll be out pretty quickly.

COMMISSIONER VAZQUEZ: Madam Chair, I also have a question.

COMMISSIONER LE MONS: Actually, I think COMMISSIONER VAZQUEZ was before me.

CHAIR TURNER: Who was that?

COMMISSIONER LE MONS: I think she'd have to wave her hand, because I think it blends in and they miss it. There you go. She's before me.

CHAIR TURNER: Oh, it does.

COMMISSIONER VAZQUEZ: There we go.

MS. JOHNSTON: You're down in the corner. It's hard.
CHAIR TURNER: Thank you for seeing it.

COMMISSIONER VAZQUEZ: Thank you.

CHAIR TURNER: I think it's that blending in. I think you're right.

COMMISSIONER VAZQUEZ: I know. I'm all washed out with this background, and it's doing nothing for my complexion.

CHAIR TURNER: Thank you. Commissioner Vazquez. I'm sorry. Please.

COMMISSIONER VAZQUEZ: I don't have a question so much as a comment. I hear and agree with Commissioner Andersen then Commissioner Le Mons' caution and conservatism on this particular piece. I actually have met -- I used to be very active on social media, and as my work has gotten more explicitly political, I have very much reduced my public social media profile in response for many of these reasons. Sabotage does exist, and those campaigns are very coordinated.

With that being said, I do have a comment about some of these agenda items being labeled as training, when really they're points of information. And I just -- especially in the near future, prior to getting fully staffed up, I would ask -- I'm not sure if this is an ask of counsel and staff, or if this is an ask of my fellow commissioners, but for me, a training is a dynamic
process where there's question and answers and clarity. And I think there is a sense of urgency around some of these pieces, because we're engaged in the work. Bagley-Keene is a huge set of guardrails for our work. And every day that goes by that we don't have a clear understanding of what we can and can't do, actually for me, opens up this window of things getting messy.

So I would like -- I do think it will probably take longer than any of us would like to get fully staffed up. And that being said, I think we do need some space for training and discussion so that we can do the work with, at least, a baseline level of knowledge about what we can and can't do, what we can and can't discuss. So yeah, those are my comments.

CHAIR TURNER: Thank you. Thank you. Commissioner Le Mons?

COMMISSIONER LE MONS: Yeah, so real quickly. I'll say I agree with Commissioner Kennedy, and I think there is a balance. Fear is not where I'm coming from at all, nor paranoia. I just am about us getting our logistics handled and getting things in place so that we can then move forward. I think we've spent a lot of time with this discussion, not that it wasn't important, especially because it is, but I'm looking forward just to getting to, I believe it's agenda item number 22 or 23, where
(A), we'll be setting the agenda. That'll include the trainings we want and all the different stuff that we want to do.

We're at the point in the process where we're establishing things so that we can move forward, and I'm just more, I guess, focused on that. It's like, let's get the business logistical pieces handled, so then we'll have the framework and support to do all this wonderful stuff that we want to do.

I just want to also point out, in our last, previous meetings, there was a misunderstanding of a statement I personally made, and I think other Commissioners may remember this, where public comment, you know, accused us, accused me, very specifically, of having off-line private meetings. And I made it a point to clarify that. And I only bring that up to say that scrutiny and what Commissioner Andersen is talking about is very real.

And so I think -- not don't say -- I said that kind of tongue-in-cheek -- don't say anything -- but the point is, we just have to be a little patient. We are only on day 2. Patience is not one of my virtues, by the way. So it's very, very challenging for me. But to be a little patient, and we're going to get to the place where all of the stuff that we want to do, we're going to have what we need to do it. So that's what I wanted to add.
CHAIR TURNER: Thank you. And Commissioner Andersen?

COMMISSIONER ANDERSEN: Thank you, Commissioner Le Mons, and everyone. I totally agree with what's being said. One thing I think we all were -- the analogy of being the horse at the gate is -- here we are and we want to go, we want to go -- but we actually haven't had the training, and we don't have our setup yet. And we're trying to rush -- okay, let's do it this way, this way, and this way -- but there's a lot of pieces of information.

What I know -- eight of us got a bit more training, and the six have really not. And there are -- a lot of that is presentations that are happening the next day. It's kind of like our meeting is divided into -- there's administrative things and there's training things. The problem is, some of this administrative, we are trying to figure out, but we don't know enough about it to make the right decisions right now. And that's where we're going to need large conversations about, well this and that and the other, and we're jumping ahead of ourselves a little bit.

And so I would like us to be patient, which I totally I agree with is not my strong suit, and slow down just a minute. Even possibly rearrange our agenda,
because we need certain things we need to get handled.

We need to actually say, yes, we do want to have these
people on board, let's review this. Or even table them
and shift until we've trained something about it, and
then come back to it to then vote on it.

MS. JOHNSTON: Your agenda can be adjusted by your
chair. They can come up in any order. The only
exception would be where we've scheduled outside speakers
to come in. We would prefer not to reschedule them,
since they've committed their time.

COMMISSIONER ANDERSEN: Oh. Right, right. I'm
just -- it feels like if we start getting off on a bit
like, yes, these are good ideas and we can address them
in item number 22, we talk about the Director, or when we
talk about the Communications Director, which is kind of
where we're headed. Which I would really like us almost
to go -- there's a point I'd like to bring up.

CHAIR TURNER: Commissioner Andersen, we'll start
with you after break, but we're at an hour and a half
now, and so we'll go to break, and when we come back
we'll start with you. And then I'll have a comment, and
then Commissioner Akutagawa before we go to public
comment, unless there's something else.

MS. JOHNSTON: And I have a couple more comments to
make too about Bagley-Keene.
CHAIR TURNER: Okay. So we'll need to take our fifteen-minute required break now. And we'll be back. We'll come back at 11:15.

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

CHAIR TURNER: Thank you and welcome back from our break. We'll go ahead and reconvene.

Commissioner Andersen, you were in the middle of comments still.

COMMISSIONER ANDERSEN: Thank you, Madam Chair. Just kind of to quickly summarize, we all really realize how important a Communications Director would be. And as Commissioner Kennedy said, we really should have had one from day one. Unfortunately, as we all know, the Auditor, our current two wonderful staffers, are doing everything based on what the 2010 Commission wrote in terms of their report modified, and I think we should be making notes right now for what our report's going to say in terms of changing things for the next ten years.

Basically, yes, it should indeed, from day one, had us have a communications temporary whatever set up and just to speak, and a lot of our questions are based on what we can say and can't say. Could we -- Raul and Marian, could we say, I know it's in number 14, so I don't want to get ahead of ourselves, but what is the
time line on actually hiring a Communications Director?

If we can say, wow, we love this, go. What's the time period?

INTERIM ADMINISTRATOR VILLANUEVA: Okay, so let's -- let's kind of walk that rope very quickly, because that is part of that agenda item. In essence, because you don't have the restrictions placed by state civil service requirements, as soon as the Commission says, yes, an offer is made and accepted, then I can proceed through the process with authorization to get someone on board PDQ, basically.

MS. JOHNSTON: There are applications that were sent out -- or requests for applications sent out by the Auditor's office. We'll be talking, whenever the Chair decides to take up this agenda item, about whether or not you want to accept that job listing, you want to create your own. If you accept it, you get to see the applicants and decide if there are any that are acceptable to you. If there are, you can hire someone. If there's not, then you can relist the position. So it really is within your control.

COMMISSIONER ANDERSEN: Thank you. Because based on that, I was going to say if we could just hold off right now until we actually get -- if the time frame is short, I say let's hold off. Basically, we are default
position -- I'm sorry, hold off on talking to people, talking to the public. We should actually come up with a very -- very -- almost, not quite don't say anything to anybody -- but almost. Very minimal -- minimal -- until we get a Communications Director on board.

If -- I was going to say, if that time line is long and we decide it's going to be longer, then we should put a quick policy together, and basically, bottom line is, default -- whenever you're in doubt about what -- anything -- take it to the staff. Don't immediately send anything to everybody. Send it to the staff and have them see if it should go to everybody. So that's my thought.

And in terms of rearranging the agenda, there are a couple of items that I think as we get to them, I might recommend that we hold the vote on that to shift to a later date, but as we get to those items.

Thank you very much, Madam Chair, for letting me finish that.

CHAIR TURNER: Thank you. And the thing that I wanted to say is that I think a lot of the conversation that we're having and the questions that's come up, and I believe it was Commissioner Vazquez that brought it up earlier, is because the way the items are listed on the agenda reflects training, which makes you think coming
away from that item, I should have a clear understanding
and know exactly the direction we should take, and in my
opinion, they really have not been training. They really
have been just a matter of reading through material, very
different than training.

And so I think my suggestion in the notes and
journal that we have going forward is that we either have
items listed as just a review of information or actually
have a training on it, which then would consist of more
just than reading through and then asking if we have any
questions. And so I think there is a distinct difference
in that that sends us down the path of feeling like we
need to ask more questions and have more information
about these particular items. So I just wanted to name
that.

Let's see. And then we have Commissioner Akutagawa.

COMMISSIONER AKUTAGAWA: And actually, thank you.
And on that note, Madam Chair, and I think it was
Commissioner Sadhwani that had noted what might be
thought of as training or yeah. As what is thought of as
training versus what we're actually going through.

It just got me thinking, especially as I thought
about our discussions this morning around just even the
structure, what were -- I guess I'll say, our powers are,
and even around just all that we're talking about right
now around the constitutional requirements of Bagley-Keene and the Public Records Act.

    I realize that I guess I have two kind of strings. One, in the previous Commission's report, it did say that the first eight got what would be considered a proper training, versus the six that followed, basically, were just given videos and told, here, read up on it. So there was unequal kind of, I guess, training on that part, and I don't know if that has happened in this particular case, but I noted with interest that was on the previous Commission's report.

    I would like to see what would be considered a proper training, because I think that with a lot of information that was just given to us, even with reading everything, I think it would still help to have the counsel and staff just really point out very specific things, as was said going back and forth, and maybe, I'm sorry, maybe it was Commissioner Vazquez that talked about what the training should be.

    I also want to make a suggestion for the future quote/unquote, trainings. For anything where there's just going to be a lot of information, at least right now, provided to us, I'd like to suggest that we use PowerPoints if possible to highlight the specific areas, even if it's just showing the document and saying here is
the part in the document that I am referring to, so that we can visually follow along, because as much as I am trying to take notes, I'm also realizing I'm not processing as quickly when I hear things, and I know that some people are visual learners, so they process information better when they see something visually.

And I'm realizing -- and I'm more like that -- I'm a talker, as you can tell, but I'm also, when it comes to processing, it's easier if I can actually see something in writing. And so I'd like to suggest or propose that we also include Power Points as part of information that's going to be just really provided to us, similar to the way it was just done this morning, so that we can follow along more clearly.

CHAIR TURNER: Thank you. There was also a mention, I believe, from Commissioner Sinay, of an actual training, and then counsel followed up with a book that's available. I didn't catch the name, because again, and Commissioner Andersen, you pointed out before trying to watch hands, et cetera. I find that I'm taking very few notes, and I am definitely interested in having further discussion about training that is available. And Commissioner Sinay, what was the name of the training for starters? And perhaps we can follow up and have that information sent out for all of the Commission to review
to determine if that's something we are collectively interested in participating in.

COMMISSIONER SINAY: It's the training by the National Conference of State Legislatures, and I already sent the link over to Raul to look at it and share with all of us. But it's a multi-part training. Each module is an hour. The first one on redistricting, Data 101, is free, and then -- let's see -- there's about ten modules. But it goes through a lot of the different topics. I think it would be a really good foundation for all of us, but again, it's the National Conference on State Legislatures.

CHAIR TURNER: Thank you. We're going to go to public comments here, if there aren't -- did I miss any hands? Is there any other Commissioner that would like to comment?

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Thank you. I'm just going to try to summarize it, because I have been on school boards for about fourteen years, and I do remember at first it was kind of hard to decide what I can say versus cannot say, so if you just remember to not be committal to any kind of inquiries, and to voice no opinion.

So what I take from this and how I approach the school board is, I still went and I went to public
community events, I went to visit the schools, and then fortunately for us, on the agenda monthly we had an agenda item where we kind of round table went through each of the trustees and you kind of talked about what you did that month. And that was a great opportunity for me to bring up any issue or anything that had come up, and I recommend that we do that as well for future meetings.

But so I think if we just go away, we still need to educate ourselves, and still -- I hope we do, because we don't know it all. But just -- it's easy -- you have to get used to saying I'm either not at liberty to discuss that or thank you for the information. Those were probably the two phrases that I used the most.

I don't want anyone to be afraid, to not go out there, and not -- there's this meeting going on, and I really want to go to it, then go to it. That's fine. Just, if they start asking specific questions about the redistricting, where we're at, the map -- not at liberty and I advise you to go to our website and it shows the information, what we've gone through and when our next meetings are. So I guess maybe because I've been doing it for many years I'm not as concerned about it, but I can understand wanting to know what you can and cannot say.
And then, I think it was Commissioner Andersen wondering how long it's going to be. Just from my state experience, fortunately, the state auditors have been very much for going out and doing some sort of recruitment, but I would say we're probably still at least a month out from hiring anyone, because by the time we screen the applications and make an offer -- probably, I mean, if they're still working, they're going to have to have a two-week notice at least, so I'm saying a month. If it's going to be at least a month, that's a long time to not talk to anyone or say anything, so. Just be noncommittal, I guess, and don't issue any opinion.

That was all I wanted to say. Thank you.

CHAIR TURNER: Thank you, Commissioner.

Commissioner Toledo and Andersen, then.

COMMISSIONER TOLEDO: I just thought I'd go back to Commissioner Andersen's point of -- and I believe it's also Le Mons' point of default, saying if there is a question to go to staff, counsel or staff, just to let them know and get some guidance on whether to participate on -- until we have additional training or additional staff support, that the default should be we communicate through the staff or work -- at least get guidance from staff. And I don't think we need a motion for that, I
think it just should be a consensus of the group, unless
the group thinks otherwise.

CHAIR TURNER: Thank you. Commissioner Andersen?

COMMISSIONER ANDERSEN: Thank you, Madam Chair.

I just want to address -- first of all, thank you, Commissioner Toledo. I think that's exactly -- just to
default. Also, if it is a month, we might want to think
later about a policy -- putting a policy together.

But right now, the training -- I just want to
mention there has been confusion about what is training
and what is not training, but we do have some serious
training coming up. The State Auditor did, indeed, pay
attention to what the report of the 2010 commission said,
in that the eight of us received just the videos. We did
not receive the full training of people coming in, like
the application review panel did.

We got those videos, with the exception of one
fellow, Justin Levitt, who will come in and talk to us.
There was a huge glitch in his video and so he actually
had to come in and talk over that portion, and that was a
little confusing for the way it got handled, because it
was kind of in the middle, so it did seem real unusual.

Because what the State Auditor decided is that the
fourteen of us would get the full training. So we aren't
getting -- I don't know if they're coming in in person or
if they're Zoom or we'll actually be able to talk to and ask questions of all the information in terms of, basically, 17, 19, 20, 21. And these are actual, real training videos with PowerPoints, the whole nine yards. And they also -- we do, actually, redistricting 101, and that is with Justin Levitt, who is actually very, very good. And he will say in there, and I'm going to reiterate it right now, because someone might go out look at the National Council of State Legislatures, California has very specific criteria, which does not apply in other states. And there's a lot of confusion about what you can and can't do in other states and gerrymandering and things, which are completely irrelevant to California. And so you can waste a lot of time and energy looking at, oh, okay, we can watch this and this and this. And people will actually come to our Commission and say, well what about these different ideas and different ways to redistrict and we have to know enough to say, I understand what you're saying, but that does not apply to California.

So before we jump into that other training, I would wait until we hear our California-based redistricting 101. So it is a little confusing in that it looks like we're training, training, training, when we haven't really. It's been discussion more, which Chair Turner
adequately addressed, I mean, more -- very well addressed, I should say, not adequately.

And the actual training really is training, and it's just ahead of us, which is why some of these things we'll need to kind of push until after we know about it, after the real training, which is coming up ahead of us. So just to say that.

CHAIR TURNER: Thank you, Commissioner Andersen. Justin will come to us on Tuesday at 11 a.m. He's scheduled to come in for California Redistricting 101.

At this point, Commissioners, I believe we'll go to public comment.

MS. JOHNSTON: Madam Chair?

CHAIR TURNER: Oh, I'm sorry, Marian, you had a few more things.

MS. JOHNSTON: I have three fairly short points, and then Raul wanted to say a few things, too, before you go to public comments, if that's okay.

CHAIR TURNER: Please do. Thank you.

MS. JOHNSTON: Okay. First of all, I've not talked anything about the meeting requirements that Bagley-Keene sets up. And that's because of the two Governor's executive orders that you've gotten copies of that basically make all personal meetings out of place, and so you're meeting as you are now. That will totally change
if and when the COVID problem is gone, and we'll do more
training then on exactly what the Bagley-Keene
requirements are.

Secondly, in case you've wondered why there's that
funny comment about how you don't need to use your real
name. It's because there's a provision in Bagley-Keene
saying that no person shall be required as a condition of
attending a public meeting to give their name, allowing
privacy if people don't want to give their names, so we
have to allow that.

And finally, just as a reminder, this only applies
to business activities. If you're going to be meeting
socially, that's perfectly fine, as long as no business
is discussed, and a lot of the good feelings among the
prior Commissioners came with having dinners together,
traveling together, lunch together, just discussions
together about personal, getting-to-know-each-other type
things. I hope that there's a way that you can set up
social distance meetings that allow you to get to know
each other better.

Raul?

INTERIM ADMINISTRATOR VILLANUEVA: Thank you. I
just wanted to bring up one point, please. In some of
the discussion about what you can and can't say, the
requirements, your responsibilities, how the law applies,
it kind of came to mind that -- I don't know how many
hats you think you're wearing, and I thought it might be
good to point that out.

As an individual and a Commissioner, you wear at
least four hats, one as a private citizen, two as an
individual Commissioner, three as an individual
Commissioner who's acting as a spokesperson on behalf of
the Commission, and four as an actual Commissioner
engaged in Commission business. The responsibilities and
the way that the law applies across those four roles is
different. And so I think sometimes that adds to the
confusion.

So it's always important to remember what hat you're
wearing, and what the role and responsibility is with
that, and how the law applies. For example, with number
four, as a Commissioner actively engaged in Commission
business, there has to be a public meeting. The public
has to be invited to that, different from when you're an
individual who is a Commissioner, and you're expressing
your opinion as an individual, and again different when
you're acting as a spokesperson for the Commission. So
anyway, just something to keep in mind and maybe to help
discriminate some of these areas and alleviate a little
bit of the confusion.

So thank you, Madam Chair.
CHAIR TURNER: Thank you. And I wanted to say, Raul, and to the counsel as well and the rest of the Commissioners, it had come up in one of the conversations about notification, and I think, Marian, you had asked about that. I just wanted to -- in case it works for you -- just Google notification, where you can put any word, any name, and it will automatically send to you all of the articles that's come up, and so -- Google alerts -- I'm sorry -- is what it's called. And so if you look up that, you'll get them all directly and then you can forward them out to the Commissioners or whatever. The Google alerts will do that for you on any topic, any subject that you need.

MS. JOHNSTON: Thank you.

CHAIR TURNER: You're welcome.

Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yes. Go to the wedrawthelines website. There is a webpage under press -- oops, hang on -- we've really got to fix this website --

COMMISSIONER YEE: Yes.

COMMISSIONER FORNACIARI: -- under press, recent articles, there is a Google alert that lists articles about the California Citizen's Redistricting Commission. So there's a list of articles. The most recent article
is about a Petaluma health care official named to the
state redistricting panel. So we have -- "Top Valley
Contender for Redistricting Panel Nixed Following Last-
Minute Blitz". So there is a news feed there already
related specifically to the redistricting commission.

One other comment about Commissioner Yee's question.
Because Gmail is a cloud-based system, you know, you can
log on to Gmail from any browser and read your email. I
just want to reiterate, I wouldn't set it up on my -- and
you can do that from any browser or from any device and
it should be fine. I wouldn't download or do any
documentation on any personal device. And I wouldn't set
it up on a mail reader on a personal device, but I -- so
I used to manage an IT group for a number of years. But
there shouldn't be a problem with you just simply reading
your mail from a browser on any device. Just to
reiterate that comment.

CHAIR TURNER: Thank you.

Jeff, I think we'd like public comments at this
time, please.

AT&T AT&T OPERATOR: Of course. And just as a
reminder for anyone that has dialed in to the phone line:
If you wish to ask a question, you may press 1, then 0.
And at this current time, no one is queuing up,
Madam Chair.
CHAIR TURNER: Thank you. Maybe we'll try again after lunch. And lunch today, we will need to go right at 12:30 because I believe we have a speaker at 1:30 that's scheduled to dial in.

INTERIM ADMINISTRATOR VILLANUEVA: That is correct.

CHAIR TURNER: And we'll plan the -- thank you. We'll plan the rest of our conversation so that we can lunch at 12:30. And for any public that is dialed in, and with the support and assistance of my Commissioners, we will come back from lunch for public comment. So if you want to plan for that -- if you all remind me, when we come back I'll make sure we start with public comment when we come back from lunch as well.

At this point, let's see, we would be on Item 13, which would be the discussion of conflict of interest code. But I'm wondering if we could just skip and stay on the staffing since there was a lot of conversation and interest there. Perhaps about the Communications Director, et cetera, or I wondered if you're prepared to go first the before we go to 13 and 14 at this time.

INTERIM ADMINISTRATOR VILLANUEVA: Well, Madam Chair, we've got twenty minutes, right? No, an hour. We have an hour. Right? No, an hour. We have an hour.

CHAIR TURNER: Right. We have almost an hour, uh-huh.
INTERIM ADMINISTRATOR VILLANUEVA: Very good. So first things first. Yeah, I can go ahead and maybe cover the broader issues and then actually go into the recruitments afterwards or did you want to just jump --

CHAIR TURNER: Well --

INTERIM ADMINISTRATOR VILLANUEVA: -- straight recruitments?

CHAIR TURNER: -- let me ask you this. For this whole section of 14, is it a longer issue that you're thinking that you need more than the hour so that it's not broken up? Is that what I'm understanding?

MS. JOHNSTON: I think you go can ahead.

INTERIM ADMINISTRATOR VILLANUEVA: Well, it depends. Okay. So let me go ahead and provide a framework for this.

CHAIR TURNER: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: Out of this, you need to -- the Commission needs to understand what you can and can't do in regards to staffing. I'll give you an example of a previous staffing structure, how those roles and responsibilities work in terms of engaging different processes that you want your behest.

In terms of the recruitment, to understand what's been done and what your decision points on -- are on that, and to hold a discussion, and to make a decision.
The decision is basically to accept those recruitments, and extend those recruitments, or do away with those recruitments and do your own recruitment. So as far as a kind of a sneak peek into the future, that's basically what's going on with item number 14. So can that get done in an hour? It depends on your discussion.

CHAIR TURNER: Okay. I understand, Commissioner Sinay?

COMMISSIONER SINAY: I would like us to actually -- before we jump into the bureaucracy or the administrative side of things, to actually take some time to think through what the relationship is between us. But yeah, the CRC as a Commission and staff because everything I've read is actually counter to what I've read in -- or everything I thought was counter to how they are that these were actually written or the job descriptions.

So as a Commission, I think it would be helpful for us to know what would success look like? We've never all kind of said, you know, we said that in our interviews, but we haven't said it to each other. What would success of this process look like? And then what do we need to actually achieve that success in staffing? And I know, Aman, and she'll look at me like no more talking, but I think I think we need to base -- we can't move forward without -- if not, we're just going to hire people that
look good on paper.

I don't know. I'm having a really hard time without knowing what we all want to move forward on this piece. So I am a firm believer in know your vision, know what you have around the table, and then know what you need. And for those who do appreciate inquiry, that's kind of we appreciate that very model. But I would like us to know what our vision is and we don't have to agree, collectively, but at least if we can hear what each other's vision is, I think that's going to help us. And then know what we each bring to the table that will help us understand what we need in skillsets from all these other -- from staff.

And also understanding are we leading the staff or is staff leading us? Because the way that the proposals are written or the job descriptions, they're the face of the Commission. And I thought we were the face of the Commission. So just --

MS. JOHNSTON: And those were not developed by staff. They were developed by the auditor's office.

INTERIM ADMINISTRATOR VILLANUEVA: You know --

COMMISSIONER SINAY: No, no, I completely understand that. But I'm just saying, the way they're written right now, it makes it as the staff is the face of the Commission versus us. And so I just want us to kind of
have a philosophy and understanding before we jump into this. Sorry, Commissioner Le Mons, I see you. I see you cleaning your eyebrows, wiping your eyebrows.

CHAIR TURNER: Commissioner -- okay.

Commissioner Andersen and then Commissioner Le Mons.

COMMISSIONER ANDERSEN: Thank you. So on that, I've just got a quick question, and it's basically to just to Mr. Villanueva. When we look at these -- the staffing, that sort of stuff, do we need to know Item 15, the training on state contracting procurement? Because specifically, I'm wondering in terms of, you know, we sent out these essentially RFPs, could we modify that? And I don't know if we need to know more about our state contracting procurements rules and regulations before we could even look at the contracts.

MS. JOHNSTON: There's a distinction between contracts and staff hires. Staff hires are totally within your control. You don't have to comply with civil service rules or anything else, so.

INTERIM ADMINISTRATOR VILLANUEVA: Well, it kind of goes beyond that. The contracting and the procurement, the procurement is the buying of goods. The contracting is engaging a provider for services, essentially. Okay?

With your staffing, it's a totally different thing. Think human resources and personnel. Okay?
COMMISSIONER ANDERSEN: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: So you may have a business office that takes care of your contracts for people to come in, say, mow the lawn, whatever. Procurement to get your office supplies. And then your HR is there doing your recruitment and hiring. So they're very distinct in concerns.

COMMISSIONER ANDERSEN: Very separate, got it. Okay.

INTERIM ADMINISTRATOR VILLANUEVA: So you -- so in other words, no, you don't need to jump into that.

COMMISSIONER ANDERSEN: That was exactly what I was asking.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

COMMISSIONER ANDERSEN: Thank you.

CHAIR TURNER: Thank you. And I'm wondering -- and Commissioner Sinay and the other Commissioners, I'm wondering if, indeed, you all can start the training or the report rather on this particular to give us kind of an outside look of what the intent is, what has already been done, some information of what's there, and through discussion we even have opportunity then to consider or talk about what your suggestion is as far as our goals before we determine how we're going to move forward, whether we'll use the existing RFP if we'll now decide to
create and put out one.

So -- and that's just a thought, but if not as
strong. So if you really feel like we need to do that
before we move here, just let me know that I'm trying to
get a feel for you and the rest of the group.

INTERIM ADMINISTRATOR VILLANUEVA: Okay.

CHAIR TURNER: Commissioner Le Mons?

COMMISSIONER LE MONS: Yeah. I was going to
actually see --

CHAIR TURNER: What --

COMMISSIONER LE MONS: -- what you -- what you just
suggested. Let us hear -- I know we have our reactions
or our beliefs about whatever we've read or whatever
we've heard. But in the context of this, I'd like to be
able to hear from Raul what you just outlined then that
will formulate our very specific questions. I personally
don't need a visioning exercise on human resource staff.

That's me personally.

But if -- I'd rather us frame this down. So I -- to
your point, it allows Commissioner Sinay to get that
function handled, too, in the discussion without us kind
of methodically doing it that way. So I think we can
kind of kill two birds with one stone with the approach
you outlined. So I support what you just outlined.

CHAIR TURNER: Thank you.
INTERIM ADMINISTRATOR VILLANUEVA: So is that --
CHAIR TURNER: Raul, let's go forward. And I
definitely will ensure, Commissioners Sinay, that we
don't lose your comment and your suggestion that we
definitely want to consider before we make decisions.
But let's go ahead and move at this point with the report
that you have.
Raul, we'll get as far as we can before our lunch
hour. And if we have to break it up, it might be a good
time for us to absorb what you've said and then move
into, you know, what the desire would be of the
Commission and how to.
INTERIM ADMINISTRATOR VILLANUEVA: Very good. And
one thing for I start, Commissioner Kennedy, you
expressed concern about making sure that that
organizational chart for the 2011 was able to be posted.
It has been posted. Everybody has a copy of it. Members
of the public who want to follow along, that's where
we're going to start.
And Commissioner Le Mons, I have no intention of
trying to give any -- let's see what HR is all about type
of presentation.
Yes, Commissioner Sinay?
COMMISSIONER SINAY: And since you have it, can you
share it on your screen so we can all see it at one time?
I think that was kind of what we talked about earlier and because I know I have it, but when I looked at it, it was really fuzzy in that -- the what I had. So if there's a way you can share the screen so we're all looking at the same thing at the same time.

INTERIM ADMINISTRATOR VILLANUEVA: Not automatically, no. Because I'm plugged in to something different.

COMMISSIONER SINAY: Okay, that's fine.

INTERIM ADMINISTRATOR VILLANUEVA: Okay? My apologies.

COMMISSIONER SINAY: That's true.

CHAIR TURNER: Can we get Kristian to --

INTERIM ADMINISTRATOR VILLANUEVA: No, because it would have to come -- Well, Kristian, you have the PDF. This would be the 14A org chart July 2011 pdf. So Kristian will work on that while I go ahead and proceed. That -- that's it.

The reason we started with this is a couple of reasons. So your positions, your staffing are -- apart from civil service and all the civil service requirements, which then would require a lot of lengthy time processes, procedures, because of history and CBAs, collective bargaining agreements, all these kinds of things. It's very much more a freeway. You have
complete authority over your positions.

So the State HR doesn't have any over oversight of your positions. You already have certain position, certain classes of positions that are already in place. One of the things that I've been doing is updating that with the State Controller's Office. So once you hire people, then we can put them into the system and get them hired and paid.

The other thing is, is these folks -- your positions are not part of Article VII of the Constitution, which identifies and delineates the requirements for individuals exempt from civil service. Your positions are even outside of that. The ones under that require a Governor's office approval and Cal HR approval and appointment. And obviously, you can't have the Legislature or the Governor's office making appointments for your staff. So that's one of the reasons that that was put into law.

If you look at your organizations chart, the 14 Commissioners, you're up -- you're there up on top. You are the face of the Commission. Okay? You are the Commission. Basically, what your staff do is they carry out those things operationally to provide you the support to do your work. Okay? Your Executive Director, Communications Director, Budget Director, Business
Manager, Chief Counsel, that's that top layer. All
those -- all of those classes are in place right now.
The Staff Counsel, that was -- so those four
positions are, quote/unquote, permanent positions of the
Commission. In other words, those are employees of the
Commission with appointments as part of state service.
The staff counsel, we had several RAs who were working in
that capacity. Marian here was one of the RAs who
decided to come in and has provided able services for
quite a while.

When you look at senior operations analyst and
communication liaison, that's out of one class. And so
out of that class, we could take different positions and
assign those different duties. So those two positions,
the Commission assisted

CHAIR TURNER: Raul?

INTERIM ADMINISTRATOR VILLANUEVA: -- in this --

CHAIR TURNER: Raul?

INTERIM ADMINISTRATOR VILLANUEVA: Yes?

CHAIR TURNER: And you're saying that's out of one
class on -- you made a point of that. What should that
have meant to me?

INTERIM ADMINISTRATOR VILLANUEVA: Oh.

CHAIR TURNER: They're out of one class.

INTERIM ADMINISTRATOR VILLANUEVA: So as far as the
hiring structure, what that means is a class, imagine that is a certain level of responsibility. And within those certain levels of responsibility, you can make specific assignments. And so the duties may be different. And so what it does -- so I guess I'm -- what I'm doing, and maybe --

What classification of employee, they come --

INTERIM ADMINISTRATOR VILLANUEVA: Yes. All out of the class?

INTERIM ADMINISTRATOR VILLANUEVA: Right.

Okay.

INTERIM ADMINISTRATOR VILLANUEVA: So -- and that's a good question, Commissioner. What I'm trying to do is give you an overview of what is available to you in terms of staffing. Right? The different the different types of positions, responsibilities that we could fill or we, your Executive Director, can feel on your behalf. As Marian pointed out, the Commission has to approve by a supermajority each and every one of its hires, whether it's a retired militant or it's the Executive Director.

What your Executive Director does -- and in my capacity for the 2010 is I did the recruitment, did the screening, and then we made the recommendation to the Commission, presented the individual, their qualifications, duties, roles, responsibilities, and the
Commission then decided whether or not that was going to be a good hire and voted them in by a supermajority.

CHAIR TURNER: I see.

INTERIM ADMINISTRATOR VILLANUEVA: There's a lot of temporary work, especially in regards to managing the public input. Last time we had probably over 10,000 pieces of information flow through that had to be processed anywhere from -- anyway, just leave it at that, processed before it got put on the website. We used a lot of student interns in that capacity. One of the things that your Executive Director and I felt very strongly about was if you had opportunities for students to come in, engage the process, learn, and get paid, let's give them that opportunity. And so we were able to staff that portion with a lot of student interns.

For the retired annuitants, contracts, and procurement, especially the procurement, but both sides of it, the laws and regulations that affect that and the requirements in terms of fiscal responsibility, it was easier then to go ahead folks who were already in the know on the system, knew the players and have them come in and take care of that part of it. And so for those, we used a lot of retired annuitants.

At first we probably ran through $4 million worth of contracts and procurements in four or five months.
That's how fast things went. And to channel that much through the process, those individuals were key. The commissioner or liaison commissioner system, by the way, those were the road staff that went with the Commission. And so they were basically on the road with the Commission. Those were my eyes and ears in terms of where are we going, what's needed? Do we need venues? Do we need translators? do we need security? And they would bring that information back to me. I would do the contract and get those people on site.

COMMISSIONER VAZQUEZ: And pardon me, sorry, I apologize. I do not -- do not have any documents for item 14. Is this the right one?

INTERIM ADMINISTRATOR VILLANUEVA: Yeah, it's the right one.

COMMISSIONER VAZQUEZ: I seem to not the right one. INTERIM ADMINISTRATOR VILLANUEVA: Okay. So it's on screen right now. Can you see it?

COMMISSIONER VAZQUEZ: Right. Are there additional documents? You kept referring to an org chart and I have the one for item 11. What I don't have is anything for item 14. So this is the only document, we're fine.

INTERIM ADMINISTRATOR VILLANUEVA: Okay.
COMMISSIONER VAZQUEZ: But if we're going to be reviewing additional --

INTERIM ADMINISTRATOR VILLANUEVA: It was originally sent to you as that JPEG. It's not a PDF. And I turned it into a PDF last night. Okay. I'll get that sent to you.

COMMISSIONER VAZQUEZ: I'll get -- if it's -- if this is just what's displayed on the screen, we are okay for now.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

COMMISSIONER VAZQUEZ: I just didn't want to have missed anything else from item 14 because I don't even have an email that references item 14.

INTERIM ADMINISTRATOR VILLANUEVA: Okay. I can go look through what I have and get it resent.

COMMISSIONER AHMAD: Commissioner's Vazquez, can I? All of the documents are actually online on the We draw the lines website.

COMMISSIONER VAZQUEZ: Yes, thank you.

COMMISSIONER AHMAD: And it might be easier from the office from the future --

COMMISSIONER VAZQUEZ: Yep.

COMMISSIONER AHMAD: -- so you can just refer to one place. The public has that information and we have it similar.
INTERIM ADMINISTRATOR VILLANUEVA: Thank you, Commissioner Ahmad. That's a good workaround for right now.

I apologize for you not having them immediately available, Commissioner.

So one of the things to consider that you as a group are going to have to consider is your salary schedule. And if you'll bring that up, you'll see the 2011 salary schedule. And that's 14A-2010-CRC Salary Schedule. Yes. It's on the website.

And so the salary schedule in 2011 was based on the exempt salary schedule used by the State. Okay? It's something that Cal HR puts out. And so whenever any exempt hire is made throughout the executive branch agencies, here's where they go to then for the minimum maximum salaries for hire. It was adopted back in 2011 for a couple of reasons.

One, it keeps the salary more or less within the constraints of regular state service. And so there's that high level of comparability. It protects the public interest because as part of state service, it goes within those types of parameters. And also too, when you're looking at working with retired annuitants or folks who are currently in place and coming over as limited term appointment and going back, it also facilitates that.
Certain positions like your budget officer, it's really key that they have that state experience because without it they really won't be able to provide the services that you need for that type of responsibility. So that's why that was put into place.

What I have for you then to consider is the 2019 exempt salary chart, which is the up -- the basically the ten-year update on that that's been put out by Cal HR. So the 2019 update is what's in place right now for exempt appointments. And if you -- if you look at the two, you'll see the same classifications. And the main difference is going to be in terms of the salary ranges in there and how they've increased over the last ten years.

And so in looking at your salary schedule, that's one of the things that I would want you to consider is the possibility of doing similar and adapting the exempt salary chart as the basis for your salaries.

COMMISSIONER SINAY: I'm sorry, Raul? A quick question. Do we know -- not so much for the exempt, but for the nonexempt staff is living wage included in in the calculations of salaries, do we know? Yeah, especially if they're living inside, you know, living wage based in living Sacramento not minimum wage but the actual cost to live, the living wage?
INTERIM ADMINISTRATOR VILLANUEVA: So for civil service, I do believe that -- two things. One, it's predominantly the same -- the same salary range for that for that class and position across the State. In certain circumstances, the position it's LoCal and/or specific duties could affect how -- the rate, what point in the range they might be hired. But I think the ranges are pretty much set for civil service and for the exempt. I mean, these are the ranges. Whether they're --

COMMISSIONER SINAY: But you're not -- I think that my question was when these ranges were set, was -- do you know if living wage was part of that?

INTERIM ADMINISTRATOR VILLANUEVA: No, I really couldn't tell you everything that went into their compensation studies. No.

COMMISSIONER SINAY: Okay. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: You can look on the website, see what they have to say, but I don't know exactly everything they did for their compensation studies. So does the group understand what I'm -- what I'm putting before the Commission in terms of whether to accept or not?

CHAIR TURNER: At this point, what you're putting before us is whether or not we accept the ranges in the 2019 exempt salary chart?
INTERIM ADMINISTRATOR VILLANUEVA: Yes, correct.

CHAIR TURNER: And that's everything above the line, right?

INTERIM ADMINISTRATOR VILLANUEVA: No, that's the whole thing.

CHAIR TURNER: So for example, all the way down to P9, those wouldn't be considered exempt employees, right?

INTERIM ADMINISTRATOR VILLANUEVA: No. That's exempt from civil service, not exempt from FLSA. Okay?

CHAIR TURNER: Based on the -- okay.

INTERIM ADMINISTRATOR VILLANUEVA: No, I'm sorry. Please finish.

CHAIR TURNER: Oh no. I was just trying to get clarification of the nonmanagement positions below the line on your exempt salary chart aren't also exempt?

INTERIM ADMINISTRATOR VILLANUEVA: They are. It's exempt from civil service, not exempt from FLSA. Okay? Because you may be thinking of exempt from FLSA where based on responsibilities --

CHAIR TURNER: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: -- and salary, and all that, whether they're going to be able to turn overtime or not. No, this is exempt from civil service.

CHAIR TURNER: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: Excellent question. Thank you.
COMMISSIONER ANDERSEN: All right. Just a quick what is FLSA?


COMMISSIONER ANDERSEN: Oh, well. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: And thank you for not asking me to explain it for you.

COMMISSIONER AKUTAGAWA: So I guess, again, further clarification. So anyone that's below that -- basically in that nonmanagement position category, they are essentially hourly workers?

INTERIM ADMINISTRATOR VILLANUEVA: Correct. And they will --

COMMISSIONER AKUTAGAWA: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: -- and they will earn overtime

COMMISSIONER AKUTAGAWA: Overtime. Okay.

INTERIM ADMINISTRATOR VILLANUEVA: Because they still meet --

COMMISSIONER AKUTAGAWA: I would say --

INTERIM ADMINISTRATOR VILLANUEVA: Correct. I'm sorry. Go ahead. Yeah.

COMMISSIONER AKUTAGAWA: Yeah. No, I was just going to say I saw student assistant, I thought that was interesting that they were considered an exempt employee.
in the kind of the, I guess, fair labor --

INTERIM ADMINISTRATOR VILLANUEVA: FLSA.

COMMISSIONER AKUTAGAWA: Yes.

INTERIM ADMINISTRATOR VILLANUEVA: Yes. FLSA is a very difficult and challenging topic in many ways, especially when looking at exempt from overtime, which is very much outside of this discussion. But that's the way most people think of as exempt. And no, this is strictly speaking exempt from civil service and the civil service requirements and laws.

And your staff are exempt from civil service and also exempt from exempt from civil service. It's a -- the Commission is really interesting in that you're a quasi-independent entity with a lot of independence, especially in regards to your staff and especially in regards to what you do. When -- anyway, just leave it at that.

So again, those are -- those are the three primary reasons for strongly considering the -- to adopt this again we're in term --

COMMISSIONER FERNANDEZ: Well -- this is Commissioner Fernandez, can I just add something to that?

INTERIM ADMINISTRATOR VILLANUEVA: Please.

COMMISSIONER FERNANDEZ: Since I've been with the State for many, many, many years and I appreciate the
ability to go against the benefit of that. Correct me if
I'm wrong, is that one we streamlined the hiring process.

INTERIM ADMINISTRATOR VILLANUEVA: Very much.

COMMISSIONER FERNANDEZ: And then, two, because it
is exempt if an employee's not working out or us, it's
easier for us to no longer require their services,
especially if they're limited term, we can -- we can end
that agreement, I think within twenty days or something
like that. You'll have to correct me.

INTERIM ADMINISTRATOR VILLANUEVA: No, Commissioner,
actually less.

COMMISSIONER FERNANDEZ: Oh, okay.

INTERIM ADMINISTRATOR VILLANUEVA: Your employees,
all of your employees and staff are at will.

COMMISSIONER FERNANDEZ: Okay. So I mean, that
includes them and not -- and just for everybody else's
benefit. Having been with the State for many years this
is actually a good feature. And an ability -- an ability
to be able to streamline the process. So thank you.

INTERIM ADMINISTRATOR VILLANUEVA: You're welcome.

Good points to bring up.

CHAIR TURNER: Yes. Can you stop screen share at
this point? Thank you. Okay, commissioners, any other
comments, questions? There's a question on the floor
from Raul as far as if we are willing to just accept
the -- the range on the exempt salary chart.

COMMISSIONER VAZQUEZ: Madam Chair, I think
Commissioner Fernandez has a question.

CHAIR TURNER: I want you to wave a little bit
wilder, more wilder I'll see YOU.

Yes, Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I must be blending in with
the yellow behind me. I mean, I don't know if we need to
make a motion. But I would make a motion that we do
accept the exempt salary schedule. I'm not sure if
that's what's needed at this point.

COMMISSIONER ANDERSEN: I would second it.

CHAIR TURNER: Who is that please?

COMMISSIONER ANDERSEN: Commissioner Andersen.

MS. JOHNSTON: Discussion.

COMMISSIONER ANDERSEN: I -- I do have a question a
Madam Chair.

CHAIR TURNER: Yes.

COMMISSIONER ANDERSEN: What -- what would be the
alternative?

MS. JOHNSTON: You can make up your own salary
scale.

COMMISSIONER ANDERSEN: Oh.

INTERIM ADMINISTRATOR VILLANUEVA: And keep it
legal.
CHAIR TURNER: And keep it legal.

Commissioner Sinay?

INTERIM ADMINISTRATOR VILLANUEVA: Yes. It's not as simple as I think we'll just pay them this.

CHAIR TURNER: Right.

COMMISSIONER ANDERSEN: Thank you very much. That's exactly what I wanted to know. Thank you.

CHAIR TURNER: Commissioner Sinay?

COMMISSIONER SINAY: Going back to my question about a living wage. I want to make sure that what we're paying especially that I understand students would be different, but the salary that we're saying for secretaries, for instance, can a secretary -- can someone making 42,000 to 55 or 59,000 find a place to rent and you know, is it a living wage?

I do have -- there is a living wage calculator that can help us to figure this out. But I would really like us to think about everybody who's working for the commission is able to go home at night and not have to have a second job, so that they can support us.

INTERIM ADMINISTRATOR VILLANUEVA: Commissioner Sinay, can I respond to that a little bit, please. One of the things to keep in mind about your staff is that these are limited term positions. In other words, last time, we hired and terminated operations in a year and a
half. So these are men and women who are taking a year
and a half out of their life to spend probably 50, 60
hours a week, at times. We worked across weekends from
January 20 through July 3rd. Really, almost no one had a
day off. July 4th was the first time that I was able to
give everybody an entire weekend off.

So that's one of the things that we looked at too
then. Not just in terms of compensation, but also in
terms of the interviewing and hiring, but really a lot in
the compensation, again, because you're giving up a lot
and for a short amount of time. And when it's over, do
you have a guarantee of where you're going to go?

So those are all things also to that we looked at in
terms of benefits. So my recommendations, as you bring
in an Executive Director, are going to be in line with
those types of requirements and ways of approaching those
different parts of HR, so that the staff that you have,
make a good wage, and have something at the end.

CHAIR TURNER: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Raul, these positions will
be headquartered in Sacramento, correct?

INTERIM ADMINISTRATOR VILLANUEVA: Predominantly,
because here's your offices.

COMMISSIONER FERNANDEZ: Right. And so I just
wanted to respond to Commissioners Sinay, that these are
the classifications that we use in Sacramento. I've
hired for these classifications, and these are much
higher than what I've ever hired -- well, these are
higher positions than what some of the positions I have
hire for. And I'll just as an example, for a staff
services analyst, we just recruited for that, we had over
a hundred applications.

And that's kind of the series that I went through
from college all the way to where I am now. And it is a
good turning wage. I was able to have my own home at the
age of 21 on an SSA staff services analyst, which is one
of the lower salaries -- wage. So I'm comfortable with
that. I guess, I'm trying to make sure that you feel
comfortable. And I completely understand that because
yeah, I don't want someone you know, minimum wage,
obviously, they can go below minimum wage, but I do want
them to be able to be able to pay their rent and their
food and hopefully go out once in a while. But I can
assure you, having lived this my entire life it is --

INTERIM ADMINISTRATOR VILLANUEVA: Let me describe
this to your regular staff. They'll learn besides their
salary they'll have health benefits. They'll be able to
participate in the state retirement system, even though
that's only for a short time. They will get a vacation
and sick leave as part of the package.
Again, you know, because of the uniqueness of the work that's required I think there should be a strong consideration in making sure that whoever applies and gets hired, they have an understanding of the package, that's part of their higher and that's part of their work with the Commission. Because it is unusually difficult work. Challenging.

CHAIR TURNER: Commissioner Yee. And then Commissioner Vasquez.

COMMISSIONER YEE: I'm thinking of public perception, and certainly to adopt a widely used, statewide, published, widely applied standard seems like a good idea to me. It would be the easiest one and safest one to represent to the public. So I'm all for this schedule.

CHAIR TURNER: Thank you, Commissioner Vanquez.

COMMISSIONER VAZQUEZ: I do agree with Commissioner Sinay's point. I would I would prefer to triple check, you know, someone like management services tech, that that is in fact a living wage. I think it's a statement of our values to ensure that everyone working for us is at minimum -- making a living wage for where they are located. Yeah, that's my preference.

CHAIR TURNER: Is that something, Counsel, you're able to just confirm for Sacramento area that things fall
within -- it seems like in a museum a things to check,
but I'd just like to ask.

MS. JOHNSTON: I don't have any personal experience
with that. Sorry.

CHAIR TURNER: I'm sorry. (Indiscernible).

INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, I
would be able to do that. And the ranges are broad
enough to where you could then use that as -- the living
wage as your preferred minimum for hire --

CHAIR TURNER: Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: -- within the
point of a given range. I mean, I'd have to look at that
and see what that really means. But I can certainly pull
that information together for you.

CHAIR TURNER: Okay, thank you.

COMMISSIONER SINAY: I can send you the calculator
that's been created nationally, to figure that out.

CHAIR TURNER: Thank you. Commissioner Ahmad and
then Fornaciari.

COMMISSIONER AHMAD: I believe Fornaciari had his
hand up before me.

COMMISSIONER FORNACIARI: So I was just looking at
the MIT living wage calculator for Sacramento County.
And it looks like for a single adult with one child for
you know, the secretary, executive secretary ranges of
that living wage, the hourly rate falls within the annual rate.

CHAIR TURNER: Commissioner Ahmad.

COMMISSIONER AHMAD: I think I echo Commissioner Vasquez and Sinay's comments. I do think that the information that we have, and staff can provide about confirming the living wage and that distinction between minimum wage and living wage. Some of these ranges make me nervous because there's no way that I would be able to survive off of these ranges in the Bay Area. The rent is more than some of these ranges alone. So I would definitely second the idea of just making sure that we are fairly and equitably compensating ourselves.

INTERIM ADMINISTRATOR VILLANUEVA: I couldn't pay my house payment with what you folks pay for rent in the Bay Area.

COMMISSIONER AHMAD: House? What's that.

INTERIM ADMINISTRATOR VILLANUEVA: Exactly. You know, it really makes a difference though that it is here in Northern California, and it is here in Sacramento, and the different communities and that contribute to the workforce that comes into Sacramento. I myself, I live over 50 miles away. And my cost of living is less than here in Sacramento in many ways.

The only reason I mention that is I think it is
important to understand then how different it can be from say LA, Southern Cal, the Bay Area, and what a living wage would be required there.

CHAIR TURNER: Commissioners Sadhwani, Sinay, and Vasquez.

COMMISSIONER SADHWANI: I certainly share the concern, to ensure that we are paying a living wage. But at the same time, I also, you know, I hear also what Commissioner Yee and Commissioner Fernandez have said as well. That these are kind of our set standards for the state. And you know, and I think upholding them that could -- you know, we can make the case for that. I also this is just googling, I'm happy to share what I found. But through the city of Sacramento, the Office of the City Manager, and they released a memorandum, which is dated January 31st, 2020, specifically on this issue of 2020 living wage rates. It seems to even have his initial on it and it's available online. And again, I'm happy to share it. It says that the -- and this is made with the assumption that these folks would be hired from Sacramento, from the City of Sacramento. If health benefits are provided, the living wage rate is 14.06 per hour. If health benefits are not provided, it's at least $16.18 per hour. So we could perhaps calculate that if we wanted to. I'm guessing that that is about on par
with what was listed on the other piece. Again, I'm just finding this. So I'm happy to look at that more closely. But it seems that it's very generally aligned with the document that Raul has provided for us.

CHAIR TURNER: Thank you, Commissioner Sinay. It seems like what you're going to say too.

COMMISSIONER SINAY: I just wanted to make sure that we are in control of the staff. And in this day and age where we've learned that you can do a lot virtually, I wouldn't want anyone who's thinking of applying that doesn't live in Sacramento not to apply. That at this moment -- you know, I don't think we have discussed that. We've kind of turned to Raul for that. But that is our decision as a commission if everybody has to be located in Sacramento.

I would find it actually more interesting if we had staff in different parts of California because they -- to me, the staff ends up being an extension of the commission and understanding the region and the diversity of our state. And so I'm just sharing my bias, but I think we need to decide as a commission if they have to be located in Sacramento or not.

CHAIR TURNER: Commissioner -- go ahead -- Raul, before you respond, Commissioner Vasquez, was it you?

COMMISSIONER VAZQUEZ: Yes. I just wanted to say
that I am somewhat agnostic about location, although I do think Commissioner Sinay brings up an interesting point that I'd also be willing to consider. I personally am not asking for anything more than, you know, however long it would take staff to look up what Commissioner Sadhwani just looked up. And a yes or no, these are in the living wage. I don't think it needs to be -- for my -- from my own interests, I would I would just like to yes, these all fall in a living wage. And then I'd be happy to take a vote on this.

CHAIR TURNER: Raul?

INTERIM ADMINISTRATOR VILLANUEVA: I was just going to say. So let's talk about the function of staff in the commission and your Executive Director. Basically, the commission directs the Executive Director, and the Executive Director assigns the duties and responsibilities to accomplish what the commission is directed. To have it that the commission is directing the staff is fairly problematic because then you end up with 15 bosses for the one staff, and I think we've all experienced those situations where it creates a lot of unnecessary conflict and problems and communication and direction.

Another thing to consider is your staff are there for one primary purpose, and that is to accomplish what
you need on your behalf, operationally, so you don't have
to worry about it. You do your work. What's your work?

All things have to a drawing the lines. Your work isn't
contracting, procurement, making sure office supplies are
here, doing reservations on your behalf. That's what
your staff do.

You don't do posting to your website, your staff do
that for you. You have an idea. I want to know what's
the best way to do this type of public outreach. Your
staff then should be empowered to identify the different
courses of action, get a cost analysis for you, let you
know what it's going to take to do it, what kinds of
resources so that you can then take that information and
make your decision based on what we want, what's going to
be the best way to do it. Another reason why it needs
one funnel of communication.

But also another reason why, it's really important
that that little organizational unit really needs to be
in one place. I mean, it's nice to consider I'm going to
have ten staff in ten different places. But could you
imagine these folks haven't ever worked together, how am
I going to know that my work has been done over here.
How am I going to coordinate when I need to have my
budgets, my contract, and my communication's folks, all
sitting at that same table problem solving what you need
done as a commission. Yes, Zoom but I'm going to tell you, I've been trying to put your operations together since April. I've been doing it all by Zoom in by phone calls. I would not want to run my operations for your office and have ten staff in ten different places that I can't bring together when I need them at certain points.

That's creating challenges on top of challenges, and it's going to be challenging enough just with COVID and just with your work anyway. Just my two cents about trying to try and to gain regional representation, or regional information and staffing at the same time. To me, they're two very different things.

CHAIR TURNER: Thank you, Raul. Commissioner Sinay, and Commissioner Le Mons. You're good.

Okay, Commissioner Le Mons.

COMMISSIONER LE MONS: I just wanted to thank Raul. I think that what you just said if very sobering. And I respect that you have been doing this also you have you bring some experience to be table that I think is very valuable. And your counsel is greatly appreciated. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Well, Thank you.

CHAIR TURNER: Thank you. We have a motion and a second on the floor. But I have a question about us taking public comment and then going to vote. The motion
had to do with whether or not we would accept this -- did we have a motion?

MS. JOHNSTON: Yes, we did.

CHAIR TURNER: Yeah. About whether or not we would accept it. About whether or not we would accept the salary range understanding that accepting the range does not set the salary. We still will have that double, triple, verified and it feels like we're all on the same page with wanting to ensure a living wage and based on what Commissioner Sadhwani and Sinay and Fernandez and other have said, it's certainly what we would want to set is within the parameters. And so to me, it does not preclude us to be able to move forward with just a vote on that.

The question I have is, is that for Raul, in this particular section, report on commission staffing, of course, you want general procedures and status decision on recruitment executive of those different positions. You also when you outlined it lifted up whether or not we would be accepting the same RFP or if indeed we were going to go a different direction. By us voting on this one -- opening up for public comment and voting on this one portion. Is that the right path to take or should we finish all of this before we open for public comment?

INTERIM ADMINISTRATOR VILLANUEVA: Good question,
Madam Chair. They're related, but not necessarily -- the decision on one will necessarily dictate the decision on the other. So if I may, if you -- if the Commission decides to accept that the exempt salary schedule that supports the salary schedule -- the salary ranges that were recruited. If you decided to go a totally different place than we might have to -- know better if you wanted to keep the recruitments, we might have to make some adjustments.

CHAIR TURNER: Right. I hear you. And can we vote on this without going to public comment on that one part of it since it's not the whole of section -- agenda 14 item?

MS. JOHNSTON: You need to accept public comment before any vote.

CHAIR TURNER: Okay. Okay. So we have four minutes. We'll take -- Jeff, we'll take four minutes of public comment at this time.

AT&T AT&T OPERATOR: Of course, Madam Chair. We do have a question or comment from the line.

Eric Fisher, please go ahead and spell your name.

CHAIR TURNER: Eric, are you there?

AT&T AT&T OPERATOR: I show them talking. One moment.

CHAIR TURNER: Jeff, you're still checking, right?
Because we're not hearing anything.

AT&T AT&T OPERATOR: Correct. I do apologize for the delay. I'm trying to figure that out. I show he's open on the conference call on our end, but I don't know why he's not coming across over the Zoom meeting that we have going.

CHAIR TURNER: Jeff, what's your suggestion at this point?

AT&T AT&T OPERATOR: At this moment, I can -- because I was asking one of my coworkers something, to talk to the comm line on your end. To my knowledge, everything has been done correctly on our end. So I can at least keep their line at the moment, on the other hand, so we can see at least until I get a couple more answers from the actual comm line for that. So I do apologize, Madam Chair.

MS. JOHNSTON: Are there any others waiting in line

AT&T AT&T OPERATOR: There are not, just Mr. Fisher.

CHAIR TURNER: Mr. Fisher, it by any chance, you can still hear us I'll ask that you call back at -- I'll ask that you call back perhaps a little bit later in the day. When we come back this go round, we will be coming back to a guest speaker for training and reviewing. And so this section will be broken up.

Commissioner Le Mons.
COMMISSIONER LE MONS: I just have a question, Madam Chair, you had mentioned earlier that when we came back from lunch, we're going to have general public comment. Is that still the case or are we doing something a little different?

CHAIR TURNER: Yeah, I'm trying to think that through. Thank you. I'm trying to think that through because we do have a scheduled speaker at 1:30. And I'm hopeful -- do you have a sense role is that -- if the speaker will be able to hold until we go to public comment to be able to honor what we stated. I know that you said that they had built in time for Q&A, so they may have a little bit of time but --

INTERIM ADMINISTRATOR VILLANUEVA: Right.

CHAIR TURNER: -- what's your thought on that?

INTERIM ADMINISTRATOR VILLANUEVA: The other consideration is you have the Legislative staff who are going to be coming in to do public comment to respond to the questions that commission had yesterday about how the appropriation was -- the amount of the appropriation was determined at 3:45. And so I would just consider that there is a cascading effect.

With the conflict of interest, which is what that topic is, I've asked all your speakers to make sure there's a really solid time for Q&A on behalf of the
commission. That's probably where you would be looking at cutting time out.

MS. JOHNSTON: We could put that over till tomorrow.

INTERIM ADMINISTRATOR VILLANUEVA: What?

CHAIR TURNER: Okay, so what we we'll do when we come back, is that we'll open for a short period of public comment, just in hopes that Mr. Fisher will be able to dial back in at 12:30. And then we'll move from there. Yes. One more thing.

COMMISSIONER FORNACIARI: At 1:30.

CHAIR TURNER: At 1:30. Thank you, at 1:30.

Commissioner Vasquez?

COMMISSIONER VAZQUEZ: Not that was it, just 1:30.

CHAIR TURNER: Okay.

COMMISSIONER VAZQUEZ: Thank you.

CHAIR TURNER: Okay. So we're 12:31 now. Can we come back at 1:30?

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

CHAIR TURNER: Okay. Alrighty. Thank you all.

We'll recess until then for lunch.

(Whereupon, a recess was held from 12:31 p.m. until 1:30 p.m.)

CHAIR TURNER: Thank you all. Welcome back from lunch. We will resume our session for today. And we're going to start with public comment for a brief period of
time. And then we do have a speaker that's with us today. Welcome to you, Mr. Bush.

But at this time, AT&T operator, if you would let us know if we have anyone in queue waiting for public comment.

AT&T OPERATOR: We certainly do. First, we have to line up Eric Fisher.

CHAIR TURNER: Oh, thank you.

AT&T OPERATOR: If you'll please spell your name for the reporter. The line is open.

MR. FISHER: Yes, can you hear me?

CHAIR TURNER: Yes.

MR. FISHER: Can you hear me okay? This is Eric Fisher.

CHAIR TURNER: We can hear you. Thank you, sir.

MR. FISHER: Okay. Shall I start right in?

CHAIR TURNER: Please.

MR. FISHER: Yes. I appreciate this chance to speak to the commissioners. The focus of my comment and my questions has to do with not the administrative stuff that you guys are so diligently working through, but I want to get some assurance when you draw the lines that you follow the State Constitution as you know, article 21(2)(d) has the desiderata of what you're -- what we'd like your finished product to be.
And of course number 1 is to comply with the U.S. Constitution. Number 2, is districts shall comply with the Federal Voting Rights Act. Number 3 districts shall be geographically continuous. Number 4, the geographic integrity of any city county, et cetera shall be respected to the extent possible. Number 5 has to do with the compactness. And number 6 is the desire where it's practical to construct Senate districts out of two complete, adjacent assembly districts, which is the way it was since the '60s when the number of Senate senators was changed.

I'm frustrated because in the last go around in 2011, there were so many exceptions to this. So my first question is, will the commissioners review these -- what amounts to anti-gerrymandering suggestions? And will they commit to doing that? I am very frustrated because the last go around, I happen to live in the City of Torrance, and the City of Torrance was split for the Assembly District and split for the Congressional District. And I saw no excuse for that. I noticed some other things like what's that craziness up around Bakersfield where if you draw a line east to west you go in and out of the -- from the thirty-second Assembly District and thirty-fourth and back to thirty-second and back to thirty-fourth, it's like a pinwheel. And I see
that in the congressional district that they are now -- I
don't live up there, I live in Torrance. So the way it
affects me is my city is divided. And that's number 4
here. So you can hear the frustration in my voice that
I've had for ten years.

And when they published the maps, I couldn't find
anywhere to find what their excuse was, what their
reasoning, what their rationale was for not following
number 6, for violating number 4. And if you look
objectively at the maps basically from a topological
viewpoint, ignoring politics, ignoring everything else,
they were -- while they were contiguous barely, they were
certainly not as compact as they could be.

I mean, at one level, if you compare the length of
the border to the area inside -- you have some issues.
You can't make these that compact, but you should make
them as compact as possible. And so having one district
that stretches all the way from Topanga down to Long
Beach really violates the spirit of the state's
constitution.

CHAIR TURNER: Okay.

MR. FISHER: So I'd like to have the commissioners
consider to the best of their ability to follow the State
constitution in this regard. Because when you have
compact districts and you have contiguous districts, when
you respect political borders -- political in the sense
that city and county and so forth -- at some point, of
course, you have to break up something like the City of
L.A. But you certainly don't have to break up the City
of Torrance. We have 144, maybe 150,000, in population.
We should -- whether you argue that we're a community of
interest or whatever, we shouldn't be divided. Thank
you.

CHAIR TURNER: Mr. Fisher. I thank you. Thank you
for calling back in with the difficulty we had earlier,
and thank you for your comments. I appreciate your
sharing that today. Thank you.

MR. FISHER: You're very gracious. I appreciate it.
Bye-bye.

CHAIR TURNER: Um-hum. Good-bye.
Do we have anyone else in queue for public comment?

AT&T AT&T OPERATOR: We do. We have one from
Alejandra Ponce de Leon.

Please spell your name.

MS. PONCE DE LEON: Good afternoon, commissioners.
My name is Alejandra Ponce de Leon, A-L-E-J-A-N-D-R-A
P-O-N-C-E D-E L-E-O-N with the Advancement Project
calling on behalf of the Redistricting Alliance. Now, as
a fully established commission, you are ready to engage
in the planning and preparation for the redistricting
process. Most importantly, you're ready to develop the
team and staff support you will need to advance every
element of your work.

While we recognize the auditor's intent to help the
CRC hit the ground running by developing and posting the
job announcement for the CRC's Executive Director, Legal
Counsel and Communications Director, and related to this
the RFP for a demographer, we believe it was done
prematurely before the commissioners were seated and thus
absent of your input, vision, and direction.

Therefore, we recommend that you review the current
job announcement and the RFP and repost based on your
collective assessment of the needs you have for the
current redistricting process after receiving all the
requisite training. It is in your hands to establish the
community outreach and engagement process and the
timeline under which it will take place. And
consequently, identifying your staffing and contracting
priorities and needs to move that work forward.

Therefore, we urge you to take full ownership of the
process to develop your team. Thank you.

CHAIR TURNER: Thank you, Ms. De Leon. We
appreciate your engagement.

Next in queue, please.

AT&T AT&T OPERATOR: There are currently no others
in the queue at this time, Madam Chair.

CHAIR TURNER: Okay. Thank you, sir.

Okay. So at this point, what we'll do is to go to our -- we have a speaker from Legislative staff in regards to budget appropriations. Staff, would you want to introduce the speaker or have any other words before we move?

INTERIM ADMINISTRATOR VILLANUEVA: Madam Chair, I think they're scheduled at 3:45.

CHAIR TURNER: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: To allow time for the presentation first.

CHAIR TURNER: Okay. Oh, I'm sorry. We have the relation -- the conflict of interest --

MS. JOHNSTON: Communities of interest.

CHAIR TURNER: -- with Mr. Dale Johnson.

Communities of Interest, right.

Okay. Thank you. I'll skip the line.

Thank you, Mr. Johnson and Mr. Bush, we're ready for your presentation at this time.

DR. JOHNSON: Thank you.

DR. BUSCH: All right. Thank you.

Doug, are you handling the PowerPoint?

DR. JOHNSON: Yes, I will share that now.

DR. BUSCH: Okay, great.
So I'll just give a brief introduction. My name is Andrew Busch and I'm the Crown Professor of government and Georgia Roberts fellow at Claremont McKenna College. I'm here in my capacity as director of the Rose Institute of State and Local Government. And joining me today is Dr. Douglas Johnson, who's president of National Demographics Corporation and also is a research affiliate of the Rose Institute. I believe that Doug is going to tell you a little bit more about himself when he gets to his part of the presentation in a few minutes. Otherwise, we have included biographies in the handouts for today, so I'll direct you to those for any further details.

We've been invited here to discuss with you the subject of communities of interest. So it is not a conflict of interest. Often there is conflict about communities of interest.

So you weren't too far off, Madam Chair on that. But we're here to talk about what are those, what are our communities of interest? How has the concept developed over time? What are some of the challenges that you may face as commissioners? And what strategies might you think about as you apply this concept in your work going forward?

In 2011, communities of interest were really the prime focus of public input. In fact, this was so much
the case that there was an abbreviation developed to make it easier to talk about them, C-O-I, or COI. There was one reporter who commented that that term was thrown around so often in the commission's deliberations that it sounded like they were in a fish market. But this is likely to be the case again. So you have to be ready. I would imagine that most of the commentary you're going to get, it will be along the lines of our first caller today who was concerned because his community was split, his city was split. Cities or pre-existing political boundaries are not the only way of conceiving a community's interest, but they are they are one way and they're quite an old -- a traditional way of looking at that.

So just to put this this subject of communities of interest in a broader historical context, I'll just mention that if you look at information that's provided by the National Conference of State Legislatures, you may have already seen this, or perhaps not, but they have a listing of six different criteria that are traditional criteria going way back, many of them, into the 1800s that have been thought of at varying times legitimate criteria for redistricting.

And I'll just read off quickly what those six were that the National Conference of State Legislatures
identified. And then I'll tell you how they fit in briefly to the picture in California. So they identified the six traditional criteria outside of the Constitutional and voting rights criteria that were added in 1960's, compactness, contiguity, adhering to pre-existing political subdivisions, preserving communities of interest, preserving the core of previous districts, and protecting incumbents.

Now, as you probably know, that last one is actually prohibited by the California State Constitution. So that one may be a traditional criteria in the country at large, at least in an unspoken kind of way, but it's not one of your criteria and in fact cannot be.

Of the others, as the first caller, Mr. Fisher pointed out, he was actually kind of reading from the Constitution, contiguity is first. But communities of interest are second. That is to say, after the obvious priorities of Constitutional requirements and federal legal requirements. So contiguity was first.

Communities of interest was second. And it's discussed in a way that actually combines a couple of the NCF's traditional standards, that is the term communities of interest, but also pre-existing political boundaries. And the third in priority, as Mr. Fisher pointed out, was compactness. So communities of interest are a crucial
criteria for you operating under the California
Constitution. But they're also a very long lasting
traditional criteria for redistricting.

Okay. So going on to the next slide, it turns out
that the history of the Rose Institute as an institute
it's intertwined really with the development of the
concept of communities of interest as it has occurred in
California. So I just want to take a quick moment to
describe the Rose Institute. It has a mission, which was
also included in your packet, but the summary of the
mission is to enhance the education of students Claremont
McKenna College, produce high quality research, and to
promote public understanding on issues of state and local
government politics, policy with an emphasis on
California.

So that's the mission of the Rose Institute. We're
an undergraduate student-led research institute at
Claremont McKenna College founded in 1973. And
initially, redistricting really was the, in a sense,
almost the sole focus of the institute. We were
something of a trailblazer in the 1970s and 80s in the
use of computer technology for redistricting.

Over time, we have expanded our areas of concern.
We do work in fiscal analysis. We have a particular
focus on the Inland Empire region. We produce a Southern
California Almanac online. We produce videos, call them our video voter series, with short videos explaining ballot initiatives. We keep a database on initiatives that have been passed around the Country. We've even been given an award for excellence in public service. We've been doing that for over a decade. I think our last recipient was Yaroslavsky from Los Angeles. So that's just a little bit about the Rose Institute.

How have we been connected with communities of interest? And how have the -- how has the idea of communities of interest developed in California? The first step really was in 1980 in the passage of Proposition 6, which was sponsored really by a coalition of the Rose Institute and the League of Women Voters. And it was really the first hint of communities of interest in the California environment, right, in a legal, formal way.

And you can see to the right the text of Proposition 8 (sic). Some of it will -- in fact, all of it will seem rather familiar because it's also been incorporated into the more recent work on this. But the key point for your purposes in terms of communities of interest would be Subsection (e) stating that the geographical integrity of any city, county, or city and county, or any geographical region shall be respected to the extent that it's
possible to do that without violating the other sections that are in the proposition. It passed. But unfortunately, it didn't really work that well.

In fact, the very next redistricting is widely judged to have been most partisan redistricting in history. Phil Burton, who was kind of the major player behind that once called the map from that redistricting "my contribution to modern art". And it wound up being overturned, thrown out by the voters in Propositions 10, 11, and 12, where basically the voters said that this is just too biased of a map despite Proposition 6. So it doesn't help that much to have the rule if the people who are making the maps aren't inclined to actually follow it.

After this, we can see more efforts at community-focused reform. There were three years in which there were propositions offered and a total of four propositions, all of which tried to get at the same issue of protecting at least some conception of communities of interest. Proposition 14 would have said no common county boundaries be crossed more than once and give you the minimized division of cities, counties, and regions. Proposition 39, also again, the Rose Institute joined with some good government groups to sponsor this. Also no crossing county boundaries more than once.
In 1990 a couple of initiatives were proposed in this vein. All of them would also have created a commission such as the one that you are now sitting on. But all of these, all four of these, wound up losing in the votes. So they didn't take effect.

The complication of the -- or complexity of this issue is summarized pretty nicely in this court case, Scott v. DOJ, which came out in 1986. You can see why -- it's been hard to get our finger on this and really, really define it well. It took many, many years to get to that point.

And just quoting from this court case, "Describing the notion of community is a stubborn problem. Cohesiveness in a community might arise from numerous sources, including geography, history, tradition, religion, race, ethnicity, economics, and every other conceivable combination of chance, circumstance, time, and place". Ultimately, however, a community is exactly what a community believes itself to be. So not an easy concept to wrap around.

Another version of this you can was part of the thinking in 1973 and in 1991. Both of those instances featured a situation where ultimately a map had to be drawn by a special master through the courts. The regular legislative process ultimately did not produce.
And so the Special Master's approach, Paul McKaskle, was to divide the State into regions, northern, southern California, coastal, and interior, and Northern California.

And he was able to do this using whole counties. And then the goal was to at least try to keep districts within their region, right, to keep from crossing regional boundaries. So that was an interesting way of thinking about this. But it was a much broader sort of conception than you all probably will be exposed to through this process.

Also, the Rose Institute, you may not be able to see the whole slide -- I don't know if I can move this. Maybe -- there. So recently the Rose Institute actually did an analysis also of districting issues and put counties into several regions, more than three. You can see. Most counties fit pretty neatly into a region, although there were a few swing counties that could plausibly be considered part of more than one region.

Okay? Finally, then there wound up being greater success at the ballot box in 2008. Proposition 11 passed, which created this Commission and tasked it with the job of drawing districts particularly for State legislative, State assembly, and State Senate districts. And this was the result of a large coalition organized by...
Kathay Feng as Executive Director of Common Cause. The Rose Institute was part of it. There were many others. There was major support from Governor Schwarzenegger. And there was a kind of agreement reached -- coalition that kind of reached agreement also with Nancy Pelosi to be sort of neutral in this process in the debate over this.

So it wound up passing narrowly in 2010. Congressional redistricting was added to this. And this is where you get the language that Mr. Fisher was quoting from and that you can find in Article 21 of the Constitution. And the key point here is that the geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division, to the extent possible, without violating requirements of the preceding subdivisions, which were basically the Constitution as interpreted by the Supreme Court, federal voting rights laws, and contiguity.

And then it goes on to say, "Community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation". Then it goes on to give some examples of shared interests, possibly common to an urban area,
rural area, industrial area, or an agricultural area. Those common to areas in which people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media communication relevant to the election process.

Communities of interest also are defined negatively, by the California Constitution now. They shall not include -- the conception of them shall not include relationships with political parties, incumbents, or political candidates. So those things you have to kind of set off to the side and not consider. But there are a good set of at least examples of the types of things that would constitute a community of interest.

Okay? So that's a kind of introduction to the topic. And I'm going to hand things off to Dr. Johnson, who will continue in some greater depth.

DR. JOHNSON: Thank you, Professor Busch.

And thank you to the commissioners for having us. It's a pleasure and an honor to be speaking to you today. As Professor Bush mentioned, I'm a research affiliate with the Rose Institute. My connection is to -- actually goes back as an undergraduate. I worked at the Institute and was actually student manager back in the time of the 1991 redistricting, so it's a place that I've spent a lot
of time in and it's close to my heart.

I would add, just for your information, on the consulting side, outside of the Institute work, I've done contract work with over 200 California cities and school districts and special districts and counties helping them draw their lines. And I was also the tango consultant to the Arizona 2001 Commission, which takes great pride in pointing out it's the only independent commission so far that came up with a unanimous vote in approval of their congressional map.

And that map, then, immediately increased the number of Latinos in office in Arizona. And it performed perfectly over the course of the decade, as we had Republican and Democratic surges, the seats moved from Republicans to Democrat. So in the benefit of hindsight, it worked out very well. And most of all, it was the only commission to be unanimous. So we're always proud of that work.

And in that communities of interest, as I'm sure will be with you, was a huge topic. And as you somewhat heard in the definitions earlier in the legal language, there are many ways to define a community of interest. It could be, as the caller pointed out, legal boundaries, meaning cities, counties, other legal entities. It could also be other official boundaries, as we'll talk about in
a moment.

A lot of cities have already defined neighborhoods in their boundaries. Of course, as you just heard from the definition, there's lots of data that can be used. And this has come a long ways from ten years ago. So there's -- there's a great deal of data that's very easily reviewed and access, and I'll talk about that.

And then, of course, testimony. The testimony from the residents. As that Scott v. DOJ case pointed out, ultimately the definition of a neighborhood, it was -- is whatever the people in that neighborhood say is a neighborhood.

But we had a fascinating project a couple years ago by the LA Times. They went around LA and they asked people, what is your neighborhood and what are the boundaries of it? And they drew these maps that highlighted in the inner part. 95 percent of people all highlighted, for example, West Adams as a neighborhood. And they -- ninety-five percent of respondents said this area was in West Adams. And then, fifty percent of people in the lar -- a larger circle as being, for example, West Adams. And then, ten percent of people had -- had each neighborhood going out as far as this, and it was a fascinating look at how people with very legitimate claims to being residents and -- and experts
on their neighborhood could disagree about the -- exactly where those borders fall.

And that really is going to be your job, is taking all this testimony and figuring out which makes the most sense and how do you balance the different pieces of testimony against each other. And hopefully, this presentation will -- will give you some tools and guidance on how to do that.

As I just mentioned, the definitions can vary, and they can vary for very important policy driven reasons. Keep in mind that ultimately communities of interest that we're focused on for election bodies -- or elected bodies are most important for the issues that those elected bodies rule on. For example, when we were in Arizona, Arizona water rules are set very much by the state -- by the State Legislature. And so for the Legislative map, water was a top issue.

And you can see on the right -- this is a county called Yavapai County. And the red area circled is Verde Valley. Some people may have visited it. It's a big tourist area just west of Sonoma. And then -- but the county population is dominated by Prescott. That's where well over half the people live in the City of Prescott and Prescott Valley. And so they have all the power. When the county is one district, the Legislature is going
to have to follow the goals of Prescott and Prescott Valley.

And so Verde Valley identified themselves as a community that wanted a different representative. So two -- they identified themselves on the issue of water as a very separate community, even though they're in the same county.

On the same note, in Arizona -- and I'll come back to this in a little bit -- there are really big tribal reservations. The Navajo have a hundred thousand people in their reservation in Arizona alone. There are many other reservations with hundreds and thousands of residents in there. Tribal issues tend to be congressional, not driven by the Legislature. And so they were much more interested in the congressional map.

Same thing at a much smaller level. When we're working with school districts, school attendance zones tend to be the issue that everyone talks about and how those should be drawn up into election areas. But when you get up to the city council or even the county and state levels, those attendance zones become much less of an issue because they're really focused on school board specific issues.

So the definitions and the relevance to your decisions can vary depending on which map you're talking
There's also a big challenge, even when you have agreement on communities of how do we put these communities together into districts. The key thing to keep in your mind is the communities of interest you're looking for are really building blocks. You're going to take all these different building blocks and stack them into a set of different districts.

So for example, up in northern LA County, we have the Cities of Lancaster and Palmdale. You can see them here. They're both oddly shaped, which we'll talk about later. But they're kind of off by their own. They're in what's called the Antelope Valley. And so the question becomes, how do we draw districts around here? We can obviously look at the city borders, but then what do we do with the vacant space around here?

Ten years ago they really just left it up to testimony, and that led to hundreds of people coming in to try to guide that. But nowadays, we have much easier access to a lot more data. For example, as you may know, every county in California has what's called LAFCO, the Local Agency Formation Commission. It's responsible for approving annexations. Most of what they do is actually sewer related and things like that. But one of their jobs is to identify both incorporated cities and what's
called a sphere of influence. So this -- in reality in California, every city has both its incorporated area and an official LAFCO defined sphere of influence where the city is actually responsible for most planning decisions.

So with that data, we can start to fill in this puzzle. Put more building blocks together. You can see the City of Lancaster, and then the blue areas, its sphere of influence. You can see the City of Palmdale and the light green areas, its sphere of influence. So suddenly you're getting more building blocks to work with.

And then, we have more data from the Census Bureau, again, getting back to the unofficial neighborhoods. The Census Bureau goes out in the -- in the unincorporated areas and tries to identify what they call census designated places. You'll hear this -- kind of like communities of interest become COI, census designated places will become CDPs because people refer to them very often. And the Census Bureau tabulates population numbers and all that for each of these areas, and they're really looking to identify on a very rough unofficial basis your unincorporated neighborhoods and your unincorporated communities.

So that, again, gives you a lot more building blocks and pieces that you can use if you pull all this data
together and -- and look at as essentially picking up
your Legos that you're going to build into a nice
construction of districts. But you have all these pieces
to help you work even before you start getting testimony.

These things also help when you get testimony. One
of the biggest challenges in my job when I go to
different jurisdictions is people will say, I live in the
Maple Park neighborhood. Well, you know, where exactly
is that Maple Park neighborhood? You know, you can ask.
Some people may disagree, as I talked about with the LA
Times project, but there are sources for data that can
help you identify that. So in the rural areas or the
unincorporated areas, you have your spheres of influence
and your census studies and census designated places.

The other big advantage you have over ten years
ago -- oops, I skipped a slide -- is that almost every
midsize and large city in California has now semi-
officially or official recognized neighborhoods. Some of
these are legal entities for business improvement
districts. Master plan communities, those kinds of
special planning zones. Others are unofficial.

You can see this map on -- that San Francisco has
provided. They went through a big community outreach
process of identifying and -- and agreeing on where these
borders made the most sense. And so these will be --
help you as you go into the cities, that as you realize, 
many cities are so large they have to be divided, you 
don't have to go in blind and randomly draw those lines. 
You can follow already identified communities in each of 
these cities and -- and use that as a base to -- to check 
your community testimony with and to fill in areas where 
you don't have community testimony. 

LA -- the City of LA has also done this, but of 
course, as we'll talk about later on, the City of LA's 
map does not match the LA Times map for the City of LA. 
So it -- it does provide challenges and -- and 
opportunities for you. And now we're seeing more and 
more of these. 

Most of you are probably familiar with Nextdoor, the 
neighborhood discussions. They actually have mapped out 
every urban area in -- in California. I think in the 
whole country now. Neighborhood by neighborhood. You 
can actually get that Nextdoor map and overlay that to 
give you more building blocks you can look at. 

And keep in mind, these maps are -- and these data 
are fantastic resources. And there are things that you 
can use to check with public testimony. So obviously, 
these unofficial maps, people are going to agree with 
them and people are going to disagree with them. They'll 
say, no, no, our border goes over one more block, or that
kind of thing. But this gives you a way to focus the
testimony and -- and to give you real blocks that you can
work from and to check their testimony.

There's also, as -- as Professor Busch is
mentioning, your much larger regions. These are what
the -- the Special Masters in 1973 and 1991 focused on.
We're saying, let's make this easier for people. Let's
break the state up into regions. And then people really
only have to focus on their own region. You know,
someone in San Joaquin County may not want to deal with
trying to draw a map in San Diego. Well, if you can tell
them, our region is this, then they can just focus on
drawing the maps in that region, knowing that the rest of
the state will be dealt with the residents from other
areas.

There are lots of options related to these maps.
You saw the description from the Special Masters or how
they did it. You also saw from Professor Busch that Rose
Institute regional map that we used for our redistricting
related analysis. Here's a map of an agricultural
regions map that may be useful. So you have lots of
different resources that you can use.

And you'll probably need to put multiple resources
together before you can figure out which regions actually
can be self-contained on a population basis. Because
that was the beauty for the Special Masters. Because even at the congressional level, where you have essentially no population variance to play with, they could stop at a county border and divide the state into two halves and still hit that perfect population balance in each half.

But as -- as noted on the left here, you can see there -- there are rural versus urban areas. There's agricultural regions, coastal communities, transportation corridors. You know, job to residential connections. This is the big thing in -- in particular in San Joaquin County, it historically has been Central Valley and agricultural. Well, now a huge portion of San Joaquin's population is actually commuters, who drive into the Bay area. So that job residential connection is becoming more and more extensive in California.

And the media markets. This is something that actually had been studied very little in the redistricting world until 2001. 2001, you may recall, was the ultimate incumbent protection gerrymander in California. In fifty-three congressional districts, five election cycles, only one incumbent lost. Out of 265 elections, only one incumbent lost, and a big piece of that was, number 1, it was bipartisan, so all the incumbents on both parties got to protect themselves.
And number 2, they intentionally stretched districts out of media markets.

If you think of the poor LA Times, trying to cover congressional elections. Well, they naturally have seventeen congressional districts in the county, and then when you stretch out these seats, they ended up with over twenty districts. There was just no way for the media to cover those races, which meant the only thing people heard from was mail and TV. And the incumbents always have an advantage when you take the -- take the media out of being able to -- to provide information to the voters. So these are all things you can consider as you're looking at your regions and looking at communities.

But you have to be careful too. Maps can be deceiving. And -- and so this is where your geographic diversity and you're getting input from residents play in. If you look at the top map, this is out in Riverside County. You may notice Palm Springs there in the middle, and then over to the west of it is Hemet, and down a little bit is Idyllwild. These all look like fairly close together areas, but you have to keep in mind the reality on the ground, which is the map below. This is a topographical map of the same area. So you can see Palm Springs and -- and the road pattern in Palm Springs. And then you can see Hemet, hopefully, over to the west. And
in between you see this big mountain range, where
Idyllwild is up in the -- in the tops of the mountains.
My -- my kids' school went on a bus trip to Idyllwild,
and they all had to have antinausea medicine because the
drive up to Idyllwild is such a curvy, crazy mountain
road. And so this reality is vital, as you -- as you
gather your data and put it in the sense.

Hemet, Moreno Valley, San Jacinto, those areas to
the west of the mountains are clearly one geographic
community. Palm Springs and the Coachella Valley are
clearly another. And as Professor Busch mentioned
earlier about the swing counties, Idyllwild is really a
swing community. It -- it's kind of isolated from either
side, which means you can put it in whichever district
you need to on either side. It fits into both sides
equally though.

So always keep in mind when you look at maps that
you see on a screen, like a dot map, does this map
reflect reality, or is it deceiving because it's missing,
you know, a giant mountain range? So that's kind of a
factual data thing you can keep in mind.

And then there are simply policy decisions. There's
no right or wrong answer about these things. But for
example, I -- I've got examples here of the Central
Valley. But this is true everywhere. Is the Central
Valley all one region? Is it a north and south two regions? Is it more? You can see maps here from different sources, agricultural sources, water sources. The watershed in the bottom right, it's all one giant consideration. But then they also break it down by the north and south San Joaquin Rivers, other factors. So this becomes a key question as you're looking at region by region. And it also lets you define the big region, that someone as a Special Masters did, and then give you ways to break that down as you look at in drawing individual districts. But you'll find this in -- in the Central Valley. You find it as the Special Masters noted up north. Is far north California one region, or is the coast one region and the inland area a separate region? These are the policy challenges you'll face. And again, there's no right or wrong decision. You may come to consensus on how to approach it. And you know, for example, hold a vote. Or you can kind of say, well, these are -- for example, up north, it could be one -- it could be valid to keep the whole far north together, or to divide it. And then you just wait and see what fits in best with the rest of the map. So you don't always have to make absolute decisions -- and Profession Busch will come back to this later on -- area by area, because keep in mind, every decision you make will ripple through
the map.

And again, there's lots and lots of data. I've shown you kind of geographic data and neighborhood data. Of course, there is a ton of socioeconomic data you can rely on. We intentionally are not getting into the Voting Rights Act in this presentation. You've got another presentation. You've got another presentation on that, I believe. But of course, data and the community definitions is vital to your Voting Rights Act analysis.

But it's also useful in other respects, even when you're not complying with the requirement of the Voting Rights Act. For example, in San Diego, you get an interesting split of heavily Latino neighborhoods. The map in the top right where it shows naturalized rates -- naturalization rates. Some neighborhoods in -- in the cities in northern San Diego County are, you know, longtime Latino neighborhoods. Going back to, you know, Spanish and Mexican days. Everyone there is a citizen. Other neighborhoods are more heavily immigrant areas. So you can really look at the differences, and naturalization rates are one way of showing you the differences in those communities because they reflect longstanding policies, housing decisions, and things like that, that may or may not be a factor that you want to consider as you're drawing lines in that area.
But you can see, there's Vista, there's San Marcos, there's Escondido. Each one of these cities has a heavily Latino traditional neighborhood, where almost everyone is citizens, or where people have become citizens, moved up the economic ladder and moved into those areas. And each one of these cities also has the blue areas you see that are much more recent arrivals, folks that have not been here long enough to be naturalized and to go through the citizenship process. So that's one pool of data.

And you can get all kinds of data. You can get language spoken at home. You can get education levels. You can have a percentage of children in households. This becomes big in schools for us when school districts are always worried about a trustee being elected from an area that, for example, is a senior retirement community. Where the people don't have any kids. And so the -- the school board's always worried that they may not be supportive of funding efforts and things like that.

So all kinds of data is available. Very easily available. And we make use of it with our, you know, smallest school districts. So obviously, you will have it and make use of it in working with the state.

Another example is -- on the left here, which is the Santa Clara, Sunnyvale, northern Santa Clara County area,
and I drew in that blue line, which is roughly the 101 Freeway, and you can really see with the yellow and red and green areas clustered around that blue line how the -- the renters are clustered along the freeway. And it really gives you a sense of community -- of community of interest, which is here's the renters on both sides of the freeway.

So maybe you want to use the freeway. It's a nice clear district border, or maybe you don't because both sides of the freeway may be a community of interest. And this is, again, one of those places where there's no right or wrong answer. This is where you have data that you can then show to the community and get feedback in the testimony on what the -- what the people live there think makes sense for them.

Then we get to the issue of splits. Inevitably, because the population requirements are so strict, and because some cities are just so big, you will have to make splits. And oftentimes we kind of get myopic on this, and we miss the big picture. So obviously, no division under the law is better than a split. But keep in mind that even if you have to split it, one split is better than two, two is better than three, and so on. So even if you do have to split something, either because it's so big, or because of your decisions elsewhere, it's
still a good goal to minimize those splits.

This is actually a failing. You'll hear a lot, I'm sure, about automated redistricting and computerized redistricting. This has become big in -- in lawsuits in the last two years. And almost all of those programs have a failing in them, which is they count how many splits are -- how many cities or counties are split, but then they don't care how many splits they are, because that's a whole 'nother level of very complicated programming.

So the programs, once they -- once they split a city once, they'll go in and split it a hundred times, because by the report the program kicks out, it's just a split city. The reports almost never report out, oh, it's been split a hundred times. And -- and computers, of course, only do yes/no. They -- they don't kind of put in value judgments of, wait, a hundred times of splitting a midsize city doesn't make any sense. So it's something to be careful of when -- when you hear about those programs, is ask how they handle that.

And just a pure idea, something to start your mind thinking, not a solid concrete suggestion, but you can almost score maps like golf scores. Where, you know, every unnecessary city or neighborhood split or county split would count as one or two, if it does -- if the
city doesn't actually split at all, well, the best is to keep it together. So splitting it once would count for two points, and then each additional split would add one more to your score, with the lowest score being preferred. That kind of thing is something you can use to compare maps, especially now, because with the technology now, you're going to get so many maps from the public. That really wasn't an issue ten years ago. They really didn't get a large number of maps. I think they ended up having really five or six substantive real statewide maps from the public. You're likely to get hundreds because the technology is so prevailing. So you may need some quick way of scoring them and looking at outliers. It just makes sense and can easily pass on. And you want to provide incentives to the public to try to minimize that.

So that's one idea, but it's important to think about -- obviously, under the law, your -- the law talks about local communities. As a policy goal, generally, you also want to look at larger communities, and the goal is to minimize their splits in -- in all your maps.

So that's pretty straightforward, you know, background information on how these things work. Not a lot of controversy in there.

So why ten years ago did we end up with 4,000 people
talking to the commission? It's because nothing is easy in this process. And -- so to set the stage for going into some of the what causes trouble, let me just wrap up with saying, you've got your -- your requirements. You've got a lot of data on neighborhoods and things like that you can draw in. And keep in mind that it's also important, the last point here, to have areas that aren't defined. You want to keep your flexibility in how you finish your map. So if you have very clear goals, say in the Inland Empire, and you have very clear goals in LA and Bakersfield, you need some more flexible area in the middle to bring those things together.

The map in the bottom right here is a -- a current California State Senate district that is the ultimate leftover district. They didn't have -- they didn't maintain that flexibility, and they didn't really go back. One thing they did though that -- that we'll talk about later is they trapped themselves and they didn't have time to go back and fix these things. But you can see Rancho Cucamonga there in -- in the left-hand side. And then the connection from Rancho Cucamonga to San Bernardino, you can only travel that territory with repelling gear. You know, there are forestry roads that you might be able to hike with a mule, but you can't get there from here. And this was exactly what we wanted to
avoid with Prop 11, and as you recall I earlier mentioned, is this kind of separate going Rancho Cucamonga, up through the mountains of San Bernardino, and then wrapping around and getting Menifee, you know. It -- it's kind of wacky.

Now, the -- the reason this happened was very good intentions. There was a focus on the Latino communities in Pomona, San Bernardino and those areas, but they trapped themselves at the end of the process and didn't have time to come back and clean up any of these second level concerns, like this map.

So communities -- it's important to define communities and not split them, but don't worry about covering the whole map. You need some areas of flexibility where you don't have input and testimony to finish up your map.

So getting into the tough decisions. Why did Cory become the ultimate debate? First of all, we have some really weird looking cities in the state. You have at the top Bakersfield. On the left is Los Angeles. On the right is San Diego. You know, lots of reasons for annexations over history. Lots of reasons for -- you know, somewhat shadier reasons for bypassing neighborhoods as cities grew. But keep in mind that as Justice O'Connor wrote long ago at the U.S. Supreme
Court, compactness and pretty maps are a goal and a ugly map is not a problem in itself, it's a flag. If something looks ugly, you have to ask why does that look ugly? And zoom in and say, why is a line there? If a -- if a line follows one of these city borders, well, it's going to be ugly but it's a good map. It's -- it's keeping a community of interest together. And so keep in mind that communities and the people matter more than a pretty map.

You'll also get testimony conflicts, or you'll get two groups that just absolutely disagree. I'm going to give you a non-California example that avoid getting pulled into any California debates, but in 2001, the Navajo Reservation, which is roughly the area with the black dashes up in the northeastern part of Arizona, all Navajo wanted their whole area and as many reservations as possible in one congressional district. The Hopi, who are actually that top right area with the 2 in the middle, they're completely surrounded by the Navajo, and historically the two have not gotten along. And the Hopi were -- are only 6,000, and as I mentioned earlier, the Navajo are 100,000. So the Hopi were afraid that if they were in the same district, the member of Congress would only listen to the Navajo, because they outnumber them 15 to 1. And they really needed a representative. And so
at every hearing the commission held in Arizona, there was a representative of the Hopi and a representative of the Navajo debating their different points.

And ultimately, the commission decided to separate them, and this is kind of a classic district. That District 2, it's following the Colorado River, which looks really ugly, but again, it's about the people. The goal was not to put Navajo residents into the Hopi district. If that was a cleaner connection, you would have ended up picking up Navajo communities and burying them in the Hopi nominated seat. So that was the way that the river was chosen as a geographic legal contiguous connection that would avoid combining two communities and -- that did not want to be combined.

The -- the commission actually, as a side note, argued quite a bit, and went both ways. They had a -- they really didn't look -- like the look of this, but near the end of the process, the Navajo held a -- an annual peace rally, where they kind of get together around a peace tree and -- and hold a big weekend long celebration. And on the last day of the -- of the celebration, the Hopi noticed that the tree was actually in their reservation, and so they showed up on the last day of the celebration with a bulldozer and knocked the peace tree over.
So the Commission took that as a sign that yeah, these two groups really don't get along and need to be in separate districts. Oh, interestingly, in 2011, the two groups had learned to work together much better and they actually asked to be in the same district in the next decade. So that's one example of the types of very difficult choices you will face that are very, you know, there's no right answer there.

You'll also hear a lot about conflicts between city borders and other clear boundaries and the reality on the ground. The famous one in California is the Little Saigon. So down in Orange County you've got three cities that come together -- really four now, that come together that have very distinct city borders and city boundaries that everyone's aware of, but Little Saigon crosses across all of them. You can see in this map the red and yellow areas are sixty-five percent Asian American, almost entirely Vietnamese, or higher. And so this community, every decade has come in and said real legitimately, we are a community of interest, please keep us together.

Now, especially the State Senate and Congressional level, you can do both. You can keep all Little Saigon together in one district and put the rest of Westminster and the west of Garden Grove together. As this community
has spread into Santa Ana, that becomes much harder
because Santa Ana's really big, and is definitely a,
other than at several of the Asian American west end, the
rest of it is a very heavily Latino. So it may not make
sense to put all of Santa Ana in there. But at some
levels of geography you can accomplish both goals, but
when you get down the Assembly level and smaller levels,
it's much harder, you have to choose in keeping Little
Saigon together versus keeping each one of these three
cities together.

Where it is a protected class on occasion,
Americans, you'll hear a lot about the Voting Rights Act
and that dictates how you should make those decisions,
but you'll get similar challenges and similar things that
don't have Voting Rights Act direction and you'll have to
choose between each approach. And you'll hear very
strong arguments on both sides.

We just drew city council districts down in El Cajon
down in San Diego County, and this highlights a whole
other challenge, which is California's new, relatively
new and rapidly growing middle eastern community. For
those that don't know, El Cajon is a traditionally very
conservative jurisdiction, heavily white and
historically, but it's been kind of a fascinating social
experience as they really embraced different groups of
middle easterners over the years, mainly from Iraq, but now spreading a lot from Syria as well. But for various reasons of housing availability and all that, you can see the blue areas, that's where the middle easterners have largely settled. A lot of it's in the city, a lot of it is out of the city, and so this is another challenge.

In city council districting, the ones on the outside of the city were very regretful that they couldn't vote in city council districts, but really wanted to be involved. When you're dealing with the Assembly, you can take this because that's an unincorporated area. You can say El Cajon goes together in one seat and then add-in, where you're looking at, how do we finish that Assembly District. You can add in that neighborhood because of the clear community connection.

And I'll talk a lot about data, but this highlights one of the problems with data. Middle Easterners, among other groups, are not identified well by the Census Bureau. They are actually considered white. In the Glendale, Los Angeles, area, you also get this with Armenians who are considered white by the Census Bureau. And I have to credit the then city manager of El Cajon, who was pouring through all the data we had provided on renters and age and children and things like that trying to find a way to geographically identify it. And he
spotted it and reviews this repeatedly ever since in
many, many projects. It's the other language spoken at
home. The data you get from the Bureau is English spoken
homes, Spanish-spoken home, Asian language is spoken at
home and other. And the nice thing is in one community,
the other is Russians, in the other is Middle Easterners
that's speaking Arabic, but that gives you an imprecise
but very useful data point. So sometimes you have to
hunt for your data, but it is there.

Then you'll get into -- this was a hot one if you
followed ten years ago, tradition versus recent trends.
In Los Angeles, historically, there have been three
historically black congressional districts. They've been
represented by blacks or African Americans since the 70s.
And this was a hot debate. It actually -- one observer
actually commented on his employer account in 2011,
"There is no crying in redistricting," because this issue
was passionate that actually commissioners and members of
the public were crying in the hearing as they testified
on this.

But the question was these three districts.
Obviously, LA is becoming more and more Latino. The
African American representatives had been successfully
winning these seats because even when they were only
thirty percent, thirty-five percent African American, and
the districts were slowly moving west as more and more
Latinos were in the central part of LA in '81 and then
'91, and 2001, the districts moved west to keep those
three historic traditional districts in place.

And so in 2011, they agreed to that, but it's noted
on the sign in 2016, the tradition was offended as a
Latina, House Member Barragan won District 44. And so
now coming in, you'll be facing this question of,
historically there have been three African American
districts. Currently, there are only two African
American representatives. So do you solidify those two
districts, perhaps move them a little more east and pick
up those African American neighborhoods that are in 44,
or do you consider 44 a competitive seat, either a Latino
or an African American could win and keep it more or
less as it is or as close to as is as you can.

You'll get testimony both ways, and you'll get a lot
of voting rights, active legal advice on this issue, too.
But ultimately, this is going to be a policy choice that
you'll have to make. It'll be a very hard one. Again,
there's no right or wrong answer here, but it's a very
tough choice here, tough spot you're in.

Then there's a lot of information here, I won't go
through all of it, but a big question will be the
existing maps. What do you do with them? The old
Commission drew them because they were following communities of interest. Does that make those districts communities of interest, or are you going to start from scratch?

Now, at the Congressional level, we're almost certainly going to lose at least one, and probably there's a very good chance we'll lose two Congressional seats, which means more or less starting from scratch, because it's really hard to just drop one map out, one district out and adjust the others. You're largely going to have to start from scratch if the number of Congressional districts change.

For Assembly and State Senate districts, it's going to be tough for you to wrestle with input, and this is a key part where you have to be careful because the incumbents are going to have their friends come and talk about how these seats are communities.

So one of the tough challenges for the fourteen of you is to figure out who is really talking as an individual, because they are a local voter organizer who's worked in this area for the last ten years and has networks in that district as a local activist. That makes senses to community. And who is just, you know, elected -- all elected officials, all levels like the districts that they won before because they won before.
So they're going to try to preserve those, and that's going to be a tough challenge for you to answer those questions and decide, are you going to use the old maps as a guide, or are you going to start from scratch? One thought at the bottom here, you could work from both paths. As you go through this process, you could ask questions on how to the two-draft map's going. And there's nothing that says you have to come to just one drop map. You could certainly work both paths and see where they end up.

And then we get extended communities. This is really the swing county's idea. And again, Imperial County is a good example down in the southern end, it's heavily Latino, but so is much of San Diego and much of the Coachella Valley, so it could go north or it could go west. It's uniquely agricultural, so that doesn't really tie it to either side. And it has major transportation and corridors both, north and west. So this is one of the swing areas that maybe you keep, you know.

You'll hear testimony, probably hear testimony from both ways, and this maybe one of the swing areas that you're talking about; an example, how you make your final map. It's figuring out what you want and think it makes sense in San Diego and what makes sense in Riverside, and then see which way Imperial fills out best there. Last
time they actually did it both ways. In the Congressional map and the Senate map, Imperial County went west, and in the Assembly map, it went north. As you probably guessed from that comment, ten years ago, they largely abandoned nesting as an idea, and so they just drew each map independently. And they actually intentionally chose to mix Imperial County in order to make both groups out here, those that want to go north and those that want to go west.

But again, as I mentioned a moment ago, you have to be careful. In campaigns, they call it AstroTurf, fake grass roots efforts that aren't real voters, they're just a lot of mail coming in. You'll get that as well in your testimony. If you read back some of the press from ProPublica and Maverick Short and Paul Mitchell did an interesting couple of interviews and articles about how their clients tricked the last Commission into getting things they wanted.

And that's the biggest challenge of a Commissioner is you're all here because you're dedicated to hearing public input, and you're dedicated to public testimony. So sorting through what's real and what's not and what's AstroTurf is going to be a huge challenge for you. And it can be tough. On the right, I'll cite the Arizona example, we had a -- in the Arizona State Legislature,
there was one district that elected an African American,
and the incumbent actually moved to the very edge of her
district, which was heavily white, just that's where she
wanted her kids to go to school and that's where they
liked the house. And when we redrew the map based on
communities, that area was out. So we had over a hundred
people come to the hearings led by pastors, you know,
local activists, very legitimate community leaders
saying, hey, in this African American district, can you
reach over here and include this white neighborhood? And
it was pretty clear what was going on, but these were
legitimate community leaders, there was no doubt about
that, testifying on what they considered community of
interest despite, you know, the subtext that everyone was
aware of. And it's tough, you know, for you to have to
balance these different requirements and to call them out
or at least vote no when you get those requests. It's
just a tough situation to put you in.

And then nesting, this is the last thing before I
hand it to Professor Busch to wrap up. Nesting is how
you're putting two Assembly seats to make each Senate
seat and then ten Senate seats to make each board of
equalization seat. It helps you unite communities. It
helps residents gets organized, because once they're
organized and active and in Assembly race, they can just
take that group and move right into being active and organize in the State Senate race. They don't find that group divided in half when they try to go get involved in the State Senate election. It brings those Legislators together working on local issues, because two Assembly members and one Senator clearly are the spokespeople for that area.

And traditionally, it was opposed because State Senators feared correctly that it would need the competition for their seats, because if there were two Assembly seats making up a Senate seat, each Assembly member already knew half the voters in the seat and could run against the State Senator. The senators always preferred for there to be five Assembly seats. So that each Assembly member only knew twenty percent of the voters.

But thankfully for your purposes, this is not really an issue anymore. California's term limit laws let people spend their whole term in the Assembly arena seat Senate, so people rarely move from one body to the other anymore. So you get less of that hidden opposition in nesting.

There is a legitimate concern about that would come from the Voting Rights Act groups about nesting. Their fear is you might be able to draw a State Senate seat
that is majority Latino or majority whatever group, and
not two Assembly seats. But the way you can address that
is by changing what you focus on in each area. Those
groups will bring those maps to you, and in one region
you might draw the Senate seat first and in another
region you might draw the Assembly seats first. That
takes obviously some ten goal work to bring those maps
together, but it is a way to preserve nesting while
addressing those concerns. So it is possible. Though,
without a doubt, it's tough, and it does reinforce the
need to get to your maps quickly and not spend too much
time in the initial hearings. And ten years ago, they
largely abandoned nesting, as I mentioned. So it is
something you don't have to do, but for those reasons, I
do want it to be in your mind and thinking about it.

And with that, I will hand back to Professor Busch
to wrap up, and look forward to your questions in
discussion.

DR. BUSCH: Great. Well, thank you, Dr. Johnson.
So I'm just going to make a few points in summary, and
then we'll see what sorts of questions you all have.

First of all, just to summarize the details of
Proposition 11, it requires that the geographic integrity
of any city, county, city and county local neighborhood
or local community of interest shall be respected in a
manner that minimizes their division to the extent possible. Neighborhoods and other small communities of interest should be kept hold.

The Commission has to decide whether larger communities, like regions or agricultural areas benefit from being united or invited. But just keep in mind that whatever you do, whatever decision you make does a ripple through the map. It has effects on many other districts and decisions that you have to make.

Second, data cannot defend itself. Well, what do we mean by this? You're going to have a lot of data at your disposal, but in order for it to help you in your work, you have to make a commitment to using it. And especially, you need to be willing to use it to review and confirm public claims that might be made in testimony.

So you're going to get lots of testimony, sometimes it's going to conflict, right, so you need to be able and willing to use the data to sort all of that out, and sometimes it might even not conflict, but you still should use some data to confirm what you're being told, because sometimes there are different ways of looking at communities of interest in a particular area, but maybe only, you know, the advocates of one of those actually come out to talk to you. So even if someone is making a
claim in testimony that doesn't, you know, seem to be
opposed by anybody else in testimony, you still need to
kind of confirm it and make sure that they're not off
base.

To get the best kind of public review, what we would
argue is to make sure that you get some draft maps out
there, and hopefully multiple times because it does wind
up being the case that the people who provide you the
best most useful sort of commentary, if there's actually
a draft map already there for them to respond to. Right?

One possible way of approaching your task would be
to focus on communities to find by city borders, county
borders and being a fist and then revise, you know, make
your revisions based on this sort of testimony that you
get.

A kind of side point is to make sure that you're
getting data from multiple sources as well, that the
Commission is designed to have offsetting opinions among
its members. Traditionally, Republican and Democratic
lawyers are hired by balanced, and just remember that
demographers, data analysts, have their own personal
opinions. They, you know, maybe trying really hard to be
unbiased, but they may have biases kind of underneath it
all that are affecting their analysis. So to the extent
that you can, you know, try to get data and analysis from
a variety of sources as well.

Third, avoid group think. Live meetings are good for some purposes and not as good for other. They're not a good time to actually trying to draw maps in the live meeting, partly because as Doug and I both mentioned a few times, the mapping does have ripple effects, right, and sometimes you might wind up in a rush, you know, making a critical mapping decision on the spot that you haven't had a chance to really think through all the way or you haven't really thought through all the implications of it, and it winds up having a big effects on other districts.

Just to give one example, the last time around, there was big group of people who came to make the case for keeping Santa Cruz completely united in a district, and the Commission put them on the spot, more or less, decided to do that. They were very happy to accommodate these people who had come to the meeting. Well, it turned out that by doing that, it actually required Menlo Park and Gilroy to be split, and you know, heard in ways that they didn't anticipate, they didn't see this coming, so they didn't have anybody at this meeting. Right, and so that was kind of a mistake.

So if you feel like there's a kind of herd mentality developing on some quick mapping decision, give
yourselves a little bit of time and take a step back and
you know, make sure that you understand all the
implications of it.

Finally, you know, in respect to this point, is to
reemphasize the more drafts we give people to look at,
the better the feedback is going to be, more useful it's
going to be.

Big picture, county, cities, neighborhoods,
communities of interest, they're all building blocks.
Your job is to put these blocks together into a set of
four maps, and every block that you move shakes the whole
map.

So here's one example that -- another example of
that. In 2011, there was a dispute over whether to
consider crossing the Golden Gate Bridge with a district,
and the Commission voted not to do that, they decided no,
we're not going to cross the Golden Gate Bridge. That
decision had the effect of locking in the map for the
entire central valley, and so you know, just be aware,
none of the decisions you make can be thought of in
isolation from the others. You're drawing an overall
maps four times and each piece affects the others.

Final thought, we've emphasized the importance of
using data to help develop your options to make sure you
test people's comments for their legitimacy and so on,
but legitimate resident's testimony is still crucial.

Remember, if you think about the goal of Proposition 11, it was to empower residents of communities to California and that's all of them to the extent that's possible.

So you know, there are some people who are going to be able to afford to higher lobbyists or they're going to be able to follow the Commission around for meeting to meeting for months on end. And of course, you need to listen to those folks, but make sure they're not the only ones you're listening to.

You're going to hear comments at the end, but comments at the beginning are also important. Don't let those be completely overwhelmed by whatever is said later. And the hearings are important, but it's also important to give yourself some time to think about things and also time for the public to review your work and get ready for the next hearing.

So that's what we have by way of a presentation. And we'll just be happy to open things up to any questions that you might have.

CHAIR TURNER: Thank you, Professor Busch and Dr. Johnson, really good presentation. I appreciate it.

Are there -- we're going to open up for Commissioners at this point if you have any questions or comments?
COMMISSIONER VAZQUEZ: Madam Chair?
CHAIR TURNER: Yes.
MS. JOHNSTON: Christian, can you take down the -- thank you.
CHAIR TURNER: Oh, there we go. There we go. Now, I can see who is it, that's Commissioner Vasquez?
COMMISSIONER VAZQUEZ: Yes, hi. Hi. Thank you, gentlemen, for such a great presentation. I'm actually a CMC Alumni, very familiar with the Rose Institute's work.
I had a clarifying question on one of your earlier slides you talked about, full matriculation patterns that, from my own understanding, there's nothing prohibiting us from considering those patterns, correct, it was -- I just think -- I do you think the school feeder patterns do support the finding of community, mostly relationships between parents and students are many times communities that bring up around high school, middle, elementary feeder patterns, so just, there's nothing prohibiting us from considering those, it's just not something required. Is that what I understand about that point?
DR. JOHNSON: Yeah, that's correct. You can certainly define those yourselves as a community of interest, because as you mentioned, yes, traditionally people get involved in politics first at their local
school, and then they get involved in cities and counties and things like that, so it definitely makes sense, and that certainly is one definition of how a community might identify itself.

COMMISSIONER VAZQUEZ: Thank you.

CHAIR TURNER: Commissioner Yee?

COMMISSIONER YEE: Yes, thank you so much, excellent presentation. It's been so helpful.

One part though I did not follow, Dr. Johnson, your discussion near the end about the VRA and the alternating Senate and Assembly drawing to accommodate consideration. Somehow I just didn't follow that. I'm wondering if you could clarify that?

DR. JOHNSON: Sure. The issue that came up a lot ten years ago, and I think was actually a big part of the reason why they abandoned nesting essentially everywhere is there's a concern that a given protected class, whatever it is, Latino or Asian American, might be large enough in a certain area to be a majority of an Assembly seat, in which case that works out pretty well. That Assembly seat then becomes one of the two in the Senate seat.

But sometimes you'll get two or three Latino neighborhoods that are not right together, and so none of them is large enough to be a majority even Assembly seat,
but all together, they're large enough to be a majority of the State Senate seat. And so then the concern is well, if we try to draw two Assembly seats, those may divide up those areas in a way that they're not a majority of the Senate seat.

So the resolution, which is definitely tricky to keep nesting is to then in that area draw the Senate seat first, and then you'd work on how the Assembly seats fit inside of it. Whereas, in the other area where you can only be a majority of an Assembly seat, you would draw the Assembly seat first and then draw the Senate seat around it.

Now, those two maps are eventually going to crash into each other somewhere and become difficult to put together, but not impossible. So there are ways to preserve nesting and keep the iffy value -- the benefits of nesting, there are ways to preserve it without losing those voting rights concerns.

COMMISSIONER YEE: All right. Thank you.

DR. JOHNSON: Thank you.

CHAIR TURNER: Commissioner Andersen?

COMMISSIONER ANDERSEN: Thank you. It was a very good presentation. I just got a couple of simple one questions for you.

Could you say LAFCO; what exactly was that?
DR. JOHNSON: The Local Agency Formation Commission. They're a very little known group, but there's one in every county, and every so often they pop up. If you remember the battle over whether LA should split into two cities, these poor guys who've gone on there because they're sewer experts and they're experts in sanitary districts suddenly had to decide whether LA should be two cities. So they're -- but they do exist in every county and they have defined spears of influence for every city in the county.

COMMISSIONER ANDERSEN: Okay. Thank you. Is Local Agency Formation --

DR. JOHNSON: Commission.

COMMISSIONER ANDERSEN: Oh, Commission. And then back on slide 19, you're talking about data, percentages. What dataset are you getting that from? This would be basically you're talking about the percentages of renters and that sort of stuff. What was that coming --

DR. JOHNSON: Traditionally that comes from the Census Bureau, from the American Community Survey. I actually worked with a Ph.D. student at UC Santa Barbara who was writing his dissertation on matching American Community Survey data with local planning data.

So there are ways to blend it because planning data gets even more geographically refined in a given area,
but yeah, most of that data will come from the American Community Survey or ACS.

COMMISSIONER ANDERSEN: Thank you. I also really appreciate all those other sources of data that you gave us. That was more helpful. Thank you.

CHAIR TURNER: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Sorry. My headphones seem to have run out of juice, so I'm going to try to speak as close to the speaker as I can so that you can all hear me.

Thank you very much for that presentation. That was actually really, really interesting and very helpful in terms of how you organized the information and just helping us to just really understand from start to finish.

I just have the one question in terms of -- I'm trying to understand the -- it was near the very end of your slides where you talked about the Golden Gate Bridge, and that particular line put the Central Valley or locked the Central Valley into a very specific area.

Can you explain that a little bit further? I was able to download your presentation, and I was following along on that, and I'm trying to just still figure out what you meant by that. So --

DR. JOHNSON: Sure. So it was a very weird moment
in the 2011 process where they were at a hearing and heard lots of testimony from Marin and from San Francisco saying, don't cross the bridge; we're different communities. And kind of in the absence of any other considerations the Commission just voted that we'll never cross the bridge.

And what they didn't discuss at the time because no one was at the San Francisco hearing to talk about the Central Valley was when you're building these blocks together you're really starting at one point and building blocks until you hit a population number, and then you start the next district.

And in lots of parts of the state you have options of going left or right or whichever way to go to get those blocks, but in the Central Valley you're really limited. You're just walking down the Valley for a large part, and you hit that number, and you stop. There are some -- you'll hear a lot about Central Valley in the Voting Rights Act discussion, I'm sure, and that does introduce some variables, but really you're just walking down the Valley.

There are points where you could come west into Santa Clara, for example, things like that where there are connections to the Valley, but by locking in before they do anything else, the Golden Gate Bridge is a
barrier. They trap themselves, and the rest of that map
was really stuck. You could -- as you put together those
blocks you would've been stuck.

INTERIM ADMINISTRATOR VILLANUEVA: Excuse me. I
hate to interrupt. Madam Chair, we have a required break
for the captioner.

CHAIR TURNER: So hopefully, Dr. Johnson, Professor
Busch, you're able to hang in with us a little bit
longer, but we are required to take a fifteen-minute
break at this time, and we'll be back at 3:17.

DR. JOHNSON: Happy to.

DR. BUSCH: Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Very good. Thank
you.

(Whereupon, a recess was held from 3:02 p.m. until
3:17 p.m.)

CHAIR TURNER: Welcome back. We're going to
reconvene our session at this time, and at this point I'm
looking to see if there are any commissioners that have
any questions for Professor Busch or Dr. Johnson?

Commissioner Sadhwani.

COMMISSIONER SADHWANI: I'm actually zooming in from
my office at Pomona College right there on 5Cs, so it's
really nice to meet you both, and perhaps I'll see you on
campus at some point.
You know, it certainly am familiar with the work of the Rose Institute. In fact, I actually just started reading this book that came out last year, Race and Partisanship in California Redistricting Rose Institute is certainly mentioned in the book.

A couple of -- two points really. One more of a comment and another as kind of a broad conceptual idea and question for you all.

First, in terms of this terminology around legitimacy that was used, I certainly share that concern, and I'm certainly familiar with the notion of AstroTurf. I might push back slightly on lines, and that's not to say let's invite lobbyists in by any means, but I think at the same time California has a number of very difficult to reach populations who most certainly might be protected under the Voting Rights Act or might comprise communities of interest.

So I do just want to put out there for the other commissioners, right, that when we're thinking about this idea of legitimacy, that might come in different forms, that community-based organizations might have those kinds of connections with very difficult to reach communities, communities that may not speak English very well and who may not be actively engaged in the political process for a variety of reasons. So I would just put that out
there, but certainly the point is well taken to be
discerning in the public testimony that we do see.

The second was, you know, I think many times you
kind of mentioned the importance of data. I certainly
share that interest in data, and you had also talked
about how we do not need to simply put out one graph of
the maps, as well as the fact that in today's world there
are many softwares out there that can formulate computer-
generated maps and that those, of course, would be
imperfect, but it might be an option for us, and I'm
wondering as -- at first I thought, oh, well, you know, I
don't know that we want to just start throwing out maps,
but I think that you're probably right that once there
are maps in place, there's something tangible for
communities to actually respond to, right?

So rather than going out and having, you know,
meetings all over the state and having had esoteric
conversations about what we may or may not constitute a
community of interest, I mean, I'm almost wondering, and
this is totally just a broad idea in terms of process, if
you have ever seen a commission actually take computer-
generated maps, perhaps identify three, four, five maps,
put those out there for community consumption and
feedback so that communities may have something to
actually respond to.
We wouldn't want cutting this way as map number 3 would potentially do, but map number 1 might be a better option for us. Obviously, part of our job is still going to have to be weighing all of those considerations, but from a process standpoint, I'm wondering if that is something that you have seen done in your many kinds of experience working with clients on redistricting.

DR. JOHNSON: Definitely. I think, you know, Menlo Park and the example Professor Busch is talking about around Santa Cruz is a great example of there was just one draft. They were fine. So they never showed up. They were fine with the map. Why should they show up?
And then all of a sudden it switched.

It illustrates the weakness of just one map being out there. Ten years ago it was much harder to generate a bunch of maps. As you mentioned, now, you know, there are folks who can generate a thousand maps in five minutes. And it may be very well a good idea to say, Let's generate a map that splits the fewest counties and cities and get that as a talking point.

As you mentioned, it will be flawed. It'll have problems, but the -- once you put that map out there, or two or three of them, that will get people talking.
People are much more apt to come in and talk when they're reacting to a map.
I have this with school districts all the time where the question is do you want each school attendance zone to be kept together so that it has a powerful voice for one board member, or do you want each attendance zone split, so that two or three of the board members answer to the parents from that school.

It's an interesting philosophical question that will get three or four answers before there's a map, and usually we'll put out both maps, and then everyone instantly has an opinion. We'll get thirty or forty comments. So that's a good illustration.

Yes, you're exactly right. There are ways to generate -- almost computer-generated, if you want, discussion maps. You do have to make clear that, you know, these are not final maps by any means. You are trying to prompt discussion, and they will, without a doubt, and much more useful than one map where people who are fine with that map won't show up because they'll think they're fine. I mean, that's a little bit -- you know, it's better if there are three or four so that all those folks that are in questionable or borderline areas know, and they come in and start talking to you.

CHAIR TURNER: Turning to Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Madam Chair. I'm just wondering if Counsel can interpret for us subsection
7 on section 8253, Miscellaneous Provisions, where it talks about Commission shall display the maps for public comment for at least fourteen days from the date of public display, the first preliminary statewide maps. The Commission shall not display any other map for public comment during the fourteen-day period. So I certainly embrace the idea of getting any number of maps out for discussion, but are we limited by the statute as to how many we can have out there at any given time?

MS. JOHNSTON: If you call them your first draft map, yes. You wouldn't need to call them that, though. You could call them computer-generated maps for purposes of discussion only and not your draft map.

COMMISSIONER KENNEDY: Okay. Thank you.

CHAIR TURNER: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Thank you. Outstanding presentation, really, really helpful, great examples, great visuals, really helpful. So I had three things. Commissioner Sadhwani hit my first topic I was going to talk about. I think it's a great idea for us to think about.

I'm going to kind of paraphrase sort of theme that ran through your presentation if I may, and tell me if you think I got it right. But I think part of it -- part of what you were telling us was beware of making
decisions on the fly because we may create unintended consequences, and so you know, I think what you're doing is encouraging us to take the public input, consider the impact of that public input, and then make deliberate decisions based on the input and the trade-offs.

DR. BUSCH: Absolutely. That's, I think, an excellent summary of what we're trying to get across.

COMMISSIONER FORNACIARI: Okay. So then my final things is, is really a sort of practical nuts and bolts thing. We're going to get a ton of public input. Do you have suggestions on how to gather that, capture it, manage it, so that we can use it effectively?

DR. JOHNSON: It is going to be a challenge. You're exactly right. It's going to take a big team, without a doubt, to process and manage all this and present it to you. Thankfully there are really good tools for this, GIS tools and then JS tools that can put stuff on their browser so that everyone can easily view it without needing specialized software.

And the one piece that was interesting of the RP that I liked, even though we didn't propose, was talking about being able to geocode comments, so that when people talk, give you comments on a certain part of the map, you can have a master map that, when you zoom in on the area, it highlights the different comments you can have pop up.
So there are a lot of technology now that you can use, but yes, it is even with all the technology, it's going to be overwhelming, and you know, you can read about ten years ago that was exhausting, and they didn't even have really public mapping tools.

Now, you're going to have all that commentary, just as much commentary plus the folks will be coming in with maps. So that will be a big challenge for you without a doubt. But it will -- it's really about having a large team ready to process that and condense it for you.

The other piece that I would suggest is, you know, wrapping up every meeting with kind of a summary of the Commission's questions and directions because it's going to be weeks before your minutes come out, and you -- as Professor Busch talked about, you don't want people having to have a paid lobbyist there or be able to come to every single meeting and not have any idea what happened.

You know, that was Menlo Park's problem is there was no time for them to learn what had happened way in. So if you can, as you're going along, summarize each meeting's kind of key take aways from the public and what you want to hear from the public on after that meeting, that would help focus it and eliminate some of the random noise you'll be getting.
COMMISSIONER FORNACIARI: Thank you.

CHAIR TURNER: Commissioner -- thank you.

Commissioner Andersen, did you have your hand up?

COMMISSIONER ANDERSEN: Yes, I do. Thank you. I've got one more. You're talking about getting stuck, and I understand that the previous Commission sort of seemed to start like in the more rural areas and work towards the dense cities.

Would possibly -- you know, just -- this is -- looking at the amount of redistricting that you've actually had experience with, do you find a way to possibly avoid getting stuck is actually start in the dense cities and kind of work out from there? Does that give you more play areas?

DR. JOHNSON: Well, in my experience, you really want to be working it from both angles. You want to be work -- taking it from one approach, somewhat like I talked about the two tracts of one from the current map and one from scratch. You want to be working all these different angles and having three or four, five kind of rough maps out there because you don't know where you're going to get stuck. It can happen working out in, and it can happen from in to out.

But keeping -- to keep in mind I find -- and this is more with my team than with my clients, is to not get
locked in. Feel free to toss the map and say, What
happens if I do something completely different? Ninety
percent of the time you also get stuck, but one out of
ten times, hey, it solves all these problems.

So you always have to be flexible and understand
that this is a working thing. Don't get locked into a
decision you made last time or to what looked like a good
map last time. It may be that blowing up that nice thing
from last meeting solves five other problems elsewhere in
the map.

COMMISSIONER ANDERSEN: Then a second question is,
you know, to start off doing preliminary draft maps we
have to start with some sort of data set, and clearly it
won't be the actual census data.

Is there any validity to picking a set of data,
let's say the 2019 community survey, so everyone knows
what data you're working with and do a rough, you know,
approximation with that? Knowing it's going to change
but that way you get communities out there or -- it's
just an idea.

DR. JOHNSON: Yeah, it's certainly an option. We
actually do that at the Institute -- we did ten years
ago, what can -- and actually this time we've done it
too, looking at what areas are likely to gain and lose
seats.
But there really isn't any good data until there's a census data, and this year it may not be all that good of census data either, but the census data is the census data. There's no other data set. So you really can't do much that would be very useful until you actually have that data because the real decisions are all how do you work out the difficult areas.

You know what you want to do in San Bernardino, you know what you want to do in LA or you have two or three ideas each. How do you make those pieces fit together? And you can't do that until you have official census data. So we can look regionally using estimates, but you can't draw maps or specific districts until you do.

COMMISSIONER ANDERSEN: Would those possibly be tools, though, because you said that you get a lot through the input once you actually have a map out there, and could that be used as a tool to get -- help you actually locate communities of interest without them all thinking, oh, these are the real maps. I mean, the real -- it's not the real data, but it could be, and so therefore, possibly getting in touch with the real communities rather than just hitting it cold later on.

DR. JOHNSON: Yeah, it would help, you know, that -- for example, if you're dealing with the Cambodian population in Long Beach. You know, are they enough to
be, you know, a large part of Assembly district or are they enough to be a large part of a State Senate district.

So yeah, you could definitely get estimates. Take East LA and downtown LA, you know, are Latinos there enough to be part of two Congressional districts? Are they really enough to just be one? You could get those kinds of ballpark estimates and know as we're dealing with these regions how many seats will have to be drawn there.

You know, if downtown and East LA are so big that there's going to be two Congressional districts, well, then maybe we should be talking about how to divide up the two districts, not establishing the one big area as one community.

So yes, preliminary data could help you with those kinds of ballpark numbers, certainly. In that case, yeah, you're -- you are facing a challenge of which data. It's probably going to be somewhat dated American Community Survey data. You can get city-wide estimates from the Department of Finance that are pretty good, but the problem is they don't tell you where those people are in the city. So for small cities, they're great. But you would have to fill it in with American Community Survey data for larger cities to know where in the city
the population is.

COMMISSIONER ANDERSEN: Thank you.

CHAIR TURNER: Counsel Johnson and then Commissioner Yee.

MS. JOHNSTON: Last time around, as you know, the Commission had to deal with section 5 of the Voting Rights Act, and I think they tended to start with those districts first. If without that legal barrier -- legal requirement now, how important would it be to start with the section 2 possible districts that would have to be formed?

DR. JOHNSON: You're definitely right about the section 5, and it was interesting. They started with them and actually then they came around and finished with them. The big challenge of Santa Cruz was the section 5 considerations. And actually if you read the articles the Board of Equalization map had completely redrawn because of section 5 considerations in the last -- very last meeting.

MS. JOHNSTON: Right.

DR. JOHNSON: Section 2 is tougher in there's always a challenge here, and this is why being flexible and remembering -- as Dr. Busch mentioned, remembering the first comment and the last comment equally. It's hard to say whether it's better to draw the section 2 districts
and then fill in between them or to draw a draft map and
then superimpose on it the section 2 districts.

I would probably defer to the testimony you're going
to get when you do the training on the Voting Rights Act
in terms of what's a better approach there because I
don't have a strong feeling one way or the other.

MS. JOHNSTON: Part of the --

DR. JOHNSON: Which is a question to face.

MS. JOHNSTON: Part of the reason that I think that
they got stuck a few times was because they were trying
very hard to comply, and that led to problems in how the
maps were drawn.

DR. JOHNSON: I think you're probably right. Yes,
certainly they wrestled with how best to comply.

MS. JOHNSTON: Yeah.

DR. JOHNSON: Definitely.

CHAIR TURNER: Commissioner Yee?

COMMISSIONER YEE: Yes, I think you might have
answered this already, but the census data, you know,
that's where it's all based on, and we just have to wait
for it, but there are these questions about timing and
quality, and I'm just wondering if you have any other
advice, or what are you thinking in your own work as we
all wait for these numbers and how to mentally prepare
for what's going to come?
DR. JOHNSON: Yeah. Actually, Rick Hassen, the professor and UC Irvine runs an election law blog that's a national blog of kind of key players in the field and academics and lawyers and demographers, and this has been a hot topic lately.

So there's two pieces of this. One is that there are various scenarios but almost certainly the data is going to come out April 1st, and there are scenarios where it doesn't, but that's most likely.

And unfortunately for most purposes, the census data is the census data. You know, back in 2001 there was a lot of talk about adjusting the data. And it -- all the statistical models that were tried didn't work. If you're familiar with the work of Leo Estrada, Professor Leo Estrada from UCLA, the City of LA actually hired him to, what they call, sample or adjust the data for the city's use, which the city can do, and they pushed back their start date by weeks and weeks and weeks to give him more time as he tried to figure out, and he finally came back and said, I cannot build a more accurate database at the block level. We might know that two percent of one group and one percent of another group were missed, but we don't know which census blocks they were missed in.

And so essentially -- someone may come up with a better engine and solve that, but right now the census
data is the census data, and there's not really anything you can do about it once you get it.

CHAIR TURNER: Thank you. Commissioner -- yes, Commissioner Akutagawa it's going to go back to you anyway because I think at break, you were still talking, or if not, you go now.

COMMISSIONER AKUTAGAWA: No, I was done at the time, but I did have a question that I want to ask, and maybe this is -- I don't know if this is to be directed to Counsel or to one of our two presenters. There was -- I think, Mr. Johnson, you might have been the one to have mentioned that you suggested to avoid getting stuck that we work from different angles and that we be flexible and don't get locked in.

Counsel -- for the Counsel, Marian, I have this question: If we make a decision, we vote, we move on something around a map, and then we realize we locked ourselves in, can we go back and undo that decision because we realize that we locked ourselves in?

MS. JOHNSTON: Nothing is final until you say this is the final map you're voting on.

COMMISSIONER AKUTAGAWA: Okay. I just wanted to just make sure that we had that option. Okay.

CHAIR TURNER: I think one of the things you had stated, Dr. Johnson, is with that particular scenario is
that they actually ran out of time and couldn't come back, right? That's something else we need to be watchful --

MS. JOHNSTON: There was a big push at the last --

DR. JOHNSON: Exactly. They want to do so much initial outreach that they trapped themselves on the back end.

MS. JOHNSTON: You're lucky you've got an extra four months from -- to get started ahead of getting the census data to start collecting the COI information.

CHAIR TURNER: Um-hum. Um-hum. Okay. We're going to go to public -- okay. Commissioner Sinay?

COMMISSIONER SINAY: You didn't see me earlier. I had two questions. One is ten years is a big period. You have two presidential elections and multiple local elections during that time. As we're looking at the maps, how do we take into consideration trends? As you were talking about the black communities moving and changing.

There's a lot of that going -- you know, a lot of gentrification and moving and stuff. So how do we look at those trends, and also how do we look back kind of to what's -- we have a large young population coming up, and how is that going to change -- change things. And I know we're only looking at voter -- the voter age, but we are.
I mean, that is part of it.

DR. JOHNSON: Yeah. You'll hear much more about trend data in the Voting Rights Act discussion. That does play a key role in Voting Rights Act analysis because you might have an area where you can't draw a majority seat today, but in 2018 you can, and they can certainly bring the lawsuit in 2019 if they want to. I saw this in many states this time around. So I'll defer quite a bit to that. More community driven trends, there's some data you can use for that, a bunch more about -- but a lot of that is testimony driven, too.

One thing you can do actually that wasn't done before is you can ask the cities to testify on that. You can actually ask the cities and the county planning departments to give you what is their master plans for the next ten years. And a lot of them will just hand it right over. They've got it all prepared. So that is one option used, but it is a difficult challenge and will need to be locally done, so.

COMMISSIONER SINAY: One other question. It's kind of often. And so I just think it's important to get different perspectives on this, but there -- why did people kind of not be on board with Proposition 11, because you said that barely made it past, but then when
it came to Proposition 20, they were on board.

So there's this fear -- it sounded like there's a fear of Citizen Redistricting Commissions, but once you haggle, people are like let's go. Can you explain that a little bit more?

DR. JOHNSON: For sure. This is actually -- as Professor Busch mentioned, we've written a lot about this. All your earlier campaigns kind of demonize the commissioner members. If it was a commission of judges, they talked about, well, most judges in California, especially back then, were white and old.

COMMISSIONER SINAY: And men.

DR. JOHNSON: One infamous ad actually had Judge Wapner from The People's Court. And he had testified as a kind of wise and trusted on an early proposition. And then they brought him back later on actually to attack the proposition when he was later in years and actually came across fairly confused. And they kind of used him and portrayed these are the folks that you want to put on the commission.

So they always attack the who would be on the commission, which is a very hard issue as you all have just been through. And how could we give power to this mysterious body? Well, once Prop 11 passed, and I think it passed with less than 50.1 percent of the vote, now
the commission existed.

So now you couldn't demonize the commission. They exist. Everyone knows how it's going to be formed. And so putting Congress in was really easy because there is nothing to demonize. And actually there was a no campaign led by a former member of Congress. And a week before election day, he actually denied any -- having anything to do with it because he saw how overwhelming the polls were, but that was a history as they could attack this mysterious commission and who was going to be on it when no one knew, but once the commission existed, then they couldn't attack that mystery. They knew. And so they had to attack -- they had to see if Congress wants to keep control, and that wasn't going to go anywhere.

DR. BUSCH: Yeah. I suspect there might have been a -- I agree with that, but there might have been another one or two factors. One of them being that there was just a precedence, right. So you can say, well, it's similar to the point that Dr. Johnson is making. It's not quite the same. It's just saying we've done this. We've decided to do this. So why not go all the way with it.

The other factor is that I think if you at polling, the U.S. Congress is considerably less popular than State
Legislature here and pretty much everywhere else in the country. And so to say we think something needs to be done to fix State Legislative districting, this didn't strike people as being as -- I mean, this is just my guess, but I suspect that they didn't see it as being as crucial as just sort of taking on Congress somehow. So I would throw those two out as other possible additional explanations.

CHAIR TURNER: Thank you. Professor Busch and Dr. Johnson, your presentation has been extremely helpful. We appreciate you very much. We are going to go to public comment, but I want to give you the option while they're dropping off depending on your time, we're staying for public comment for this agenda item number 22.

Mr. Yang, I see you've joined. Are you joining for the appropriation information, the budget information? That -- is that our guess?

MS. JOHNSTON: Yes. Yes.

CHAIR TURNER: Okay. Okay. We will go to public comment, sir, if you will just give us a little bit more time. Scheduled in at 3:45. Public comment at this time.

AT&T operator, do we have anyone in queue for public comment on agenda item 22?
MS. JOHNSTON: AT&T?

AT&T AT&T OPERATOR: Of course. I do apologize. I was saying that on mute. Please as a reminder if you wish to speak or have an opinion, you may press one then zero.

We do have one on the line, Martin Campos.

Please go ahead and spell your name.

MR. CAMPOS: Martin, M-A-R-T-I-N, last name Campos, C-A-M-P-O-S.

CHAIR TURNER: Thank you, Mr. Campos. Go ahead.

MS. CAMPOS: Thank you very much.

Hi. My name is Martin Campos from Concord. And I just wanted to say jurisdiction through Contra Costa has been converting district elections. Many of this has been contentious, but one stands out. In Martinez, the city adopted lines that snaked in the city, splitting both downtown, the waterfront, and the four district. The sun district is only as wide as a single block.

As you can guess, this is explicitly done as protecting incumbents. Now, take my word though, (audio interference) judge and the resulting litigation, the most obvious form of a violation in the absence of cohesiveness, continuity, integrity, and compactness of territory. Bluntly, the map verges on self-(indiscernible) and clouding the criterion reminiscent of
the original Massachusetts gerrymandering. Further, the city's brief stresses that the map was consciously drawn to cross boundaries of communities of interest.

The judge added it's about as uncompact and (audio interference) as geographically possible, bluntly calling the map absurd. This map was drawn by National Demographics Corporation. The president, Doug Johnson, your community of interest expert. I urge you to Google Martinez districting (audio interference) and Sanchez v. City of Martinez to learn more. It's important that you know the experts' entire record. So then you can decide how much to weigh and give their advice. Thank you.

CHAIR TURNER: Thank you, Mr. Campos.

Next caller, please.

AT&T AT&T OPERATOR: Our next one is from the line, Abi.

Please go ahead and spell your name.

ABI: Hi. My name is Abi, A-B-I.

CHAIR TURNER: Thank you, Abi. Go ahead.

ABI: Okay. I would like -- I'm calling your attention to a very important community of interest that was unfortunately missing from Doug Johnson's presentation. The LGBT community fits all the criteria of being a cultural community of interest that should be included for your consideration when drawing Legislative
line. LGBT voters have consistently shown they're a coherent voting block. They vote with a shared interest on many civil rights issues, housing access, public safety, and social justice issues. Typically, they are also concentrated in well-defined geographies that lend themselves to be considered during the redistricting process.

The last commission included the LGBT communities of interest. And dating back a few decades, it has been a consideration in several local redistricting plans, such as San Diego, performed by independent commissions like yourself. LGBT data may or may not be available through census data, but the commission should do what the last commission did and work with outside organizations to get LGBT data and receive public testimony. We would appreciate your consideration of the LGBT community of interest as we proceed. Thank you very much.

CHAIR TURNER: Thank you, Abi, for calling. Next caller, please.

AT&T OPERATOR: Of course. The next caller is Jaclyn Coto.

Please go ahead and spell your name.

MS. COTO: Hi. Good afternoon. My name is Jacqueline Coto, J-A-C-Q-U-E-L-I-N-E, last name spelled Coto, C-O-T-O. Good afternoon, commissioners. Thank you
so much for the opportunity for my public speech. I am calling on behalf of NALEO Educational Fund.

And Commissioners, we appreciated the opportunity to hear the discussion earlier today about the division of responsibility between the commissioners and their staff and how that would be reflected in the job descriptions for their staff position. So based on our experiences with the state commission ten years ago, we believe that the commission must be more hands on with respect to the operations of the redistricting process than a typical board of directors, or a corporation, or a nonprofit organization might typically be, but because division and the direction of the commission, (indiscernible) in the many operational details of the process, we believe the commission should have a significant involvement in some of those details, particularly with respect to how the commission engages the public and the process. So for example, commissioners should be involved in the decision making about the number of timing -- for the number and timing of public hearing opportunities for the best way the public can submit community of interest or other proposed maps to the commission.

So we understand that this (indiscernible) involvement can create challenges I light of the other numerous responsibilities you have. Therefore, we
suggest that the commission consider creating committees
of commissioners to address certain issues, and have
those committees report back with recommendations to the
commission. So this was the approach of the last
commission, and we believe it worked really well. So
thank you so much for the opportunity, and we look
forward to continuing our work together. Thank you.

CHAIR TURNER: Thank you, Mr. Coto.

Okay. Next caller, please.

AT&T AT&T OPERATOR: We currently do not have any in
the queue at this time madam chairman, but as a reminder,
if anyone does wish to, you may press one, then zero.

CHAIR TURNER: Thank you.

AT&T AT&T OPERATOR: And we do have one from the
line of Sophia Garcia.

Please go ahead and spell your name.

MS. GARCIA: Oh, okay. Hi everyone. My name is
Sophia Garcia. And that's S-O-P-H-I-A G-A-R-C-I-A. And
I'm the GIS analyst for the Dolores Huerta Foundation,
but we're also a member of the integrated Voter
Engagement California Redistricting Alliance. And I just
really loved the discussion earlier today, and just again
want to reiterate, like, the previous presenters. The
value of communities of interest, and I know that the
word "validity" versus "lobbyists" was thrown out. And I
want to say that I really value that. And I really hope that this whole commission looks at specific community members, community residents.

I know that the two presenters talked about community organizers and really looking at community leaders in this whole process. And so I just hope that through this process that that remains the same. That we -- you all know that there is a number of community organizations across the state. And I know again the central value is mentioned numerous times. So I'm just really looking forward to working with the commission on behalf of the alliance, especially during the community of interest process and mapping that out from the community standpoint. So thank you so much for the two presenters and look forward to working with the commission later in the future. So thank you.

CHAIR TURNER: Thank you, Community Member Garcia. We appreciate you.

Next caller, please.

AT&T AT&T OPERATOR: There are currently none in the queue at this time.

CHAIR TURNER: Thank you.

Okay, Commissioners. If there are no other comments or questions from you, we're going to conclude agenda item 23. I don't think there was anything to vote on.
It's just a training item, one that was much appreciated.

Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I just wanted to clarify that agenda item number 22, not 23.

CHAIR TURNER: Thank you. 22.

Okay. Well, thank you so much, Dr. Johnson, Professor Busch. We appreciate your coming in, and we look forward to perhaps hearing from you again. Thanks so much.

DR. BUSCH: It was a great pleasure. Thank you.

CHAIR TURNER: You're welcome.

At this point, we have agenda item -- well, we're going back. Let's see. We were in --

Raul, you want to set us up for this?

INTERIM ADMINISTRATOR VILLANUEVA: Yes. We have -- so during the discussion about budget, the commission had some questions about 2019 appropriation and how those amounts were determined. And we have with us Mr. Wagaman and Mr. Yang from the Legislature. And they have graciously decided to be here and give you some information on that.

MS. JOHNSTON: And this is back to item 6.

INTERIM ADMINISTRATOR VILLANUEVA: Thank you. Back to item 6.

CHAIR TURNER: And welcome, Mr. Wagaman, Mr. Yang.
Thank you for joining us today.

MR. YANG: Hi. My name is -- I'm Joel Yang, and I'm the senior consultant for the Senate Republic of Congress.

MR. WAGAMAN: And my name is Michael Wagaman, and I've been retained by both the speaker and pro tem's office to assist with the Legislature's statutory redistricting mandates. We're happy to be here with a caveat that neither Joe or I or budget staff. So there may be questions we have that we are not qualified to answer, but as you may have read, the capitol is facing some unique challenges this week with our end of session. So unfortunately, you're stuck with us.

That said, I'm going to be referring to the document labeled "Budget." Posted on your meeting handouts is a document that you were discussing yesterday, but if you wanted to follow along. By law, the Legislature did a three-year allocation for redistricting, which was done in June of 2019. That's required under Proposition 11. To put that in context, June of 2019 was the same week that the application process opened for the Commission.

So obviously, a lot has changed in your individual lives in that subsequent time. A lot has changed in the world since then. So just so you know, that's where this logic was coming from. Where we were in June of 2019 is
also the reason the law does have mechanisms to adjust
funding levels and to deal with those issues as you
now -- or exist as a commission as a whole and start
deciding for yourselves how you want to proceed with your
important work. That said, these allocations were all
based heavily on a report from the last commission from
June of 2012. That document, I believe, is still on your
website under the meeting handouts from that meeting from
almost eight years ago now. So if you wanted to go back
and look at that, that's one of the reference documents
that is publicly available.

But to clarify how the various funding buckets were
calculated, there is the 3.9 million labeled available
under the detail. What that has done is that is based on
the spending from the last commission from its formation
date through the adoption of lines plus inflation, which
is consistent with the funding for that's in Proposition
11. So that's how that number came about. That is funds
with no restrictions on it that is currently available to
the commission.

As you know, that commission was referenced earlier
only had seven and a half months to adopt lines while
your commission will have at least a year. I say at
least a year because, obviously, the Legislature took
subsequent action to secure an extension for your
timeline to address any potential delay in census data availability. So this is not the time that was added because of a census issue. This was a time that was added to the calendar based on the last commission's feedback that they simply needed more time to do some of the things you're doing now, whether it is taking more time to focus on restaffing, hiring issues, and do that in a little bit more of a deliberative fashion, having more time to gather this community of interest testimony, so when you actually start drawing maps, you're ready to hit the ground running and have gathered that information in advance.

More months is great for your work. More months also means more costs. So the last commission in 2012 estimated their best guess of what that extension would cost. They guessed it would be about a million dollars, which is where you get that 1.3-million-dollar bucket, because that's that million dollars plus again inflation. It's also why that 1.3 million dollars specifically refers to operational costs is to allow -- because that (audio interference) the purpose of that additional extension is to pay for those additional months. Doesn't need to be spent in those four and a half months, but just to add the overall process.

Also as was referenced in your discussions
yesterday, during the last redistricting effort, there was substantial private funding for outreach efforts. And it's our expectation that similar funding won't be seeing this cycle. Knowing how critical outreach is to your success, the 2.1 million dollars in public funding was allocated specifically for outreach. Again, that's based on those levels of private funding last time, again, adjusted for inflation.

I will note that there was some discussion about looking at some of the reports on the 2011 process. I think it's great that you were looking at those documents, whether the League of Women Voter report, which I think you've added to your document list, or again, the funding levels from the last commission. One thing that is important to note though when you look at those is that sometime when things are labeled as outreach, they're actually comingling three different buckets of spending. One is outreach that was spent during the application and selection phase of the process, which is obviously over and complete and not what we're talking about. We're talking about this 2.1 million. One was the direct outreaches for -- direct outreach grants for the commission phase, which is really what we're talking about. And it also included allocations to provide public access to redistricting
software.

For the latter, there's actually a separate line item that is not reflected on your budget sheet because it's not going to the commission. It goes to UC Berkeley as part of the Statewide Database. And that's 1.9 million dollars that is for various things, including for providing that public access to redistricting software. So again, that's supplementing and replacing more public funds. Private funds may not be exist and using public funds instead.

All that is just a long way to say when you look at reports from last time, it's going to be important that you make sure you're talking apples to apples when you're talking about funding allocations from last time versus this time.

Finally, there's the 4.3 million dollars for litigation expenses. Again in a recurring theme, that is based on the litigation expenses from the last commission plus inflation. You're obviously a very long way from knowing exactly what your litigation expenses are going to be and whether they're going to be higher or lower, but the Legislature did want to make sure that those funds were available to you quickly when you do hit that phase in the process without having to request a budget augmentation, particularly as litigation may begin during
a time when the Legislature is not in session. So we wanted to not be a barrier to the commission being able to defend its work. So --

CHAIR TURNER: Mr. Wagaman, is that the -- when you say 4.3, is that the post-redistricting process?

MR. WAGAMAN: Correct.

CHAIR TURNER: Okay. Thank you.

MR. WAGAMAN: So for -- so under Proposition 11, there's actually a statutory floor for spending of 3 million dollars that was established under Proposition 11. And between the funds that have been allocated to CSA, to yourselves, and to the database, the Legislature is already allocating nearly 19 million dollars for the current redistricting cycle to show our commitment to this process.

With that, I will just say the Legislature will continue to be available on the various issues where we're actually required by law to coordinate with the commission, including the issue we're discussing, the funding of the operation, providing public access to the redistricting database, which I believe you're going to hear more about in some of your future training. Providing public access to redistricting software, which we've actually already communicated with your staff about agendizing for a future meeting some tools that have been
developed. For example, help capture some of that community of interest testimony we were just talking about. And after the lines are all done, looking at the statutory amendment process, which I believe your counsel referenced to you earlier is something that would require votes of both the commission and the Legislature to ultimately implement.

With that, I would defer to Mr. Yang to see if he has anything to add or if I forgot anything. And if not, otherwise, they'll hold for questions.

MR. YANG: I think I just like to say as the Legislature, we really have gone to -- it's in our best interests that you guys succeed so we return as much as possible in preparation to go give you the tools that are necessary. I mean, who knows. I think technology has changed. Who knows what your needs are going to be. So there's some flexibility. And you know, I don't like to think that -- we'll be more than willing to work with you because the Legislature -- it's in our best interest that you guys succeed.

CHAIR TURNER: Thank you.

Counsel -- not Counsel. I'm sorry. Commissioners, do you have any questions or comments for Mr. Wagaman and Mr. Yang?

MS. JOHNSTON: I do have one comment.
CHAIR TURNER: Okay. And then we'll go, after you, counsel, to Commissioners Kennedy and Fernandez.

MS. JOHNSTON: I really appreciate the funds set aside for litigation. This commission may not know that last time when the commission was sued on its State Senate maps, we had two different law firms to get that balance a republican and democrat, and we were not able to pay them for about six months, which takes a lot of commitment from attorneys to keep getting working when they're not getting paid.

And it was rather embarrassing for the commission. And in fact, one law firm had to withdraw because they just couldn't finance it anymore. So on behalf of this commission, I think they would appreciate the fact that those funds are now at least reserved for the purpose of litigation if necessary.

CHAIR TURNER: Absolutely.

Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, madam Chair.

I think that the main question that we had from yesterday that we were hoping for an answer for was regarding the 5.2 million allocated to CSA to administer the process in the knowledge that some of that would have gone to travel payments for people to come to Sacramento for interviews that ended up being done by Zoom. And are
we able to make use of can those funds be reprogrammed
for our outreach or other use, or do those revert to the
state.

The second thing is I guess this is for staff. I
would definitely appreciate receiving more information
about the allocation to UC Berkeley for the public access
to mapping software just to have a better fix on what all
on that is needed to cover. Thank you.

MR. WAGAMAN: So to the first question -- and this
is why I said at the start with the caveat that neither
Joel or I or budget staff -- I do not know and have an
answer as far as what is involved, in essence, moving
money between buckets, whether it's the CSA bucket or any
of your buckets. I have flagged those issues for budget
staff. And we will have an answer for you, whether it is
something that can be done automatically or whether it
requires additional Legislative action.

To the public access on redistricting software,
again, that's through the Statewide Database. I believe
Ms. McDonald, when she is speaking to you during some of
her presentations can touch lightly on those. I don't
know that it's been fully agendized. So she probably
will -- and representatives from the legislation will
need to come back at a future meeting when it's fully
agendized to kind of walk you through those tools.
CHAIR TURNER: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yeah. Thank you.

I think -- thank you, Michael, for that information. And I think I might've missed this in either your presentation or when Raul discussed this yesterday, but on the budget sheet that was provided to us, down at the bottom, there's a 3.378 million dollars that's been subtracted from the available balance. So you know that's for?

MR. WAGAMAN: Which is the line item you're looking at? I'm looking at the spreadsheet now just so I know.

COMMISSIONER FERNANDEZ: Almost all the way at the bottom where it says 0 of 731 available after August 15th. It's a -3.378.

INTERIM ADMINISTRATOR VILLANUEVA: If I may, Mr. Wagaman.

MR. WAGAMAN: Yes.

INTERIM ADMINISTRATOR VILLANUEVA: If I may.

COMMISSIONER FERNANDEZ: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: So if you look at the details, the two middle ones that are available no earlier than August 15, the 1.3 and the 2.1, when you add those two together, they come out to the 3,000,378.

COMMISSIONER FERNANDEZ: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: So --
COMMISSIONER FERNANDEZ: So then you're backing those out.

INTERIM ADMINISTRATOR VILLANUEVA: Yes. So what that's saying there is you still have that money, but it's not available until you ask for it.

COMMISSIONER FERNANDEZ: Okay. So it's still available. So I guess it made it seem like it wasn't available. So it's still available, but we just have to -- there's some sort of formal process to request it.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

COMMISSIONER FERNANDEZ: Correct? Okay.

MR. WAGAMAN: This is -- and again, I'm not a budget expert, but I learned a little bit about this part of it, which is that's a common language that exists for other agencies where they have multiple buckets of money potentially available. And it allows an agency to, in essence, send that signal both through the Department of Finance and the Legislature, that they've reached the point that they need to encumber that next level of funding or that they're ready to begin a program that maybe wasn't ready to start at the beginning of a fiscal year. And so it's basically a process that's very common in state government of notifying Department of Finance, who then notifies the Legislature, and then those funds have to be released within thirty days.
COMMISSIONER FERNANDEZ: Okay, great. Thank you so much. I appreciate that.

CHAIR TURNER: Commissioner Le Mons, did you raise your hand? Oh, okay. I'm trying to be real sensitive to movement.

Commissioner Akutagawa, please.

COMMISSIONER AKUTAGAWA: Thank you, Madam Chair.

So I have a question. I thought I heard you say that under outreach efforts, 1.9 million went to UC Berkeley. Is that the one -- is that 1.9 out of the 2,065,000?

MR. WAGAMAN: It's a separate 1.9. So there's a 2.1 million --

COMMISSIONER AKUTAGAWA: Oh, I see.

MR. WAGAMAN: -- that went to the Commission --

COMMISSIONER AKUTAGAWA: Got it.

MR. WAGAMAN: -- plus 1.9 that went to UC.

COMMISSIONER AKUTAGAWA: Okay. Okay. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: If I may also, that's part of the grants that came out of the Irvine Foundation ten years ago. So they funded that last time through grant. And what Mr. Wagaman is letting you know is that the Legislature came in and acknowledged that that grant -- and it wouldn't be there and it came out of general funds money.
MR. WAGAMAN: Right. So that's where, again, if you look at the League of Women Voters report, the old -- the last Commission's report, they'll refer to outreach funds that were spent privately. Some of those were for tasks that were really CSA tasks. Some of those were funds that were Commission tasks, and some of those were --

INTERIM ADMINISTRATOR VILLANUEVA: Uh-huh.

MR. WAGAMAN: -- Legislative tasks because the Legislature, under the law, is required to provide that public access to redistricting software. So that 2.065 number is one part of a larger bucket.

CHAIR TURNER: Anything else, Commissioners?

Commissioner Taylor, please.

COMMISSIONER TAYLOR: And thank you. Not to be redundant, but I just want to sort of piggyback off of Commissioner Kennedy and just that you have it flagged that any savings from one bucket, we're concerned whether or not that can be reallocated to another bucket, concerned about the process or the procedure for that event.

MR. WAGAMAN: So again, I have that question at the budget staff. To ask about that, there may be some places where there's policy questions on those. So for example, does raiding the litigation bucket for the line drawing bucket then create the issue that I believe Ms.
Johnston was talking about, about not having funds then for the litigation? So I'm just trying to get those answers, and we will make sure we have those before your next meeting.

CHAIR TURNER: Okay. So with that, Counsel -- question for you, Counsel, because there are still outstanding questions then that technically would fall under six. Should we still keep this open or are we able to retire and put it back on?

MS. JOHNSTON: Mr. Wagaman, how soon do you think you might have that information available?

MR. WAGAMAN: I would suggest, but obviously you are your own entity, that you may just want to agendize that for a future meeting. I don't know when I'm going to have those answers, given the complications of the Legislative schedule and not knowing exactly when you're wrap.

MS. JOHNSTON: Then that's something we can discuss on item twenty-three. I believe it is about future meetings and agendas. So you can close out this item now.

CHAIR TURNER: Okay.

MS. JOHNSTON: You should call for public comment again before we close it out.

CHAIR TURNER: Okay. Thank you.
So AT&T operator, Jeff. I'm not sure he's there.

Yes, Commissioner Fernandez and Vazquez.

COMMISSIONER FERNANDEZ: Okay. I just want to
confirm with Michael that we are making a formal request
to you to get back to us on that information. That way
there are some sort of a formal request, I guess, so that
we do get back at some point, hopefully.

MR. WAGAMAN: Yeah, I -- we made note of it
yesterday when it came up.

COMMISSIONER FERNANDEZ: All right. Great. Thank
you.

CHAIR TURNER: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: I think that Commissioner
Fornaciari had his hand up before me.

CHAIR TURNER: Oh, Lord.

Yes, Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yeah. I just -- we've
noted several items here that we want to consider for the
next agenda. And I just want to check, is someone
writing them down?

INTERIM ADMINISTRATOR VILLANUEVA: I'm writing some
of them down, yes.

COMMISSIONER FORNACIARI: Oh, okay.

MS. JOHNSTON: I'm writing some down. Hopefully,
INTERIM ADMINISTRATOR VILLANUEVA: Marian and I will be comparing notes.

COMMISSIONER FORNACIARI: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: And we have been daily so far.

COMMISSIONER FERNANDEZ: I wrote down some as well.

COMMISSIONER FORNACIARI: Okay. I wrote some down too, but I didn't get them all. Thank you.

MR. WAGAMAN: Really quickly, to clarify one point to Ms. Fernandez's questions, because I want to make sure I'm accurate, the note that I made was for us to -- for the Legislature to check what is involved in moving funds between the various allocated buckets.

The other issue you did discuss yesterday was how much money is left at CSA because we were working on the assumption there is money left, and I don't know that that's the case. That would be a communication between the Commission and CSA, not the Commission and the Legislature. So I just want to make (audio interference) sure there isn't --

UNIDENTIFIED SPEAKER: Yes.

MR. WAGAMAN: -- a who's on first scenario.

COMMISSIONER FERNANDEZ: Okay. Yes, I do -- I understand the difference.

For you, Michael, it's just the process in terms of
moving money from one fund to the other. And then as for
the Commission, it's checking with (audio interference)
auditor to see if there's any funding left. Thank you.
Yeah.

CHAIR TURNER: And just a point of clarification.
Does this tie in as well, the conversation that I believe
Commissioner Vazquez and maybe others started as far as
the travel funds and ensuring that someone was getting
that money back from, for example, Southwest, that it's
not just sitting there as a credit and running to (audio
interference) for the occasions, even though it wasn't
the norm, the occasions where individuals booked their
own flights, which would mean that they would be holding
and sitting on the credit unless someone was following up
to ensure that that money was being transferred back to
the State, CSA, or whichever Department, wanting to run
those things to (audio interference).

INTERIM ADMINISTRATOR VILLANUEVA: Chair Turner, I
acknowledge that I understood that and the communications
to me yesterday. That's a matter between the Commission
and the CSA, and I will be reaching out to them. It'll
be part of the invoicing and accounting information that
the Commission will receive. I think I said that
yesterday. And you can rest assured that they will --
that is forthcoming. Anyway, I'll make sure to follow it
CHAIR TURNER: Okay. It kind of tied in for me -- I was clear on that, Raul. Thank you. But it kind of tied in for me when we started talking about transferring between departments, et cetera, because that would go one direction. And if it was seen as a credit somewhere else, in my mind, I was thinking we were tying the conversation again. I do recall you had that.

INTERIM ADMINISTRATOR VILLANUEVA: Right.

CHAIR TURNER: So thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Not to get -- I've definitely understood that that's the point that's very important to the Commission, and so I will follow through for you.

CHAIR TURNER: Okay.

Okay. So we'll call in for public comment at this time. AT&T operator, do we anyone in the queue for public comment for this agenda item number 6.

AT&T AT&T OPERATOR: There is currently no one in the queue, Madam Chair.

MS. JOHNSTON: Madam Chair, you could also -- since it's towards the end of the meeting, you could also call for general public comment if you wish.

CHAIR TURNER: Okay. There's no one in the queue, though, right now, right?
MS. JOHNSTON: No, but if you announce that they'll take it on any topic, maybe someone would be willing.

CHAIR TURNER: Well, before we take it on any topic, I actually wanted to go a different direction. I wanted to go back to the RFP. And we also had agenda item number 14. That was not at conclusion, so I wanted to go back there before we go to general comment.

MS. JOHNSTON: Sure.

INTERIM ADMINISTRATOR VILLANUEVA: So are there -- if I may, are there any other commissioners who have questions for our guests?

CHAIR TURNER: No.

INTERIM ADMINISTRATOR VILLANUEVA: Then Mr. Wagaman, Mr. Yang, thank you so much.

CHAIR TURNER: We appreciate you both. Thank you for the information shared and coming today. Thank you, all.

I'd like to go back to agenda item number 14, because I'm trying as well. I don't have the notes that you all do, in trying to call on people, et cetera. But I do recall that under our agenda item number 14, we received some public comment on it as well. We still need to go back to the articles that's been issued and complete this agenda item as well. And then we'll also have to open up for public comment here on 14. So I'd
like to go there next.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Did we also cover agenda item number 13?

MS. JOHNSTON: We have not covered it.

CHAIR TURNER: No. No, we moved it down.

COMMISSIONER AKUTAGAWA: Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Okay.

CHAIR TURNER: So on the --

INTERIM ADMINISTRATOR VILLANUEVA: Go ahead, please.

CHAIR TURNER: -- on agenda item number 14, we did receive a report on some of the staffing procedures, et cetera. But we were also interested in getting to the point of discussion on whether this Commission is comfortable with the existing RFPs that's there for staffing or if indeed we wanted to have a conversation about what our desires would be and if we want to weigh in on that decision and perhaps put in new RFPs for each of these areas. So I'd like to have --

INTERIM ADMINISTRATOR VILLANUEVA: Excuse me, Chair, a point of order, please.

CHAIR TURNER: Yes.

INTERIM ADMINISTRATOR VILLANUEVA: There was a motion that had been seconded regarding whether the Commission would be accepting the exempt salary schedule
for 2019. And so that discussion had finished. The Commission decided to take public comment. And I think we need to kind of go back to that and finish. That's a standing item open.

CHAIR TURNER: Okay. That current motion. Okay. Well, can we go to vote on that or do we -- I think we can go to vote on that. And this was so that everybody -- this was the

MS. JOHNSTON: The exempt salary scale.

CHAIR TURNER: Thank exempt salary scale. Thank you.

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Yes.

MS. JOHNSTON: Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yes.

MS. JOHNSTON: Commissioner Andersen?

Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes.

MS. JOHNSTON: Yes?

COMMISSIONER ANDERSEN: Yes. Sorry.

MS. JOHNSTON: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.

MS. JOHNSTON: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Yes.

MS. JOHNSTON: Commissioner Kennedy?
COMMISSIONER KENNEDY: Yes.

MS. JOHNSTON: Commissioner Le Mons?

COMMISSIONER LE MONS: Yes.

MS. JOHNSTON: Commissioner Sadhwani?

COMMISSIONER SADHWANI: Yes.

MS. JOHNSTON: Commissioner Sinay?

COMMISSIONER SINAY: Yes.

MS. JOHNSTON: Commissioner Taylor?

Commissioner Taylor --

COMMISSIONER TAYLOR: Yes.

MS. JOHNSTON: Commissioner Toledo?

COMMISSIONER TOLEDO: Yes.

MS. JOHNSTON: Commissioner Turner?

CHAIR TURNER: Yes.

MS. JOHNSTON: Commissioner Vazquez?

COMMISSIONER VAZQUEZ: Yes.

MS. JOHNSTON: Commissioner Yee?

COMMISSIONER YEE: Yes.

MS. JOHNSTON: Motion passes.

CHAIR TURNER: Outstanding. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Thank you, Commissioners.

So Madam Chair, if you please, then, I'll continue with the agenda item.

CHAIR TURNER: Yes. Thank you.
INTERIM ADMINISTRATOR VILLANUEVA: Thank you.

So there's a conversation to be had about retired annuitants. I understand that there's primary interest about these recruitments, so let me just go ahead and jump to them.

So couple a of things, what I can tell you is how many folks have applied for each position. I really can't tell you much more than that. I think -- if it would be fruitful for you, we should look at those recruitments and actually see what they have, how they work, then go into looking at how many folks have actually applied to it so that you have some basis in terms of your decision on, do you want to keep the recruitment extended or do your own. So that would be my suggestion. And I'd like to hear if that's something that the Commission would like to pursue then.

CHAIR TURNER: Commissioner Sinay?

COMMISSIONER SINAY: Just for clarification, when you say, recruitment, your just -- it's the phase for the job descriptions that were put out that are posted?

INTERIM ADMINISTRATOR VILLANUEVA: Okay. Yes.

COMMISSIONER SINAY: Okay. I just wanted to --

INTERIM ADMINISTRATOR VILLANUEVA: So that would be --

COMMISSIONER SINAY: -- I just wanted to make sure I
was speaking the same language.

INTERIM ADMINISTRATOR VILLANUEVA: No, that's completely appropriate to ask. These are recruitments. So what we're doing is we're sending out information about the job, the position, the responsibilities, minimum qualifications. And we're asking folks, are you interested? And if so to apply. And that's for the Chief Counsel, Executive Director, and the Communications Director. It's going to bring --

CHAIR TURNER: Commissioner Fornaciari?

COMMISSIONER FORNACIARI: Let's see. I just want to check in. It's 4:21, and we're schedule to end at 4:30.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

COMMISSIONER FORNACIARI: Is it fruitful to spend just a few minutes starting this conversation now, or would it be better to start in the morning when we can spend the appropriate amount of continuous time on it?

CHAIR TURNER: So one of the things, it probably would be fruitful to have a good, solid conversation in the morning. What I'm interested in doing is to try to -- if there's a way we can determine how far off we are. We knew the conversation was coming up, in regards to if we are interested in keeping the current RFPs and if we can get a sense of where we believe we are as a Commission, it might help us start our day with some kind
of targeted conversation and questions, maybe.

Commissioner Vazquez --

MS. JOHNSTON:  Madam Chair, if I could add that, I think asking Raul about what recruitment efforts were made for those positions and how many applicants there were would also be fruitful for your consideration for tomorrow.

CHAIR TURNER:  I agree.

Commissioner Vazquez?

COMMISSIONER VAZQUEZ:  Yeah, I would be interested in hearing from Raul.

That said, where my mind is at right now is that I am sure all of the applicants, maybe not all, but I'm sure there's a substantial amount of good quality applications for each of these positions. That said, if there is a discussion around potentially reissuing new RFPs for any of these positions, I'm not even sure how I would engage in a quality discussion about potential applicants and their qualifications based on RFPs that could potentially be substantially changed to weigh different criteria. Because at least I know when I'm applying to something, I base it pretty, pretty closely to what is being asked of me.

So we may be missing quality applicants who have applied in the first round who didn't structure their
applications in a way -- I'm not sure if I'm making
sense, but that just --

    CHAIR TURNER: You are.

    COMMISSIONER VAZQUEZ: -- I think it's a little cart
before the horse to look at the current applicant pool,
if there is a good chance for any of these positions
we're going to change what we're looking for.

    INTERIM ADMINISTRATOR VILLANUEVA: Quite honestly,
you should not make any of this decision -- put it this
way. You shouldn't see or know anything about the
applications in making the decision.

    CHAIR TURNER: Right.

    INTERIM ADMINISTRATOR VILLANUEVA: The decision is
primarily, quote/unquote, a business decision.
Otherwise, in looking at the applications, there's a lot
of potential conflicts and issues that could arise there.
And so I haven't seen who's applied. Marian hasn't seen
who's applied. And so we could have this conversation
purely on that basis then.

    COMMISSIONER VAZQUEZ: Got it. I'm sorry. I
misunderstood you then. It sounded as if we were going
to be (indiscernible) --

    INTERIM ADMINISTRATOR VILLANUEVA: Oh, no, I was
going to go through the actual document so that the group
could understand, what did we ask for? Why was it asked?
And then you can look at it and go, is that something that we want? Is that meaningful to us as a Commission?

How would this work if we were to go forward? Is there a utility there for us?

CHAIR TURNER: Right.

INTERIM ADMINISTRATOR VILLANUEVA: That's my intent.

CHAIR TURNER: I see you.

Commissioner Andersen, then Fernandez and Akutagawa.

COMMISSIONER ANDERSEN: Thank you, Madam Chair.

I've got a quick question. Say we do want to modify something. Can we do this as a change order to an RFP, or do we need to reissue?

INTERIM ADMINISTRATOR VILLANUEVA: This isn't an RFP. This is a job recruitment. It's a recruitment flyer.

COMMISSIONER ANDERSEN: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: And so that question is still germane and it would depend on what you wanted to change and how it actually affected the application process.

COMMISSIONER ANDERSEN: (Indiscernible) starting to do something like that. Should we --

INTERIM ADMINISTRATOR VILLANUEVA: Oh, absolutely.

MS. JOHNSTON: Absolutely. Since you're exempt from civil service rules, you can rewrite it the way you wish.
COMMISSIONER ANDERSEN: Thank you.

CHAIR TURNER: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Okay. I just wanted to make a clarification because a few of us referring to an RFP, but it's not an -- an RFP would be request for proposal. This is actually -- we're going to talk about recruitment. So I want to make sure that we separate the two because we will be talking about an RFP later.

INTERIM ADMINISTRATOR VILLANUEVA: Yes.

COMMISSIONER FERNANDEZ: So these are just about staffing. So it's more of a recruitment versus RFP process.

CHAIR TURNER: Thank you.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Sorry. I think Commissioner Ahmad was before me.

COMMISSIONER AHMAD: Thank you, Linda.

I just had a brief comment, and I -- Commissioner Fernandez kind of touched on that as well.

And then I just wanted to bring up that I've been hearing, and I'm sure that you've all heard the public comments about, you know, the CSA issuing these recruitment postings versus us.

And something that I know that I would do in preparation again for our conversation tomorrow is just
to review the job description to see if there's anything
that is missing that I think we should have had and kind
of go from there.

I'm definitely interested in hearing some numbers,
but at the same time, I don't want to bias myself in
saying that, like, oh, forty people applied for this
position, so there must be someone who's good in there
and then use that as a reason to not make edits --

INTERIM ADMINISTRATOR VILLANUEVA: Right.

COMMISSIONER AHMAD: -- based off of what we want in
the job description itself.

So I'm just trying to figure out what's the best
approach to make sure that we fairly and honestly give
every applicant that may or may not have applied a chance
even though the job description was not ours, per se.

CHAIR TURNER: Thank you.

COMMISSIONER AHMAD: It looks like it's very
thorough. I'll go through it again, but it looks very
thorough.

INTERIM ADMINISTRATOR VILLANUEVA: And if I may,
that's -- I support what you're saying, Commissioner
Ahmad. And that's really what I was describing, maybe
with too much HR ease or personnel ease.

But you really need to look at the content and
understand how it functions and whether it has
functionality for you. I can talk to you about how it functions in terms of the recruitment, what we're looking for, dot, dot, dot, but ultimately, you have to look at that as how it functions for you.

CHAIR TURNER: Thank you.

Commissioner Akutagawa?

COMMISSIONER AKUTAGAWA: Yeah, thank you.

And I appreciate what Commissioner Ahmad just said. I will confess, I was curious about the numbers, so I didn't think that it would bias me, per se. But I was just kind of curious as to just at least how many have applied.

The way I'm looking at these job descriptions -- I guess I'll just use that word instead of RFP or recruitment. It's just simpler for me to say that. The job descriptions, I think, based on not only what we're hearing, but also our earlier conversation, particularly around the Communications Director, I think we need to make sure that there's going to be some capabilities, not just, I posted on Facebook, kind of capabilities, but someone who actually really understands how to use social media properly so that then they can help us communicate out using the kind of tools that are available now, and that may not have been -- you know, that may have -- it may exclude some people because there's going to be
certain skills we're going to need. But because we're looking for certain skills, I think that that's going to be important for us to, I think, keep in mind.

I also want to go back to something that Commissioner Sinay had said earlier in the day about understanding our capabilities as well, too. And I think I want to build on what I said yesterday about just understanding our styles. Because as I think about who the Executive Director is going to be, I think that also is an important role where we have to think about, where are the gaps that are going to need to be filled amongst us as well, too. Not just necessarily in terms of our professional skills, but also perhaps the kind of style capabilities that I think is going to be important, in terms of being able to compliment us and fill in those gaps. So that would just be my kind of comment there.

CHAIR TURNER: Thank you.

Commissioner Le Mons?

COMMISSIONER LE MONS: No comment.

CHAIR TURNER: Okay. So at this point, we're at 4:30 now.

Raul, do you want to give us an overview? Let's just start and then we'll conclude our day.

INTERIM ADMINISTRATOR VILLANUEVA: No, actually I'll have everything ready for you tomorrow.
CHAIR TURNER: Okay.

INTERIM ADMINISTRATOR VILLANUEVA: We'll be starting with the content. I'll go a little bit into state and federal requirements, in terms of what you can and can't do, because some of that will impinge on you just because you're not civil service -- there's still some --

MS. JOHNSTON: Does anyone know where the applications are on the posting so that you can review them tonight?

INTERIM ADMINISTRATOR VILLANUEVA: You will not review them tonight. No.

MS. JOHNSTON: I'm sorry. The announcements.

CHAIR TURNER: (Indiscernible) --

INTERIM ADMINISTRATOR VILLANUEVA: The announcements are posted on the website.

MS. JOHNSTON: Right.

INTERIM ADMINISTRATOR VILLANUEVA: And they were sent.

But that's an excellent question. Does anyone need for me to resend them?

CHAIR TURNER: No.

UNIDENTIFIED SPEAKER: I wouldn't mind if you resent them.

INTERIM ADMINISTRATOR VILLANUEVA: I can certainly do that.
UNIDENTIFIED SPEAKER: (Indiscernible).

INTERIM ADMINISTRATOR VILLANUEVA: Thank you, Marian. I misunderstood what you were saying.

CHAIR TURNER: Okay.

MS. JOHNSTON: I misspoke.

CHAIR TURNER: That sounds like a great idea. We will start tomorrow with public comment again. So anyone that's listening, please do call in on public comment, general.

And then we will go, Raul, right to you for our next discussion.

Just so that you know, tomorrow being Friday, we do have speakers at 10 o'clock. The Census Bureau, Angelo, Karin at 10 o'clock. And we also have a speaker at 1:30 for California's Diverse Demographics, from Eric, that'll be coming in. So if you can prepare for that for tomorrow as well.

INTERIM ADMINISTRATOR VILLANUEVA: Oh, my goodness. That's right. We'll have thirty minutes. Good luck.

CHAIR TURNER: So perhaps what -- (indiscernible) --

INTERIM ADMINISTRATOR VILLANUEVA: We'll cover as much as we can.

CHAIR TURNER: Yeah.

Commissioner Sadhwani?

COMMISSIONER SADHWANI: May I just put it out there?
And we don't have to talk about it now, but one of the things that we had done in our previous meetings, set a time limit of public comment.

CHAIR TURNER: Yeah.

COMMISSIONER SADHWANI: You know, it doesn't have to be the same. We had set two minutes before. It doesn't matter to me what it is that we set. But especially some of the comments that we received today, some were longer than others. So (audio interference) --

CHAIR TURNER: Thank you.

COMMISSIONER SADHWANI: -- why don't we just ask that as a Commissioner, think about that. And that also might assist us.

INTERIM ADMINISTRATOR VILLANUEVA: Yeah.

CHAIR TURNER: I think you're right. I think you're absolutely right.

One of the things that -- remember when we were just a Commission of eight, I think we said that we were going to have to re decide that we had the full fourteen. And so when we got in the middle of some of the comments, it was like, oh, we don't really have anything operational right now that we've done. So we will need to have the conversation to determine if we want to limit public comment to a certain time period or if we want to leave them open ended. And we'll --
Commissioners Sinay?

COMMISSIONER SINAY: Sorry about that.

One of the things we did that worked out well in the school board, because you want to have some flexibility, so we would use, I think, three minutes or four minutes. But if it was a tight day, then we would say, if we knew that there was going to be a lot of comments, then we would say two minutes. So you might want to say three minutes for our usual and two minutes if there's a lot of people. Just to give some flexibility?

CHAIR TURNER: Okay. So we'll continue the -- Commissioner Kennedy?

COMMISSIONER KENNEDY: Yes. My understanding is that what we have currently is two minutes with an understanding that if someone isn't finished, they can go back to the end of the queue. And if they're the only person in the queue, then we're much more flexible on that.

MS. JOHNSTON: If I may, the two minutes was established by the first eight, so it would be best to have the full commission decide that.

INTERIM ADMINISTRATOR VILANUEVA: Yes.

CHAIR TURNER: Thank you.

Commissioners, do you want to make -- should we just conclude for today and start tomorrow? Okay.
So at this point, we will recess for the day. We have that on our agenda, on our Things to Do list. And we'll start tomorrow morning at 9:30.

I thank you for your time and attention on today -- and your focus. Good night.

MS. JOHNSTON: Good night. Thank you.

INTERIM ADMINISTRATOR VILLANUEVA: Good night.

(Whereupon, the Public Meeting adjourned at 4:30 p.m.)
CERTIFICATE OF TRANSCRIBER

I certify that the foregoing is a correct transcript, to the best of my ability, of the videoconference recording of the proceedings provided by the California Citizens Redistricting Commission.

LORI RAHTES, CDLT-108

July 18, 2022

DATE