STATE OF CALIFORNIA

2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

PUBLIC MEETING

721 Capitol Mall, 2nd Floor
Sacramento, California 95814

TUESDAY, OCTOBER 20, 2020
TIME 9:31 A.M.

Reported by:
Peter Petty
APPEARANCES

Commissioners Present:
Linda Akutagawa, Chair
Neal Fornaciari, Vice Chair
Isra Ahmad
Jane Andersen
Alicia Fernandez
J. Ray Kennedy
Antonio Le Mons
Sara Sadhwani
Patricia Sinay
Derric H. Taylor
Pedro Toledo
Trena Turner
Angela Vasquez
Russell Yee

Staff Present:
Daniel Claypool, Executive Director
Marian Johnston, Counsel
Raul Villanueva

Also present:
Kristian Manoff, AV Tech
Jesse, Phone Line Interface Technician

Public Commenters:
Colleen Mathis
Lori Shellenberger
Deborah Howard
Rosalind Gold
Helen Hutchinson
Alejandra Ponce de Leon
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PROCEDINGS

Tuesday, October 20, 2020 9:31 o'clock a.m.

VICE-CHAIR FORNACIARI: Well, welcome everyone to the October 2020 first meeting of the Citizens Redistricting Commission. I'm Commissioner Fornaciari. I'm standing in for Commissioner Akutagawa, who's Chairing this week. She'll be out -- she'll join us about 10:15 or so. So, we'll start off. Marian, if you can call the roll, please?

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Here.

MS. JOHNSTON: Commissioner Akutagawa is absent. Commissioner Andersen?

COMMISSIONER ANDERSEN: Here.

MS. JOHNSTON: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Here.

MS. JOHNSTON: Commissioner Fornaciari?

VICE-CHAIR FORNACIARI: Here.

MS. JOHNSTON: Commissioner Kennedy?

COMMISSIONER KENNEDY: Here.

MS. JOHNSTON: Commissioner Le Mons?

COMMISSIONER SADHWANI: Here.

MS. JOHNSTON: Commissioner Sinay?

COMMISSIONER SINAY: Here.
MS. JOHNSTON: Commissioner Taylor?
COMMISSIONER TAYLOR: Present.

MS. JOHNSTON: Commissioner Toledo?
COMMISSIONER TOLEDO: Here.

MS. JOHNSTON: Commissioner Turner?
COMMISSIONER TURNER: Here.

MS. JOHNSTON: Commissioner Vasquez?
COMMISSIONER VASQUEZ: Here.

MS. JOHNSTON: Commissioner Yee?
COMMISSIONER YEE: Here.

MS. JOHNSTON: All present except for Commissioner Akutagawa and Le Mons.

VICE-CHAIR FORNACIARI: Okay. Thank you, Marian.

So, general announcements. One thing that I have that I just want to remind everyone: we're putting the agenda together -- we're finalizing the agenda for the meetings for the 4th through the 6th. So, if you have -- and we're going to actually try to share a draft with you all this evening, so you can take a look, and if you have anything to Darrell, think about that. Especially for the subcommittees. If you have, or you think you might have, an action that you want the committee -- or the -- yeah, the Commission to undertake that week, we can add it to -- as a bullet point under your subcommittee report. You know, just let us know if you think you might have it. If
you don't have it, we don't have to take action, but we
can't take any action if we don't have it. So, that's the
general announcement that I had.

I don't know if -- well, Director Claypool has an
update in a minute. Are there any other general
announcements that we -- that folks would like to have?
Commissioner Sinay?

COMMISSIONER SINAY: I -- Commissioner Turner and
I met with the Center for Civic Design and they created
these little booklets. They're called Designing Better
Education booklets and flyers. They're really small, and
very clear-cut and it's not -- it's good information for
anything we're creating for the Commission to the general
public. So, they sent me whole box full, and I would like
to be generous and share it with all of you. So, if you so
would like one, can you email me or just let Mr. Claypool
know if I can have all of your addresses so that I can send
these out and -- as well as the cards? If I ever get to
making them.

VICE-CHAIR FORNACIARI: Okay. Very good, thank

COMMISSIONER SADHWANI: Oh, can I jump in there?
VICE-CHAIR FORNACIARI: Oh, I'm sorry.
COMMISSIONER SADHWANI: That's okay.
VICE-CHAIR FORNACIARI: Sorry, yes.
COMMISSIONER SADHWANI: No problem. So, two pieces, I suppose. One, in terms of your call for agenda items, I will mention this later in our update, but I believe the Line Drawers Committee will have something to put on the agenda for the -- for that first week of November. In addition, Commissioner Andersen and I have had a number of really great conversations for that committee. We will be giving an update today. But one of the pieces that came out that I just wanted to share in general comments is, a request that we could provide a meeting summary of our meetings, that it's very difficult to go back and watch the entire full day recorded meetings. I know that previously, we had a very small staff that was part time, and that was very challenging to do. But as we staff up, we have Director Claypool here with us today. I know that we have confirmed retired annuitants to be on board. I'm wondering if we could -- even whether it's minutes or a short summary of, kind of, the key action items that were discussed, if we could do that for the general public, I think that -- it sounds like there's a real interest in doing so. Obviously, there's an interest in having the full -- the full, you know, website redone and everything, and I recognize that that will take time. But I think a short summary of our meetings would be helpful for the public who's tuning in.
VICE-CHAIR FORNACIARI: Okay. I think that's -- it sounds like a great idea. You know, as we get staffed up, Director Claypool, you know, I know you're looking at bringing some more people on board. Is that something we can -- we can have -- have some of the staff take care of?

EXECUTIVE DIRECTOR CLAYPOOL: Absolutely. I'm actually going to be discussing where we're -- where we're at with the staff hiring, in the report I'm going to give. That -- that can be done, once we have somebody who can actually do it, just because right now, we're still sitting at a total staff of three. But I'll discuss that in just a few minutes.

VICE-CHAIR FORNACIARI: Okay, thank you. So, if there's no other general announcements, we'll go to public comment. So, Jesse, if you could read the instructions, please?

PHONE LINE TECHNICIAN: In order to maximize transparency and public participation in our process, the commissioners will be taking public comment during their meeting by phone. There will be opportunities to address the commissioners regarding the items on the agenda. There will also be opportunities for the public to submit general comments about items not on the agenda. Please note that the Commission is not able to comment or discuss items not on the agenda. The Commission will advise the viewing
audience when it is time to submit public comment. The commissioners will then allow time for those who wish to comment to dial in.

To call in, on your phone, dial the telephone number provided on the livestream feed. When prompted, enter the meeting I.D. number provided on the livestream feed using your dial pad. When prompted to enter a participant I.D., simply press pound. Once you have dialed in, you will be placed in a queue from which a moderator will begin unmuting callers to submit their comment. You will also hear an automated message to press star nine to raise your hand, indicating you wish to comment. When it is your turn to speak, the moderator will unmute you, and you will hear an automated message: "The host would like you to talk," and then press star six to speak. You will have three minutes to provide your comments.

Please make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call. Once you are waiting in the queue, be alert for when it is your turn to speak, and please turn down the livestream volume. The commissioners will take a comment for every action item on the agenda. As you listen to the online video stream, the Chair will call for public comments. That is the time to call in. The process for making a comment will be the same each time, beginning by
the telephone number provided on the livestream feed, and following the steps stated above.

VICE-CHAIR FORNACIARI: So, it looks like we have two people in the queue. Jesse, if you could, invite the first caller in, please?

PHONE LINE TECHNICIAN: Okay. Good morning, caller. The floor is yours.

MS. MATHIS: Good morning, can you hear me okay?

PHONE LINE TECHNICIAN: Yes. Could you please state your name and spell it for the court reporter, please?

MS. MATHIS: Certainly. My name is Colleen, C-O-L-L-E-E-N, Mathis. M as in Mary, A-T-H-I-S. So, good morning, commissioners. I'm Colleen Mathis, and I'm the Chair of the Arizona Independent Redistricting Commission. So, your neighboring state. It's nice and sunny here in the Grand Canyon state, and I very much appreciate this opportunity to address you all. I want to, first, thank you for volunteering to serve your fellow citizens of California in this enormous, but very important task.

I also want to take this opportunity to thank the last California Citizen Redistricting Commission, and all who supported them, for submitting an amicus brief in support of the Arizona Independent Redistricting Commission back in 2015. And that's when the Arizona Legislature
challenged our Commission's authority to draw congressional
district lines. Fortunately for all of us, the Commission
prevailed, and I'd encourage you to read the majority
opinion authored by the late, great, Justice Ruth Bader
Ginsberg, which upholds the power of the people to
legislate by initiative and referendum, which is guaranteed
in both California's and Arizona's constitutions. It was
truly a We the People victory.

So, the purpose of my call today, though, is to
say that I've been in your shoes and well understand the
importance of the decisions you are facing. And there are
many, but there isn't one any more important than the
choice of the mapping consultant. And I would encourage
you to be very deliberate in your plan for choosing one,
and work together to develop a very detailed scope of work
for this Request for Proposal. And it should go beyond the
more obvious question surrounding the technical aspects of
redistricting and the firm's ability to work with, you
know, census data, et cetera, and the software. I'd
encourage you to actually ask them to fully divulge their
track records in working with other clients, their history
of political activity in the form of donations they may
have made, and see how they responded and how transparent
they are. This will only help instill public confidence in
the process and allow you to have a yardstick by which to
measure the different firms that are going to apply.

If you go to AZredistricting.org and pull up the side menu entitled Maps, and then choose Mapping Consultant Info, you can see the Request for Proposal document that our Commission developed, as well as all the responses submitted from the seven companies that actually responded to that RFP. And after we had those seven documents, we then narrowed that list down to four, and actually interviewed those four firms in public session, which I'd encourage you to do, if you can. We then interviewed those firms, and you can watch those responses and those interviews on our June 24th, 2011 meeting of the Commission. That's also recorded, archived on our site.

And by following this kind of deliberative process, our Commission was able to choose the best firm that we could have. And it was comprised of individuals who understood their role as serving the Commission and the public, which is so important, while being professional, courteous, and pleasant to all comers. We were very fortunate. So, please visit AZredistricting.org for more, and I'm also happy to serve anytime as a resource on this or any other matter related to Arizona's redistricting process, so please feel free to contact me any time. And I only wish you the best.

VICE-CHAIR FORNACIARI: Well, thank you for that
input and those thoughts. Thank you very much.

   MS. MATHIS: You're welcome.

   VICE-CHAIR FORNACIARI: Next caller?

   PHONE LINE TECHNICIAN: Good morning, caller.

Could you please state and spell your name for the record, please?

   VICE-CHAIR FORNACIARI: I'm going to have to unmute you.

   MS. SHELLENBERGER: Can you hear me?

   VICE-CHAIR FORNACIARI: Yes.

   MS. SHELLENBERGER: Okay. This is Lori Shellenberger. L-O-R-I, S-H-E-L-L-E-N-B-E-R-G-E-R. I'm the redistricting consultant for California Common Cause, and good morning everyone. I'm calling in with really more of a bit of a logistical issue that I wanted to flag, and it's regarding the posting of your meeting materials, and this is something that came up at the end of your meeting last week. And I under -- I want to preface it with the understanding that you're still staffing up, you're still working out your communications logistics between the Commission and staff, and that you also have a lot of work that you're trying to plow through in these marathon meetings that you're having, and we -- we appreciate, so much, your commitment and your thoughtfulness to the process and to transparency.
As you all know, the map that you were discussing at the end of last week's meeting, which was your map for how you would approach your information gathering for your outreach and education, was not posted for the public. You had a caller who called in and requested that you delay your vote on that motion to use that division of regions for your outreach purposes, and you ended up going ahead and voting on that. And understanding that may not seem like the most significant of decisions you will be making, of course, in the scheme of things, but just wanted to flag that it is really critical for the public to have access to the information that you'll be voting on, and that delaying a vote, even on something minor, is critical to ensuring that the public can have input on those decisions.

And so, I just would encourage you, in the future, especially when it's something that it seemingly could have waited until this week, that it -- it builds public confidence in the process for you to ensure that there's input even on those decisions, and that the public has access to that information. I also wanted to thank Commissioner Le Mons, who I think flagged something really critical, which was, you know, making sure that you did -- if you were going to adopt that approach, vote on it and not have an end run-around that to avert, sort of, the formal process for adopting something like that, and
appreciate him standing up for the integrity of the process, and appreciate that you all value that as well. But just wanted to -- to follow up on that and -- and emphasize that it is really important to -- to make sure the public has -- has equal access to information that you're discussing moving forward. Thank you.

VICE-CHAIR FORNACIARI: Thank you for that feedback. Let's see. Looks like --

PHONE LINE TECHNICIAN: At this time, there are no more callers in the queue, Chair.

VICE-CHAIR FORNACIARI: Okay, and it's been 17 minutes since we called for public comment, so I think, at this point, we will move to Agenda Item No. 4: Commissioner Updates: items of interest to the Commission.

EXECUTIVE DIRECTOR CLAYPOOL: Chair, I believe you had Commissioner Sinay wanting to make comment.

VICE-CHAIR FORNACIARI: Okay. Commissioner Sinay?

COMMISSIONER SADHWANI: I just -- yeah, based on what they -- the last public comment was. I'm still not sure if it was or was not online, and the reason I'm saying that is, our website is quite complicated, and there's two places to go to for the meetings. One just has the meeting agendas and the other place on our website has meeting agenda and backup documents, and that's got to be fixed,
because that, alone, is just complicated. I know that when we were trying to call in because of all the chaos that took place, my kids, my husband, everybody was looking for a phone number to call in. We called into the office, no one answered the main number, so I do think that that number needs to be -- we need someone to answer that number while we are on Commission meetings, once we're staffed up.

But I also think we need, just, to have the agenda and the documents all just in one place so that people know they've got to where they need to get to, versus having to go to several different places. But I -- again, to the public, sorry. It was -- the whole thing ended up being very chaotic on Thursday, and we prepared, and it just fell through, so we apologize.

VICE-CHAIR FORNACIARI: Any other comments?

Okay, any updates on items of interest to the Commission?

Okay. Kristian -- I'm sorry, I need to take, like, a two-minute break, if -- if we could, please.

MR. MANOFF: You got it, Chair.

(Break)

VICE-CHAIR FORNACIARI: Okay. Thank you, and welcome back. At this point, we'll go to Action Item No. 5: The Executive Director Report.

EXECUTIVE DIRECTOR CLAYPOOL: Good morning, Commissioners. I'd like to start by just saying that I had
received a request to reach out to all of you, and I had
actually started reaching out to some of you period -- to
just talk to you individually, give you an idea about who I
am, and get an idea of who each of you are. So, in the
next week, I'm going to be scheduling a 30-minute
conversation with each of you, if you have the time, just
to exchange, you know, information about Dan Claypool and
Dan Claypool's family and to try to find out about yours.
So, if there's any issue with that, you need to let me
know, but I -- in the meantime, that's what I'm going to
do.

The items I'd like to talk to you about today are
contracting and working with contracting major issues,
milestones, and some protocols. So, to start with, on
contracting, we've had a small glitch with our -- with our
contracting as far as our videography goes. We were
working with the Office of Business Acquisition Services,
also known as OBAS, for those of you who are keeping track
of the acronyms. But we've now been referred back to the
more -- the larger umbrella division of Procurements
Division. And so, we're taking a step back in our -- in
our move to get our delegated authority, and to get our
videographer contract in place. I spoke with a DDS Deputy
Director, Mr. Kinney yesterday, and asked him for
assistance in fast tracking both our contract for
videography through the California Multiple Awards Schedule, the CMAS schedule, and I also requested a contact person for our delegated authority so that we can fast track all future contracts.

Mr. Kinney said that he would set up a Zoom meeting with myself and Marian and Raul, and we would discuss this whole situation with representatives of OBAS, the Procurement Division, and the Office of Legal Services. This is really important because, in this meeting, hopefully, we can iron out the need for the amount of speed that we need to move our contracts through the Department of General Services, and get into a situation that we were in during the 2010, where our contracts went through much more quickly than the standard contracts go through. We have, in preparation for that meeting, he asked that I provide a short description of services that we'd be needing in the upcoming months so that they can have the right personnel at the meeting, and I'll be providing that to him today or tomorrow so that we can get the meeting scheduled for early next week.

We also, in our deliberation with the Chair and the Vice-Chair, this week, identified some major contracts that require either a CMAS solicitation or an RFP. So, looking ahead at where this Commission is headed, we need to have an outside legal counsel with litigation and VRA
experience, and that will be an RFP. We need a racially polarized voting expert or consultant. That will be an RFP. The line drawing consultant, we're already discussing that, and that will be RFP. Data analytics consultant, that would be an RFP, and a videographer, which I've just discussed, and that contract will be inclusive of ASL and court reporting services.

On our site, I have posted the contracting guide that you requested, and did you -- can you all see that guide? Did you have an opportunity -- if you could, take just a moment to go to our site and pull it up. What's that? Oh, Raul also emailed it to you, I apologize. So...do you -- just give me a show of hands when I know you're looking at it, because you had requested to know about timelines, and this is going to have some sticker shock, so, I want to make sure that we're all looking at the same document.

COMMISSIONER ANDERSEN: Mr. Claypool, may I ask, while we're all looking for that, in terms of our -- the way we're deciding what types of contracts, you know, this is great to evaluate them, but stepping back just a little bit, what -- under what sort of authority are we -- do we need to practice under? Because it was brought up to us as we were discussing the line contracting that we're sort of acting under executive branch rules, and do we need to do
that, or can we do that from, essentially, legislative branch rules? And can you address this issue? You know, we're sort of -- is there a variation, and how would that impact the types of contracts that we can -- that we can be addressing and using?

EXECUTIVE DIRECTOR CLAYPOOL: You are under the state contract code for the contracts that you're going to be moving. So, last time, there was no -- the legislature and legislative -- constitutional officers can operate outside the contracting code, but this Commission cannot. All of the commissions that I know of in the state of California are required to operate under contract code, as it's set out by both statute and overseen by DGS, Department of General Services. So, I don't know about an executive code. I'm unaware of that. Who -- who said that you could do that? Do you remember?

COMMISSIONER ANDERSEN: Well, without disclosing names, because when we were discussing things, I don't want to say the particular who, but in terms of just the statute that says that, you know, the Commission, this is under the -- you know, which branches and things we're under. I mean, I'm just wondering what -- what that actually is. I mean, that could, indeed, be absolutely correct, but it's just -- you know, I realize that we, sort of -- we might not have even looked at that idea, and that's the idea that
was brought up to us, in terms of you really don't need to be, but you just sort of interpreted it that way. And I'm -- and I just thought, well, maybe we should pursue that.

EXECUTIVE DIRECTOR CLAYPOOL: Okay.

(indiscernible)?

COMMISSIONER SADHWANI: Pardon me. Thank you so much. If I may just jump in, here. I think what Commissioner Andersen and I are both trying to explore, and we would love to have your assistance in this, is that the RFP that was put out for the -- to recruit a line drawer, drew zero line drawers, as it was published earlier this year. We want to better understand the range of options that we could potentially have in order to do this, recognizing that the field of line drawers is actually not that big, and that recruiting someone will be a difficult task. It is my understanding that in 2010, an RFP was actually not used, and so therefore, are there other ways in which we might go about -- are there other protocols that we might be able to utilize in order to solicit a line -- you know, line drawer applications, that doesn't include a 60-page RFP that line drawers have to respond to?

And indeed, and I think we're -- I'm happy to disclose who it was that said it, we have a report coming up, but yes, one of the questions that was raised to us is, why is it that the Commission feels the need -- and I am
not a state contracting person, I have never worked for the
state, so if others, perhaps even if Commissioner Fernandez
has information about this, why is it that the Commission
is utilizing the protocols of the executive branch rather
than the legislative branch? I don't know the differences
between those two protocol systems, so it would be helpful
for me to understand the range of options that we might
have, recognizing that the field of line drawers, the field
of, even VRA legal counsel, is not great. And so, how we
establish this RFP, or whatever this process will be, will
be an important way of soliciting input. Some simply will
not bother with an onerous process such as the RFP.

COMMISSIONER ANDERSEN: Actually, everybody had
said -- well --

MS. JOHNSTON: One correction. They did use an
RFP in 2010. There were two applicants, as I recall.

EXECUTIVE DIRECTOR CLAYPOOL: Right, and
actually, I assisted in writing that RFP, so I remember it
going out. We let it for 30 days. We had a response by
Johnson's Group, I believe it's RDA from Southern
California, as we had from Q2. And then once we -- it was
a sealed bid RFP, and that would be, if you're looking at
this guide, that would be Request for Proposal No. 1. That
-- that protocol. As far as using the legislative, you are
-- you are under the state of California budget, you are
under the Governor's purview. We don't have the luxury of
being able to operate outside of the state. You're part of
-- if you look at the Department of Finance, you're in the
Boards and Commissions group, and they manage your budget.
In fact, DOF oversees your budget.

So, these are going to be the options available
to you. We could certainly talk to the Department of
General Services, or even talk to somebody at the
legislature about possibilities, but I think, to be quite
honest with you, Commissioner Sadhwani, all roads are going
to lead back to these options.

MS. JOHNSTON: And the statute that you're under
is § 8253.6, Subdivision D. It says that the Commission
with fiscal oversight from the Department of Finance, so
that's what puts us in the state contracting code.

COMMISSIONER SADHWANI: In an email from Raul, if
I may, if any -- in an email from Raul, on October 8th, he
had told us that in -- he says here 2011, it was an IFB
that was used. I don't know what an IFB is, but it seemed
to me -- it gave me the impression that we would have
additional options.

EXECUTIVE DIRECTOR CLAYPOOL: Okay, and you have
the IFB option. It's listed in this list, if you take a
look.

COMMISSIONER SADHWANI: I still can't find this
list that you're talking about. Is it a part of the public
comment handouts that were listed on the website? I know
you mentioned an email from Raul. We've had several. Can
you point to which one it would be?

(overlapping voices)

COMMISSIONER FERNANDEZ: It was sent this morning
at 9:14.

MR. VILLANUEVA: Yeah, and it's Five Methods for
Soliciting Bids.

VICE-CHAIR FORNACIARI: Oh. Commissioner
Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. I guess
a quick question to start with. Are other Commissions,
Boards, et cetera, also exempt from civil service rules as
far as their personnel issues?

MS. JOHNSTON: Not in my experience. None I've
worked with.

EXECUTIVE DIRECTOR CLAYPOOL: No, you're --
you're the only one that has that luxury.

COMMISSIONER KENNEDY: Okay, so, we are -- we are
unique in our ability to hire personnel, you know, and this
is something that I've already put down for discussion with
Commissioner Ahmad in the context of the Lessons Learned
subcommittee, but it seems to me that there needs to be
discussion of similar uniqueness, as regards contracting,
not just personnel. Thank you.

    EXECUTIVE DIRECTOR CLAYPOOL: So, that conversation is certainly appropriate at the end of this process. Nothing can be changed because of statute, while you're doing this process, but at the very end, there will be a time to make constitutional or legislative changes, and that certainly is something that needs to be explored.

    So, Commissioner Sadhwani, do you see it now?

    COMMISSIONER SADHWANI: Yes, I have it in front of me.

    EXECUTIVE DIRECTOR CLAYPOOL: Okay, so, I'd like -- if we look at this, and if we start thinking about these major contracts that we're talking about, the first thing that's very important to remember is, these times that you see out on the end only start when you have an approved proposal or statement of work, and you're ready to post. When that post occurs and you start looking for your line drawers, then you start looking at six weeks or more. Why does it say six weeks or more? 42 days is if everything's perfect. It's going to have to go to the Department of General Services Contract Division, they're going to look it over, they're going to run it through the Office of Legal Services to make sure that it's okay, and then it's going to have to be approved by the Department of Finance because they have fiscal oversight over you, as Marian's
pointed out.

So, anything that we want to do in January, we need to start lining it up right now, and we need to start looking at not only your line drawer and that RFP, but we also have to start thinking about your outside counsel, which is going to be very important. I would say your data analytics consultant and what -- who is that? We had talked earlier about how the information that had been collected in the 2010 -- for the 2010 Commission wasn't utilized. It just -- to the extent possible, it was mainly what they could remember about the different regions, and I'm sure that Commissioner Sinay has discussed a lot of these processes with Commissioner Di (phonetic) in her conversation, but -- and others of you may have talked to other commissioners, or heard the same comment.

We need to have some type of organization or company that can collect your information from your outreach and from your public meetings and mine it and give it back to you so that it makes some sense to you. And so, that's a very important contract to start thinking of, because that, conceptually, will be very difficult. Commissioner Sinay?

COMMISSIONER SINAY: So, you and I are using different words, but I think we're thinking of the same type of person. Because of COVID, we also need to think
very different about how we're doing civic participation and, as I mentioned before, there's a whole field, now, that wasn't as strong and didn't exist ten years ago of civic technology and civic -- well civic tech is what they call themselves, and civic design. So, I want to make sure that, when we're looking at this, that we're using the right words that will attract that field in doing this, because these are the folks who know how to create all sorts of different tools and apps and things that we need, and know how to quickly tag them in all the things that you're seeing as well, and they have fun doing it, and they come, usually, from the technology world and they've worked for profit, but now are looking how to use this in a civic role.

I know the census used a few -- used one company to do this, and that company was very focused on hard-to-reach census folks. So, I just want to make sure, but that's what I'm hearing is that we're kind of talking -- that you were saying the data analytics, which we definitely need, because I know that was a big piece last time that was left out, but also, how we're capturing different data, because we might not be able to capture it the same way we did last time, with the meetings.

EXECUTIVE DIRECTOR CLAYPOOL: So, I'm actually thinking of the end product from this. So, what you're
talking about is the intaking, and finding these communities and getting that information, and we need somebody who can, then, bring it through and present it back to you so that it makes -- so that you can distill -- and it is data analytics, but it's -- but I'm thinking of how you're going to receive that information so that you can actually use it, as opposed to having 200,000 pieces of information that we can't go through.

COMMISSIONER SINAY: I hear you, but I think it is the -- that the civic tech world is looking at both pieces. And so, I just don't want us to think in one way, but be a little broader when we're putting it out there, how we write it and stuff, so we attract different folks to apply.

EXECUTIVE DIRECTOR CLAYPOOL: Certainly.

Commissioner Andersen?

COMMISSIONER ANDERSEN: Thank you. Yes, thank you for that, Commissioner Sinay, and Mr. Claypool, along those same lines, that very same line, it is -- and is more technical, it is all this information. It also must be connected to the line drawer consultant. These have to have a connection because we are thinking of the actual final product. And along those same lines, both the -- the VRA consultant must also have a connection with the line drawer. These things are -- because ultimately, we do have
to get all together at the same point. So, I want us to -- thank you very much for bringing all these up, Mr. Claypool, because these do all have to get -- happen now, but they do all also have to intersect. So, as we put these together, they need to be able to communicate with each other.

VICE-CHAIR FORNACIARI: So, I have a comment, then Commissioner Sinay. Commissioner Andersen, if I -- I mean, when you say, "connect," you mean, you know, be able to work -- mesh together, not have some pre-existing connection, right? They have to -- we have to think through how they all have to work together and ensure that they can work together.

COMMISSIONER ANDERSEN: Yeah.

VICE-CHAIR FORNACIARI: Is that what you're -- is that what you're saying?

COMMISSIONER ANDERSEN: Yes, absolutely. Thank you. A few may have a connection, but no, it is that they must be compatible. It's like, you know, you don't buy -- you know, yes, I can give an example, like, you don't buy, like, an iPhone and then -- but you're never going to do anything else with it and it can't connect to your old PC, type of thing. You can't put the information together. That's what I'm talking about.

VICE-CHAIR FORNACIARI: Okay. Okay, thank you.
Commissioner Sinay?

COMMISSIONER SINAY: Actually, Commissioner Kennedy was before me, and I think my question was answered.

VICE-CHAIR FORNACIARI: Oh, my apologies.

Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you. In this list, I'm wondering if this list of bid or procurement actions is intended to be exhaustive. I have been highlighting, since August, the need for language services as far as translation, and I feel like we've not made any progress on it whatsoever, and every day that goes by, in my mind, is a day that someone is able to fully and effectively participate in this process because we are not offering the language support that we need to be offering.

EXECUTIVE DIRECTOR CLAYPOOL: Commissioner Sinay?

Okay. So, I only intended this guide and this conversation to say that this is for me, a point where we need to start. It wasn't intended to be exhaustive on -- I mean, I think we need a Committee amongst you that will decide how all these intersections can occur. How you want -- what you want it to look like. Because from that, we will -- we'll have the RFP that will -- that will -- or the RFPs, if you will, for multiple companies, however you're -- we're going to do it, we have to conceptualize this now. So, go ahead?
COMMISSIONER LE MONS: So, Mr. Claypool, when you say that this is just a start and not exhaustive, I guess I'm not clear on what's meant by that. I feel like we're getting in the weeds, at least what I understood this conversation to be. We're looking at our mechanisms and levers for being able to get things done. I think the kinds of things that Commissioner Sinay and Commissioner Andersen are talking about is really not this conversation, but it's more specific to the actual designing of RFPs, et cetera. So, I'd like to kind of focus us back to this question of an exhaustive list. Are these all of our options for securing the various contracts, et cetera, that we need for whatever it is, whether that's language or line drawers, et cetera, or are there options that are missing?

So, I know some of the questions that Commissioner Sadhwani asked earlier, we clarified that the IFP that was referenced is here. Are there things not here, as it relates to the mechanisms by which we need to secure the things that we need?

MS. JOHNSTON: Personal services contract.

EXECUTIVE DIRECTOR CLAYPOOL: Pardon?

MS. JOHNSTON: Personal services contract.

EXECUTIVE DIRECTOR CLAYPOOL: There is only one -- there's only one option that isn't listed here. It's a --
- it’s called personal services contracts, and those can go up to $10,000. They're -- they weren’t listed here because they won't cover any of the -- of the things that -- these contracts that we're talking about. And if you issue -- so, if I issued 100 $10,000 contracts, that's splitting a contract, that's against the law. So, we will use personal services contracts along the way. There'll be things that we need to fund that will be for minor operations. Maybe you need to put a kiosk somewhere and we need to have the money for it, and a personal services contract will cover it. But it -- it comes into play at a very low level.

And so, this is your exhaustive list of what -- of the ways that we can go out to contract in state government.

COMMISSIONER LE MONS: Okay, so, you'll add that other one, and then it'll be exhaustive, if (indiscernible).

EXECUTIVE DIRECTOR CLAYPOOL: That's true.

COMMISSIONER LE MONS: And so -- right. And then with -- to Commissioner Kennedy's point, there may be, going back to your example you just gave of the $10,000 range, there may be some interim step that we could do, dependent upon -- again, we can't see what that requires. I think we've done it since we've been together. I'm not absolutely sure of that. But my point being is, if, for
example, we decided that we wanted to use that as some kind of interim process to handle the language issue, dependent upon what the complexities are, time, et cetera, as we pursue something else, because we're working against time, to his point, as well as getting the things that we need. So, I think that's why that's important to be here too, so we know all of our options, and we're not -- they're not things living outside of this that we didn't know about or could do.

So, I'll feel comfortable when you're able to tell us, definitively, that the list in front of us is -- these are all of our pathways, and then we have something that we can work with, and it sounds like we're almost there. We're, like, 99 percent there.

EXECUTIVE DIRECTOR CLAYPOOL: Yeah. So, with the exception of that personal services contract, that -- that method, this is the list, and the reason that it's dangerous to -- I'll -- we'll put it on there, but if we were to take a personal services contract and use it for translation services, then we wouldn't be able to -- we might not be able to, then, contract with that company because we'd be splitting a contract, and that's against -- that's against contracting code. So, there are nuances to it. Commissioner Kennedy?

VICE-CHAIR FORNACIARI: I think Commissioner
Andersen.

EXECUTIVE DIRECTOR CLAYPOOL: Oh, I apologize.

COMMISSIONER KENNEDY: Thank you. We're talking about procurement mechanisms, but the personal services contract, in my mind, raises the possibility -- you know, are -- is hiring also an option for any of these? You know, if we want to -- if we want to be truly exhaustive in our way -- in our thinking of, how can we get something done, yes, procurement is one route, but is hiring ever going to be another route for us, because we do have so much more flexibility in hiring? Thank you.

EXECUTIVE DIRECTOR CLAYPOOL: Commissioner Andersen?

COMMISSIONER ANDERSEN: My -- I'd like you to kind of talk to -- about Commissioner Kennedy's, but mine is just, I don't quite understand why -- maybe it's because it doesn't result -- you're saying it's not going to result in the final end, but your RFQ down here is Request for Quotation for Goods, but I'm talking about RFQ as Request for Qualifications, and most professional services nowadays, these are for state, you know, businesses and things like that, you don't do -- you do RFPs, but you do RFQs, because only certain professions -- certain people in the profession who are qualified. And that -- then that becomes the scope, and I'm wondering, are you thinking that
that's included, like, in a -- in a -- your RFI or something? I don't quite know why RFQ isn't here and why -- I've never heard RFQ for quotation, but that is for goods, not -- as opposed to, you know, services. We're talking about professional contracting. And I don't quite know why that wasn't there. Unless -- unless it's considered to be something under the RFI. You're thinking that that's not -- that's not a way to result in a final contract?

EXECUTIVE DIRECTOR CLAYPOOL: So, the notation that was put in there, Raul and I both worked on this, that -- it says that the Office of Legal Services, OLS, does not allow an RFQ as a basis for a contract. So, you can make a request for somebody's qualifications to get a determination as to whether or not they're qualified to do it, but you're ultimately going to contract -- or go back to them with an -- with a proposal for your project. RFIs are, typically, precursors. So, a good example would be what Commissioner Sinay had just discussed. If we are looking at trying to put together some broad -- some broad methodology for both bringing in information and then putting it in a form where you can understand it and use it, you might use an RFI and say, give us some information about how you might do this project. And then use that to, then, put together your RFP, your proposal, so that you can
have it well-crafted and make sure that it gives you what
you want.

    But to be honest with you, Commissioner Andersen,
I wasn't even aware that there was an RFQ because, in state
government, as I understand it, it is just predominately
used for the procurement of goods. And so, when it -- when
we had the notation there that they won't let it be the
basis for a contract, I -- I would have to investigate
that, but I believe that that must be correct.
Commissioner Turner?

    COMMISSIONER ANDERSEN:  Sorry, I did sort of jump
over. Could you -- could I -- Commissioner Kennedy's item,
I still need to -- hasn't been addressed. I didn't mean to
put mine in front.

    COMMISSIONER TURNER:  Well, since we did go back,
I wanted a follow up question on what you asked,
Commissioner Andersen, on that same part of what you asked
that made me then wonder, was about the difference in the
wording and the intent of RFQ being Request for Quotation,
as opposed to Request for Qualification. And I'm still not
clear. Is -- so we don't use Request for Qualification,
that's something different? Because even the comment on
that -- on the OLS does not allow for an RFQ, I would
assume would be referring to Request for Quotation. So, I
still wanted clarification. Is there also a Request for
Qualification?

EXECUTIVE DIRECTOR CLAYPOOL: Marian is looking that up. As I understand it, there is, and we will have to come back. I guess, Commissioner Le Mons, there is more to this than -- that needs to be explained, but I have never seen an RFQ used in a contract.

MS. JOHNSTON: I'm just looking up the definition here. It says it's a -- it's not a bid, it's a request for firms to submit their qualifications to be considered.

VICE-CHAIR FORNACIARI: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yeah, it's a question for Director Claypool. Because you said you just met with DGS. Did you -- did you share this information with them? maybe ask them if there's other ways that we can contract? So, maybe it's something that we can be more creative -- I mean, I've gone out of -- I haven't followed these procedures in all of my -- or processes in all of the different agencies I've worked for, but I know that one, like CalPERS are kind of exempt from everything because they have their own board. But I do know, back when we were building prisons, which I really don't want to -- we didn't go through -- we went through a different process because that was a unique type of contract. So -- and it was limited, I believe, so I'm not sure what that process was, versus what you're showing here. So, I just want to
make sure that, maybe we work with DGS to see if there's other mechanisms that we can use, like you talked about streamlining the process or something like that. So, I think that would be helpful for all of us.

EXECUTIVE DIRECTOR CLAYPOOL: Certainly, and we have that meeting set up for next week. So, I can go back to them and say, how creative -- how creative can we be? But the only thing they allowed ten years ago was that RFP, and there are two different types. You can use an RFP with a closed bid, or you can use an RFP with an open bid, and an interview, but I will ask. Commissioner Le Mons?

COMMISSIONER LE MONS: Yeah, I just wanted to lift up our request, and I think all of us feel this way. It sounds like, just from this conversation, being -- coming into 2020 is going to be very important in terms of -- I know you bring the 2010 experience, but a decade has gone by. And so, it may very well be that nothing's changed in this process in a decade, but what we need you to go into every conversation with is a curiosity and an exploration of where we are today, and where we're going. I think that's going to be really important. And listening to this conversation inspires me to say this.

So, this is what we know right now, and this is the jump-off point, and when you go into your conversation next week around creativity, et cetera, you'll bring
forward that you understand this landscape and you're
looking for what all the other new opportunities, if there
are any, any ways that we can do this more expediently and
efficiently, et cetera. And not just in this process, but
I think that kind of spirit is going to be welcomed for all
of the processes. And I think that's going to help us feel
more comfortable that there isn't gaps in the information
and understanding, and that we're, sort of, subject to only
the 2010 understand of this experience.

We want to build upon 2010, but we don't want to
be held hostage or, we certainly don't want it to be an
impediment to where we are today. And I think that this
also is appropriate to what Commissioner Sinay was saying
earlier, and I think why she was clarifying, sort of, what
she was hearing, versus comparing it to things that she's
aware of that we need our whole staff to be curious about,
how do we get this done today, with our reality. So, I
just felt I really needed to put that out there.

EXECUTIVE DIRECTOR CLAYPOOL: That's completely
understandable, Commissioner Le Mons, and the move by
Department of General Services initially to put us under
the Office of -- OBAS -- I'm looking for my description,
but to put us under OBAS was in a move to kind of fit us
into a smaller organization that could be a little more
nimble for handling us and moving us through to the Office
of Legal Services and chop off some of the time that's
needed to do these contracting functions. So, it was
disconcerting when we got moved back into Procurement
Division, where we know they're -- the timelines are fairly
strict.

This is -- this is the landscape in 2020. I
didn't -- you know, when I said 2010 had to use an RFP, I
didn't mean to infer that things had changed. I will go
back, and when I have this conversation with the three
organizations, I will ask for any way we can possibly do
it. I'll also reach out and see if there's a way for, you
know, for us to get some type of differential treatment
through the legislature. But we did those same things the
last time and we were put into this process and it -- and
the reason they put the oversight with the Department of
Finance, and that was something that the legislature
wanted, is because, quite honestly, there is a desire to
have this type of oversight over all commissions.

And so, I will absolutely go in with an
intellectual curiosity, I will look for every way we can
cut any time off that we can, and I will report back to you
next time, if that's acceptable. In the meantime, the
whole -- I'm going to go back again to the start of this
and say that we can -- we don't have these things written.
We don't even have the conceptualizations, yet, of what we
want, that I'm aware of. And so, we can do all of that while I'm looking for a way around this process. But we need to start today on how we want this to look, and how we want to contract for these services.

The last thing I'm going to say is, we're going into a very tough time in state government, and that is, we're going into the holidays. So, we're going to lose a week around Thanksgiving, we're going to lose two weeks around Christmas and Thanksgiving -- I mean, Christmas and New Year's. And so, that makes this time of the year, when we're contracting, problematic as well. That's why I'm hoping to get this early start now, Commissioner Sadhwani?

COMMISSIONER SADHWANI: Yes. Thank you so much, Commissioner LeMone, for so eloquently identifying the mood of the Commission, as well as for your response, Mr. Claypool, around expediency and intellectual curiosity. I certainly appreciate that.

A comment -- a couple of comments. One, I would just simply say that, to say that we haven't done anything is a little unfair, because we do have two subcommittees, and which I sit on both. And I have not had a chance to check in. So, we will -- I keep saying this. We will give updates, but there is both the VRA subcommittee that is actively thinking about Chief Counsel and thinking about all the ways that that went wrong in 2010. We are actively thinking about Chief Counsel and the VRA.
thinking about the line drawer, and a part of that
conversation is also, for both of those committees, is
generally kind of in the broader landscape, is thinking
about racially polarized voting.

   So, certainly, we are actively working to
identify and develop, kind of, a scope in which we can
think more strategically about the recruitment of the right
types of professionals to bring on board.

   And then my second request would simply be that
if -- and again, I -- you know, I preface this - I
recognize that staffing is still an issue, but it is very
challenging when documents are presented to us 15 minutes
before a meeting. So, if we can have those the day prior,
at least. Certainly, I recognize public comments come in
late, and we often receive those early in the morning, and
of course, we can't control when the public wants to
communicate with us, and we gladly accept that at any point
in time. But these kinds of documents, I think it would be
really helpful if we could have in advance so that we -- we
have some time to actually digest them, as opposed to
fumbling around at the beginning of a meeting, trying to
find multiple emails. Thank you.

   EXECUTIVE DIRECTOR CLAYPOOL: Okay. So, to be
clear, I know that you have been working for well over a
month on all of this. I've listened to you -- before you
selected me, I listened to the meetings. So, that wasn't
the intent of what I'm saying now. What I'm saying now is
that I'm trying to give this thought that we are running up
against some hard deadlines, and if we're going to put
things into place in January, February, whenever, then this
is the practical reality of what we're facing. So, my
apologies if I inferred that you weren't doing anything. I
know you've been working hard.

As far as putting this document out, I also knew
that it was a point of contention that this Commission
wanted to know what their options were, and so, I wanted to
get it out. I, quite honestly, hoped that it could have
been out by last Friday, but it wasn't. But it is just a
starting point, and it is really just a reference point.
So, again, as we put on staff, we're -- we will endeavor to
get things faster. Commissioner Fernandez?

VICE-CHAIR FORNACIARI: I think Commissioner
Ahmad was first, and then Fernandez.

EXECUTIVE DIRECTOR CLAYPOOL: Oh, Commissioner
Ahmad?

COMMISSIONER AHMAD: Thank you. Thank you for --
everyone, for this conversation. I just wanted to uplift
Commissioner Kennedy's question about contracting versus
hiring for certain needs that the Commission has, and if
that is something you all -- if staff knows the answer to
now, or if that's something you all will be looking into and bringing back?

EXECUTIVE DIRECTOR CLAYPOOL: Well, I intend to discuss staffing here, within this conversation. So, I had only started with this. Commissioner Kennedy is absolutely right. There's certain things that staff can cure, and there are certain things that contracts can cure, and we need to look for the -- we need to look for the right balance or blend of both. But the first thing we need, here, are just people to help us get things posted more quickly, and help us to just answer phones so that we don't have somebody trying to call in and nobody can pick up the phone. So, but I will -- that is a part of this discussion at a later point. Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I'm looking at the chart, and the very first one is the fair and reasonable. Did -- I'm not sure if you went over that one, but I was just wondering if there's a dollar cap on that, and also, how you differentiate between that and then the other type of procurement. Because that one, it looks like it's a 10-14-day timeframe. So, I'm -- and I think that's what we used when we were at CalPERS is, we used a lot of statement of works.

EXECUTIVE DIRECTOR CLAYPOOL: So, I will have to go back to Raul and find out if there is a dollar cap on
that, but I can't give you that answer right now.

VICE-CHAIR FORNACIARI: I see Commissioner Akutagawa has joined us. Are you ready to take over, or do you want me to keep going?

CHAIR AKUTAGAWA: Commissioner Fornaciari, I think you're doing a fabulous job, and I think if you could finish out this topic, and then that way, then we'll keep it more consistent.

VICE-CHAIR FORNACIARI: Okay, yeah. Very good. So, I don't see any more hands raised, so, Director Claypool, carry on?

EXECUTIVE DIRECTOR CLAYPOOL: Okay. The next thing, I had posted -- or sent you a document about milestones, as we skip forward. It is very short, but --

COMMISSIONER TURNER: Director Claypool, before we go on, just a quick question. It's Commissioner Turner. On the document that we just looked at, I received it in email - we've already talked about that. Was there an expectation that we were actually going to go through it, or we just are seeing it, reading it, and I know there are a lot of commissioners on here that's familiar, have used the different methods and what have you. I'm not a state employee, I have not, and just want to know the expectation for this. Is it just for us to look at for later, or are we gaining understanding about these items?
EXECUTIVE DIRECTOR CLAYPOOL: It is an expectation that we would have a later discussion about them, after you've had the opportunity to review them. But it also was to give everyone the -- just an idea of the types of timelines that we're talking about, as we start using these types of methods for procurement. So -- and to also spur the conversation about needing to start on the line drawer RFP, or whatever mechanism we're going to choose, and then -- and move forward from there.

COMMISSIONER TURNER: Okay. Look forward to it. Thank you.

EXECUTIVE DIRECTOR CLAYPOOL: So, milestones. I only wanted to give you this ahead of time as you go through your milestones, as you start thinking about, you know, where you want things placed. Commissioner Akutagawa has talked about wanting to really start to put some -- put some things in place so that we know the path that we're following forward. This is kind of a continuation of the discussion we just had about -- about the type of public comments we're going to get, education of the public, and receiving public input.

I wanted to put this out to just give you this idea. The part -- from the time that this Commission received the PL data 'til the time that is supposed to end is a four-and-a-half-month period. That's -- so, however
that PL data arrives, or whenever it arrives, you can, in
essence, plot out your four and a half months. You have to
have a 14-day -- in there, you'll see it, a 14-day required
public display, and then after that, you have a certain
amount of time to go back and refine your maps and finish
your reports.

So, all of the things that you've discussed up 'til this point, the public outreach, the regional approach
to reaching out to communities of interest and so forth, I envision this as being ahead of this schedule, that we
would do that while we're waiting for that PL data.
Because once that PL data arrives, there's not going to be a lot of time on your (indiscernible) for anything else.

It doesn't mean, however, that we need to stop with the education. It doesn't mean that we need to stop, you know, trying to reach out to people and get people involved. But that weight will shift off of you 14 and more onto your media director and to the deputy executive director. So, they will continue to move that process forward while you move into full line drawing mode. So, this is just, again, more food for thought. If you look at these dates, you can see, I just put in the two that we know of, the Supreme Court, and then I put in the one that would have been the usual. And now, when a president authorizes the release of PL data, whatever time it comes

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in, everybody here can do the math from there, if we wish to meet the same schedule, which is what I believe the Supreme Court would like us to do. So, any questions? Commissioner Akutagawa and then Commissioner Sinay?

CHAIR AKUTAGAWA: I just want to just -- maybe it's a process, maybe it's a clarification. I know that there was public comment asking us to define any acronyms that we'll use, and so, I just want to note that the PL -- the census PL refers to, I believe, a census -- it refers to the census data and I think it's the number, I don't know. I think, just for clarification's --


CHAIR AKUTAGAWA: And there's a number to it, I believe, right?

MS. JOHNSTON: I believe it's 141, but I couldn't swear to that.

CHAIR AKUTAGAWA: Okay. I just think that, just for the clarification of anybody who is watching and listening, I think we should be clear about that, and then that way, then, if we're referring to it, if we're going to use an acronym like PL, I think it would just be helpful to either refer to the number, or just call it census data.

EXECUTIVE DIRECTOR CLAYPOOL: Okay. Commissioner Sinay?

COMMISSIONER SINAY: Just for clarification, does
the Chair call on us, or does staff call on us, or does it matter? I'm just trying to --

EXECUTIVE DIRECTOR CLAYPOOL: I can see you. I think it should be the Chair, but I would -- I just saw people with hands up, so I think it should be the Chair.

COMMISSIONER SINAY: Okay, I just -- I just wanted to -- to clarify that. So, we've been talking about -- okay, I've been talking about scenario planning and Option A, Option B, and we do need to get to Option C, because I think we cannot be ostriches and think that the data is going to be perfect and we can pretend like it's going to work. And so, my question is, are -- we still don't know if we're at Option A, which is the left-hand column, or Option B, the right-hand column. We're still in limbo, correct? And could we maybe change this, so it does say Option A and Option B as we're thinking through?

And, we need to have some -- some thinking around Option C because the general consensus, when I'm talking to folks out there, and I'm looking forward to the report from Commissioner Sadhwani and Commissioner Andersen to see if they're hearing the same thing is that, there is probably going to be one legal suit, and yeah, there's going to be -- it's going to be in the courts, all -- the whole census -- the quality of the census data. And so, I do think we need to be thinking about what else for Option C.
EXECUTIVE DIRECTOR CLAYPOOL: So, Commissioner Sinay, maybe you can kind of clarify what you mean by Option C, because you and I both know what you mean but I don't -- I'm not sure everyone else does.

COMMISSIONER SINAY: Okay. Option C is that the census PL data is not available to us, and it may not be available for different -- for all sorts of different reasons, and we may need to come up with another data set or something else to do.

VICE-CHAIR FORNACIARI: Marian?

MS. JOHNSTON: The current state of the law is that it is Option A because the census bureau withdrew its request for the extra time to produce the data, and then even tried to shorten it further, and the court gave us approval for that. So, right now, the plan is to stick with the statutory deadlines. If, in fact, the census data is provided, even if it's inadequate, under the current California Supreme Court ruling, that is what triggers your time to start running. There could be litigation, after the fact, if the census data is inadequate, that could extend the time. But right now, that's really speculative.

VICE-CHAIR FORNACIARI: Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, Chair. Correct me if I'm wrong. My understanding of the California Supreme Court ruling is that, if the census data are
provided on the original schedule in the spring, we are 
encouraged to meet the original deadline, but not required 
to submit maps to the Secretary of State until the 15th of 
December, in which case, you know, I might be favorable to 
looking at, say, a mid-October submission, which would be 
halfway between the mid-August original date and the mid-
December date that the Supreme Court has opened for us.

MS. JOHNSTON: Commissioner Kennedy, you are 
correct, although the Supreme Court did strongly encourage, 
and I emphasize there, strongly encourage -- I would 
recommend that the Commission try its best to comply with 
that deadline, if the census data arrives at the time 
expected.

COMMISSIONER KENNEDY: And the other point is 
that, if I recall correctly, Karin MacDonald had indicated 
that, you know, one thing is the deadline and one thing is 
when the data will actually arrive. So, there's always the 
possibility that the data, because all 50 states are not 
released on the same date, necessarily. So, we could -- we 
could -- even if there is a 31 March or 1 April deadline, 
we could find ourselves receiving data one week, two weeks, 
three weeks before that, just depending on the workflow at 
the bureau of the census.

MS. JOHNSTON: Again, you are correct, and 
there's no way of predicting, which is why the time is
measured from the statutory time limit of April 1st.

VICE-CHAIR FORNACIARI: Commissioner Sadhwani?

COMMISSIONER SADHWANI: I appreciate, Marian, your recommendation to maintain that timeline. I wanted to ask if we think that there's any possibility of an alternative scenario. Commissioner Sinay laid out an Option C, and I believe that you mentioned, but if the data is not there. I'm wondering if that includes, or this includes, perhaps, a lawsuit against the federal government from a state, potentially California, or elsewhere, to say that this data is not accurate and therefore cannot be used. And I just don't know where we're at in that process and if it would behoove us to, potentially, reach out to the Attorney General's office and (indiscernible).

MS. JOHNSTON: There is a lawsuit right now by New York against the Trump administration on the undocumented immigrants rule, and one of the arguments that they raise in that is that there's no way of knowing. You could use immigration figures, which are notoriously incomplete, but it would basically be a guesswork. I assume that, if the Supreme Court -- first, the Supreme Court is going to hear that argument on November 30th. If the Supreme Court rules that the Trump administration's immigration -- not counting undocumented immigrants stands, that that will, then, be another phase in that lawsuit to
what it means if your information is inadequate.

COMMISSIONER SADHWANI: Correct, and I just wonder if that's something that we should continue to monitor, or plan for, from the perspective of milestones, as an alternative option.

VICE-CHAIR FORNACIARI: Yeah, I just -- I mean, for me, it's -- I just don't know what we'd do. I mean, the amount of uncertainty in that situation is -- you know, and I don't know if -- I mean, from what -- the conversations we've had, or the training we've had, it seems like other alternative datasets are not adequate to draw lines, is my takeaway from those trainings. So, I mean, I just don't know what we'd do without the census data, but it's certainly something we need to consider in some way. Commissioner Sinay?

COMMISSIONER SINAY: Obviously, I've been thinking about this a little bit, but I'm -- one of the thoughts we -- that I had is, is maybe we do create -- we do invite a couple of people to talk to us about it, so that at least we've had the conversations and we -- we know what questions to ask and where we might want to look. Because I think the worst-case scenario is, we think it's not going to happen, and we scramble at that point. So, maybe, as Commissioner Sadhwani said, we invite the Attorney General, we -- the head of the census for --
that's in charge of California, she's going to come and have a conversation with us. We just -- you know, we just -- you know, Karin, we just invite different people just to say, okay, let's look at Scenario A, B, and most importantly, C, and let's talk about C. What do we do if we get to that place? Just so that we are prepared, versus not.

VICE-CHAIR FORNACIARI: Okay, thank you. Well, the head of the census is going to talk to us next week. Is that correct?

COMMISSIONER SINAY: I still haven’t been able to connect with her. We're connecting this week. But I'll be able to confirm.

VICE-CHAIR FORNACIARI: So, it'll be either next week or maybe the following week?

COMMISSIONER SINAY: Yeah, exactly.

VICE-CHAIR FORNACIARI: Okay, but that could be toward --

COMMISSIONER SINAY: I think it's the following week, yeah.

VICE-CHAIR FORNACIARI: Oh, the 4th through 6th? So, that could be part of the prompt?

COMMISSIONER SINAY: Yeah.

VICE-CHAIR FORNACIARI: Okay, so -- all right, so we've got seven minutes left before our break. Director
Claypool, back to you.

COMMISSIONER VASQUEZ: Chair?

VICE-CHAIR FORNACIARI: Yes, I'm sorry,
Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yes, sorry. I was just also wondering if it might behoove us -- we're not the only redistricting game in town this time around. And so, it may behoove us, potentially, one of the other subcommittees, or establishing a new subcommittee to be in conversation with other -- the other state redistricting commissions because we're not going to be the only ones struggling with whatever -- whatever we are left with from the census bureau, whether it's an incomplete dataset, or no data. And so, we don't have to think through this alone. It's a national issue that's going to look differently in each state, for sure, and have different impacts in each state. But we -- different from ten years ago, we do have potential thought partners for what to do in a particular scenario.

VICE-CHAIR FORNACIARI: Yeah, I like that -- I do like that idea. I mean, we could -- we could have a subcommittee, just sort of generally looking at census data and planning how we might look at these different -- or get speakers coming in, looking at these different scenarios, and reaching out to the other state committees.
Commissioner Akutagawa?

CHAIR AKUTAGAWA: I'm wondering if, instead of creating a separate subcommittee, is that one that could be tasked to an existing subcommittee already working on census? Like Commissioner Sadhwani's subcommittee?

COMMISSIONER SADHWANI: That's what I wanted to offer, and obviously, I can't speak for Commissioner Toledo, but yeah.

VICE-CHAIR FORNACIARI: Well -- oh, is there one already? Sadhwani and Toledo. Well, so, I didn't feel like -- so, I have a list of what I think we need, three subcommittees in. I wasn't going to appointment them since I'm technically not the Chair. I was going to give that to -- hand that over to Commissioner Akutagawa, when she takes over. But, so, we can take that up when you take over, if that's okay. Director Claypool? Oh, I'm sorry, Commissioner Yee?

COMMISSIONER YEE: I had a question about deadlines. The state Supreme Court relief giving the later -- the December deadline, was that only if the census data is -- the PL 94 data is released late? I don't think -- if it's on time, we don't have that relief, do we?

MS. JOHNSTON: That is the current deadline for it.

VICE-CHAIR FORNACIARI: I think the wording is --
so we can go up to the December 15th, but they strongly encourage us to pull it back, you know, depending on when the data is released, because the December 15th deadline was related to the original notion that the data would be released later.

(overlapping voices)

COMMISSIONER YEE: Right, but if the data is released on August 1st --

MS. JOHNSTON: Then we are strongly encouraged to do ours by the August 15th deadline.

COMMISSIONER YEE: Right.

MS. JOHNSTON: And I just -- to talk about the California Supreme Court, we really were asking them for extraordinary relief. At the time we thought the census was going to be four months late, and they granted it, which was an extraordinary thing for them to do. I think that, to keep in their good graces, we should (audio glitch) the census is delayed not -- in when it comes to us but when -- because it's inadequate, then I would suggest that we'd make another attempt to go to the California Supreme Court to get a time schedule based on that different problem with meeting the statutory deadlines.

COMMISSIONER YEE: Thank you.

VICE-CHAIR FORNACIARI: So, we're -- Kristian, we're at, what, two minutes until break?
MR. MANOFF: That's what I have, Chair.

VICE-CHAIR FORNACIARI: Okay. Director Claypool?

EXECUTIVE DIRECTOR CLAYPOOL: Again, I just brought this up, these deadlines, to give you an idea of the four-and-a-half-month process from the public law census data, that file that we get, and to get us all thinking in terms of blocking out the activities, as you're moving forward with the milestones that you want for education and for outreach and so forth, to just know that we do have that 14-day requirement to -- well, regardless of A, B, or C, we have that public 14-day requirement to publicly display the maps, and then after that, by 31 or 32 days, you should be able to -- you should be ready to submit your maps to the Secretary of State. That's all.

VICE-CHAIR FORNACIARI: Okay. Well, I think, at this point, we'll take our 15-minute break and resume at 11:15.

(Break)

CHAIR AKUTAGAWA: All right, thank you. Good morning, everyone. Director Claypool, I want to ask if there are other items to your report that you want to complete, now that we're back from break?

EXECUTIVE DIRECTOR CLAYPOOL: There are -- yeah, I want to talk a little bit about protocols, things that we need to think about, and also, at some point, we need to go
over the organizational chart, once it's -- once it's posted.

CHAIR AKUTAGAWA: Okay.

EXECUTIVE DIRECTOR CLAYPOOL: So, if I might. So, the Commission is required to develop policies and procedures for its -- the way it runs and for its staff, and that's in code. We need to start thinking about that possibly having -- that could be its own -- its own subcommittee, or if you have a subcommittee you'd like to assign it to. But I would like the Commission to think about doing this sooner than later. In fact, I'd like to think about possibly having an action item next week involving how you're going to compensate yourself, and compensation for travel. We're in the process of sending things forward to get -- to get commissioners paid for the work that they've done, and we need to know, as a staff, what you want to do about, whether you want to continue with the policy that's in that manual, or that 6-hour policy, or whether you would rather go to the daily compensation that I had suggested earlier. It's not something that needs to be decided right now, but it's something that we need to decide very quickly so that we can get on the same footing, as we submit things to the Department of General Services for review and then onto the State Controller's office for payment.
CHAIR AKUTAGAWA: And just for clarification, are you suggesting something different than what we had already discussed as a commission earlier on?

EXECUTIVE DIRECTOR CLAYPOOL: Okay, I'm not suggesting anything different. I'm just suggesting that it needs to be -- we need to solidify your position. The last commission voted on the 6-hour rule with the supermajority vote. So, if we are going to go to the daily compensation and compensation for travel, similar to the way the legislature reimburses itself for its activities, I'm assuming that you would need to solidify that with a vote, but I will defer to Marian.

CHAIR AKUTAGAWA: Okay. Marian, can you, perhaps, weigh in on this? And then I know Commissioner Vasquez also wants to make a comment.

MS. JOHNSTON: I think it would be good to have it written down. I think that you're right, the Commission did reach a decision on that, unless you want to reopen it.

CHAIR AKUTAGAWA: I see, okay. Commissioner Vasquez, I saw your hand up?

COMMISSIONER VASQUEZ: Yeah, well, I was just going to remind the Commission that we had agreed -- my understanding, although it wasn't written down because we don't have minutes and we didn't -- I'm not sure that we took a vote. I don't remember if we took a vote, but we
landed on the daily compensation, right? Like, that's -- because we weren't going to do anything other than what was already written in legislation, was where I remember the conversation.

MS. JOHNSTON: There was a motion by Commissioner Yee, which the Commission voted down, to do the 6-hour.

COMMISSIONER VASQUEZ: So, then, my question would be, if the decision of the Commission was to not create a policy that further explains -- or that further explained what was written in law, can't -- like, is that okay?

MS. JOHNSTON: Yes.

COMMISSIONER VASQUEZ: So, it sounds like we don't need to do anything, but I don't --

EXECUTIVE DIRECTOR CLAYPOOL: Okay, then perhaps it would just be better for me to write down what -- what I think it is, and for you to think about putting together some body or -- that will deal with the ongoing issues of policies and procedures, as you wish it to pertain to your commission. Okay, so, either put together a policies and procedures subcommittee that will -- that will handle this on an ongoing basis and then we can write something to put in there for this particular issue so that all of you know how to charge or -- or give it to a subcommittee. But -- does that sound acceptable?
CHAIR AKUTAGAWA: I think I just -- again, for clarification, other than how we're going to take compensation for the day, or the time spent, and then I think the travel seems pretty straightforward. Are there other things that you're suggest -- or that you're recommending that we need to also discuss as a separate subcommittee? And I also see Commissioner Sinay, after -- after.

MS. JOHNSTON: There was one issue about who was going to approve the submissions.

EXECUTIVE DIRECTOR CLAYPOOL: Right. So, there will also be the issue of who will review your travel expense claims and your forms, and I believe that it's best for your staff to do that. So, that would be another thing that would have to be decided. And then, just the general -- just the general work that needs to be done on having a policies and procedures manual, and you putting things into it that you want into it, to govern how your staff works. That's all. It's just -- it's just more of an administrative piece of work, here, that I'm trying to take care of. So...

CHAIR AKUTAGAWA: Commissioner Sinay and then Commissioner Le Mons?

COMMISSIONER SINAY: Commissioner Ahmad was before me. I don't know if she still has a comment.
CHAIR AKUTAGAWA: Oh, I'm sorry.

COMMISSIONER SINAY: You don't?

CHAIR AKUTAGAWA: Okay.

COMMISSIONER SINAY: I'm going to let
Commissioner Le Mons go, because I'm hoping he can be more (indiscernible) than I.

CHAIR AKUTAGAWA: You're on mute. Commissioner Le Mons, you're on mute.

COMMISSIONER LE MONS: Okay. Well, my question was, is there a baseline policies and procedures document that already exists that we can redline? If so, provide it to us. The second thing I was going to do is just make a motion that we adopt the statute as written in law on how compensation is to be disbursed, and we will also have our staff review our submissions to just make sure that we have included all the appropriate support documentation, filled out the forms accurately, et cetera. That would be a function of the staff.

COMMISSIONER SADHWANI: Second.

CHAIR AKUTAGAWA: Any discussion? Commissioner Turner?

COMMISSIONER TURNER: This is clarification from counsel. Needed to understand the need to put a motion to accept what is already law.

MS. JOHNSTON: I hate to use a dirty word, but
it's the 2010 commission. To the extent you are adopting a policy that's different than the one that was followed previously, I think it is a good idea to have it in writing.

CHAIR AKUTAGAWA: Commissioner Anderson?

COMMISSIONER ANDERSEN: Again, with the -- what Commissioner Le Mons said, if there is a manual, we say we didn’t know. I think we’re being hit broadsided a little bit by, okay, we have to write up a policy to say that we’re going to follow the law. It’s like, wait, why are we doing that? But it’s because, oh, because it’s different than what the 2010 did.

We don’t necessarily know that, so that’s why, is there, you know, I mean, this -- is this obviously maybe not the first one? So you know, can we get a manual so we know which ones we have to adopt and what we -- we’re -- this still just doesn’t keep on coming up?

CHAIR AKUTAGAWA: Okay, I’m going to go to Commissioner Le Mons and then I’ll go to Counsel.

COMMISSIONER LE MONS: Yeah, I was just going to stay that what’s distinguishing these two points, Commissioner Anderson, I think just two points on the table. There’s overall policies and procedures that we need to have as a Commission to operate that goes beyond this particular issue that we’re discussing about how we’re
going to handle compensation.

So I think they’re kind of getting a little intertwined. So on the point of the policies and procedures, there’s a baseline of those policies that have already been done for the previous work. So we’re just asking to see that. We’ll red line it, and add any ones that we want to add to adopt, subtract, etc.

Since the issue in front of us was about our compensation and needing to move this forward, we’ve had a motion previously by Commissioner Yee that we voted, so we had attempted to codify something, if you will, that didn’t pass, so we had sort of the remnants of what fell out of that, in the form of discussion.

So because it differs from previous behavior, I went on and just made a motion so that we clear that up and move on. So that was the purpose in doing it, so I don’t – unless there’s any bold objections to voting on that, it was just gone and put that to bed so we can move on and we can quit bringing it up. That was really sort of my point in doing that.

So it’s like, okay, we decided what we’re going to do. Raul sent us all of the instructions, so I don’t think -- I mean, we know what to do to the degree that -- I mean, how to fill out the forms, etc., what we need to turn in, so we know what to do. It’s just kind of making it
official, if you will. So that was the reason I did that, not that it was needed, but it would -- it was in the spirit of clarity.

CHAIR AKUTAGAWA: Okay. Counsel and then Commissioner Turner?

MS. JOHNSTON: Just to follow-up on what Commissioner Le Mons said, I think there still is a need for some clarification about what a day means. Does it mean a 10-minute phone call or does it mean something more substantive than that? And that would be helpful at least for guidance to the staff.

As to the other policies and procedures, I have given you all a couple of ones from the 2010 Commission for you to review. One was a record retention policy, one was -- there are two different conflict of interest codes, however, that one can’t be really adopted until you have your organizational chart.

So there -- if we were to provide you with drafts, it would be of what the 2010 Commission had, and that is purely for your consideration, do what you want with them.

CHAIR AKUTAGAWA: Commissioner Turner?

COMMISSIONER TURNER: Not to belabor, but I think it is important for my understanding. The policy that’s put in place on top of law continues to be policy
Commission over Commission, or is that a policy for the Commission that put it in place? So a policy, we had law, 2010 decided they needed more clarification or wanted to, you know, differentiate it, some kind of way they put a policy in place.

Now we’re 2020, are we held to what their policies are? Or I guess I just want to understand, or do they continue on always, because if not --

MS. JOHNSTON: It depends --

COMMISSIONER TURNER: Go ahead.

MS. JOHNSTON: It depends on what format it is in. For instance, conflict of interest code was in a regulation. So that regulation continues unless it’s amended. If it’s just a policy and not put into any formal legal form, then it’s up to you all to continue it or not continue it.

CHAIR AKUTAGAWA: Commissioner Kennedy?

COMMISSIONER KENNEDY: Yeah, I would like us to think of the 2030 Commission and hopefully try to avoid their being in the situation that we’ve been in for months now. My sense is that you know, policies should persist between one Commission and another until such time as a Commission takes action to modify it.

You know, we’ve been -- at least the first date, have been working. We were sworn in three months ago and
haven’t yet seen a penny. And you know, others of you have
day jobs. I don’t have a day job. This is my day job. So
you know, I really am hurting here and don’t see the need
to put the 2030 Commission through the same thing that
we’ve been put through. Thank you.

CHAIR AKUTAGAWA: Commissioner Fernandez and
Commissioner Fornaciari?

COMMISSIONER FERNANDEZ: My -- it’s kind of like
a little response to Marian, who said, you know, we want to
try to define what a day is, but I think the -- I think if
we just say similar to what Commissioner Le Mons’ motion
was, that we just leave it to whatever the legislation says
or the law says, and it just says for every day worked.

I don’t think the legislature defines what they
consider a day worked, so I think any time we try to put
limitations on something, it leaves us open for scrutiny.
So I think if we just adhere to whatever the law says, I
think that would be appropriate for all of us and you know?

CHAIR AKUTAGAWA: Commissioner Fornaciari?

VICE CHAIR FORNACIARI: Well, we talked about
that a lot, and I thought that we got to the point where
we’re going to leave it to the individual Commissioners to
define that themselves. And so, I don’t think we need any
further definition than that.

CHAIR AKUTAGAWA: And that was my recollection,
too. I think after quite a lengthy and vigorous debate about it, I believe that that’s where we all landed at the end of it all.

VICE CHAIR FORNACIARI: (indiscernible) --

CHAIR AKUTAGAWA: I think, then if we -- we do have a motion on the table here.

MS. JOHNSTON: Commissioner Le Mons, could you restate it? I’ve gotten a little bit confused.

COMMISSIONER LE MONS: I hope so. I did that only because this happens to me all the time. I don’t remember how I exactly said it, but the spirit of it is that as it relates to the Commissioner compensation, we will adhere to -- we will follow how it’s outlined in the law.

And as it relates to follow-up and checking of our submissions, we will assign that to our staff to make sure that we’ve completed the appropriate forms and provided the backup as required by law.

MS. JOHNSTON: Alright, if everyone’s clear on that, Commissioner Ahmad?

COMMISSIONER AHMAD: Do we need public comment?

MS. JOHNSTON: Oh I’m sorry. You’re correct.

CHAIR AKUTAGAWA: Yes, I think we do need public comment, I believe on this. Okay. Kristian, are you reading it for us?
MR. MANOFF: That will be taken care of by our --

CHAIR AKUTAGAWA: By --

MR. MANOFF: -- prominent moderator Jesse to do.

CHAIR AKUTAGAWA: Jesse, okay.

JESSE: In order to maximize transparency and

public participation in our process, the Commissioners will
be taking public comment during their meeting by phone.

There will be opportunities to address the Commissioners
regarding the items on the agenda. There will also be
opportunities for the public to submit general comments
about items not on the agenda.

Please note that the Commission is not able to
comment or discuss items not on the agenda. The Commission
will advise the viewing audience when it is time to submit
public comment. The Commissioners will then allow time for
those who wish to comment to dial in.

To call in on your phone, dial the telephone
number provided on the live stream feed. When prompted,
enter the meeting ID number provided on the livestream feed
using your dial pad. When prompted, enter a participant
ID, simply press pound.

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

When it is your turn to speak, the moderator will unmute you, and you will hear an automatic message. The host would like you to talk. And to press star six to speak. You will have three minutes to provide your comments. Please make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call.

Once you are waiting in the queue, be alert for when it is your turn to speak, and please turn down the livestream volume. The Commissioners will take comment for every action item on the agenda. As you listen to the online video stream, the Chair will call for public comments.

That is the time to call in. The process for making a comment will be the same each time, beginning by the telephone number provided on the livestream feed and following the steps stated above.

Good morning, Caller. If you could state your name and spell it for the record, please?

MS. SHELLENBERGER: Yes, this is Lori. L-o-r-i. Shellenberger, S-h-e-l-l-e-n-b-e-r-g-e-r, Redistricting Consultant for California Common Cause. I’m actually calling with a -- I have two comments regarding the Executive Director’s Report. And I know this is a comment
on this agenda item. I can call back in. I just wanted to make sure there would be public comment before you move onto Agenda Item 6.

Would that be the case?

MS. JOHNSTON: I think you can go ahead. It’s on this -- it’s within this item.

WOMAN: Yeah.

MS. SHELLENBERGER: Okay, okay, perfect. Thank you. So I had two comments. One was regarding -- there -- one is regarding the documents that were posted, and in particular, I think the organizational chart. There would be -- folks who will have comments on that, but that was -- there has not been time for folks to review that or digest it. And that wasn’t clear to me if action would be taken on that organizational chart today.

But I just wanted to flag for the Commissioners that while it may look simple or maybe it doesn’t, there are a lot of devils and landmines in the details in that chart, I think, that organizations and community members would want to review and have time to digest and provide more formal comment on.

The second has to do with the milestones document that Executive Director Claypool put together for you. And really, it just relates to the discussion you had regarding then it’s the need for flexibility, which I don’t think
could be emphasized enough. And I just wanted to sort of reiterate what Commissioner Sinay and others were hinting at, which is the need for flexibility, and that it really can’t be viewed as a black and white, like to date and four and a half months from there for a deadline.

And I think there will be -- even though the Supreme Court, yes, was granting relief under an extraordinary writ because you do extraordinary circumstances, even if Census data is released to the state on April 1st, there could still be extraordinary circumstances present, including whether or not you’ll be able to comply with the Voting Rights Act and other infirmities with the data that are unpredictable at this point, but are still very much in play and has -- as has been pointed out, maybe litigated.

So I just wanted to emphasize the need for flexibility and consultation with your Voting Rights Counsel and your General Counsel next year as this situation unfolds. Thank you.

CHAIR AKUTAGAWA: Thank you. Do we have anyone else in queue?

JESSE: We have one caller in the queue, Chair.

CHAIR AKUTAGAWA: Alright.

JESSE: Good morning, caller. If you could please state and spell your name for the record?
MS. HOWARD: Hi there. This is Deborah Howard. D-e-b-o-r-a-h. The last name is Howard, H-o-w-a-r-d.

JESSE: The floor is yours.

MS. HOWARD: I’m sorry, do you want me to --?

CHAIR AKUTAGAWA: Go ahead.

JESSE: Yes.

MS. HOWARD: Okay, thank you. So like the previous caller from Common Cause, I am not calling about the reimbursement policy, but I do want to make a public comment on the earlier conversation you had about technology. And I’m happy to call back or respond at a more appropriate time. I just am not clear where that’s going to happen on the agenda.

CHAIR AKUTAGAWA: That’s okay. I think that’s all part of the Executive Director Report. And since we’re still on that agenda, please go ahead and comment.

MS. HOWARD: Okay, thank you. Thank you for that. I want to just give a compliment to the Commission to really appreciate the thought that you’re putting in for members of the community to participate in this COVID world, particularly for everybody, really, but certainly for seniors like myself, being able to have access to traffic commission and the conversations and comments in real time is really going to be important.

And I appreciate the thought that you’re putting
into that. And the one other comment I have is there’s a –
if there’s a possibility in looking at that technology,
if there would also be a way to provide -- I want to use
like a comment section or a chat section while you’re going
through those conversations because not everything perhaps
would create a -- or require a formal comment, but being
able to make a contribution to something in the course of
the discussion might be timely and useful. So that’s
pretty much my focus, but it really is -- I appreciate each
and every one of you for the sacrifice you’re making to
serve the citizens of California.

It really is a huge sacrifice and I recognize
that. And the intensity and thoughtfulness at which you’re
approaching how to engage the community is really important
to me and I appreciate you doing that. And of course, my
dogs decide to bark right now. I’m very sorry for that.

CHAIR AKUTAGAWA: Thank you, Deborah. Okay,
Jesse.

JESSE: One more caller. If you could state and
spell your name for the record, please?

(No audible response)

CHAIR AKUTAGAWA: You’re on mute.

JESSE: Good morning, caller. Could you please
state and spell your name for the record, please?

MS. GOLD: Hi, this is Rosalind Gold. R-o-s-a-l-
And the last name is Gold. G-o-l-d and I'm Chief Public Policy Officer with the National Association of Latino Elected and Appointed Officials, that's the NALEO Educational Fund.

JESSE: Thank you. Your time begins now.

MS. GOLD: Oh, can I -- should I go ahead and proceed with comment?

CHAIR AKUTAGAWA: Yes.

MS. GOLD: Okay. Thank you again, Commissioners.

I appreciate the time to provide some perspectives on issues that have been discussed this morning. I think the first thing is, it would be helpful for us to have some clarity with respect to the organizational chart that was presented. Is that something that the Commissioners decided to adopt? Is that something the Commission is looking over and thinking about?

We would certainly hope, because of the relationships and the fact that an organizational chart basically charts the course for how the work is done, and what the Commission’s role is, we would certainly like to have a chance to review it, to think about it and provide comment.

So that’s my first question. And then, my second comment relates to the data delivery deadline for redistricting. And the deadline for the Commission to
produce its final map. We believe that the Supreme Court ruling that provided the possibility of extending the final deadline for the Commission’s map to December 15th has enough flexibility in it so that the Commission could go with a deadline later than August 15th, even if the redistricting data is delivered on time.

And we would hope that the Commission would talk with its, you know, the incoming Counsel and its Voting Rights Act Counsel. There are several reasons we would like to have that flexibility, even if the data comes in on time. First of all, I think a lot of our groups have been dealing with so much uncertainty with the pandemic that we would like some extra time to mobilize the public, to educate the public.

And secondly, I think that there’s a lot of dialogue going on nationally about you know, what is going to be the impact on (indiscernible) as the data we’re going to get for apportionment and whether that data -- what quality that data’s going to be and what impact that’s going to have on the redistricting data.

So all of these dialogues, as well as our work with the community are all going to be going on. And I just think that having that -- some kind of extra time beyond August 15, even if the redistricting data -- excuse me -- the redistricting data is delivered by March 31st,
would just really lead to a more thoughtful and informed process. So those are two my -- my two comments, and thank you for listening.

CHAIR AKUTAGAWA: Thank you. Jesse, do we have anyone else?

JESSE: There are currently no more callers in the queue, Chair.

CHAIR AKUTAGAWA: Okay. I think that having had the commenters, I think we’ve given time for any additional callers to call in. I believe we can now take a vote. Marian?

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Would you please just read the motion one more time?

MS. JOHNSTON: That on the policy for compensation for Commissioners, the Commission will follow the law with each Commissioner determining what constitutes a work day. And the staff will be used, assigned to review those submissions.

COMMISSIONER TURNER: Is there a second?

MAN: (indiscernible) second.

MS. JOHNSTON: Who was the second?

COMMISSIONER SADHWANI: I seconded it.

COMMISSIONER FERNANDEZ: Vasquez was, I think. Or no, was it Sadhwani.
COMMISSIONER SADHWANI: Yes.

CHAIR AKUTAGAWA: I think it was Commissioner Sadhwani that seconded it.

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Yes.

MS. JOHNSTON: Commissioner Akutagawa?

CHAIR AKUTAGAWA: Yes.

MS. JOHNSTON: Commissioner Anderson?

COMMISSIONER ANDERSEN: Yes.

MS. JOHNSTON: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.

MS. JOHNSTON: Commissioner Fornaciari?

VICE CHAIR 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 Toledo?

COMMISSIONER TOLEDO: Yes.

MS. JOHNSTON: Commissioner Turner?

COMMISSIONER TURNER: Yes.
MS. JOHNSTON: Commissioner Taylor?

COMMISSIONER TAYLOR: Yes.

MS. JOHNSTON: I’m sorry, we’re speaking out of order there. Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yes.

MS. JOHNSTON: Commissioner Yee?

COMMISSIONER YEE: Yes.

MS. JOHNSTON: The motion carries.

CHAIR AKUTAGAWA: Okay. I think there’s --

Commissioner Le Mons?

COMMISSIONER LE MONS: I know that we had -- we were going to be having a discussion about the org chart, and I just -- based on -- we’ve got a couple of comments about that, if we could just frame it up. I’m not sure where that’s happening. I know we talked about having it at some point in the agenda, so I don’t know what was dictating when that was going to come back up, but I think it will be important to just frame it up as we go into the discussion and not just launch into it at whatever point that’s going to happen.

CHAIR AKUTAGAWA: Yes, and then, I also want to come back to the suggestion about the policies and procedures. I think we had requested looking at previous policies and procedures, any kind of document that may have existed. So then, we can review it, red line it, amend it
as the Commissioners would like to see it done.

It sounds like we may need a subcommittee to do that review and red lining. Commissioner Sadhwani and then Commissioner Fornaciari?

COMMISSIONER SADHWANI: I was just wondering if rather than creating a separate subcommittee, it might make sense -- sorry to put you all on the spot, but for the Finance Committee to kind of broaden its scope and include this in it? But I’m open to suggestion.

VICE CHAIR FORNACIARI: Yeah, that’s what I was going to suggest, too, maybe the Finance Committee should be more of kind of Administrivia Committee, and just maybe a little more broad. But that’s just my thought.

CHAIR AKUTAGAWA: And I believe you’re together on that subcommittee with Commissioner Fernandez, correct?

VICE CHAIR FORNACIARI: Yeah, and then the other thing was that I had proposed a -- an agenda item for the 4th through the 6th meeting to review and take action on policies. So my thinking was, at -- my thinking was that we could get these policies out to everyone, maybe after the next meeting, and that would give you guys a week-ish to review and go over the existing policies, and then we could come back and provide feedback, and then we could come back and discuss those and make some decisions.

CHAIR AKUTAGAWA: Okay. And then for clarity, I
think I may have heard you suggest that you renamed the
subcommittee the Finance and Administration Subcommittee?
Or am I just putting words into your mouth there?

VICE CHAIR FORNACIARI:  Sure.

CHAIR AKUTAGAWA:  Okay.

VICE CHAIR FORNACIARI:  Commissioner Fernandez?

She’s --

COMMISSIONER FERNANDEZ:  Thank you for
volunteering me. I was thinking of like, the Catch-all
Committee. How’s that sound? That’s fine with me.

Thanks.

CHAIR AKUTAGAWA:  Well, I was thinking the
Troubleshooting, but I didn’t think that that was really
quite the appropriate place, but we will call it Finance
and Administration, Commissioner Anderson?

COMMISSIONER ANDERSEN:  Just on the
Troubleshooting Committee, we do have one policy that is in
the Troubleshooting Committee’s purview is actually on for
action I think next week, which is the COVID policy. So
just in terms of -- and then while we’re on policies,
Marian, Counsel, thank you for reminding us of ones that
you have sent out, that record retention, and also then but
you’ve mentioned conflict of interest.

And I’m sorry, I -- other than the one we
mentioned of you know, with -- would be a short one, we’re
sort of thinking of writing, I was not familiar with those that you sent out. So just for --

MS. JOHNSTON: I will resend them.

COMMISSIONER ANDERSEN: Great.

MS. JOHNSTON: It’s the one that governs what you have to report on your Form 700s. And there were two versions that the 2010 Commission had. One had one that’s fully staffed and one when it was reduce staffed. And as we do the staffed one, which is currently in regulation form, so you need to expand it to include whatever’s in your -- you finally decided your organizational chart. And we’ll find out.

CHAIR AKUTAGAWA: Okay. It looks like Commissioner Fernandez and then Commissioner Fornaciari want to comment on that.

COMMISSIONER FERNANDEZ: If we’re going to have a subcommittee on policy, and I’m -- I guess I’m reaching out to my other partner in the subcommittee, it would seem appropriate that all of the draft policies, maybe go through the subcommittee first, maybe Commissioner Fornaciari and I look through them first, make our suggestion, changes, and then we send it out to the remaining Commissioners. That’s kind of what I was thinking, instead of sending them all out to everyone at one time. Is that what you were thinking? Okay.
VICE CHAIR FORNACIARI: I think’s the job we should have, is to get them all together, get them organized, review them, see what’s going on underneath and needs to be changed, and then send them out to our fellow Commissioners in an organized way so that they’re not trying to track down, you know, 15 different emails to find the different policies, and maybe even put them up in our drive, so we all know where to find them, (indiscernible) -

MS. JOHNSTON: So does the subcommittee still want them after the next meeting? Or do you want them before the October meeting?

VICE CHAIR FORNACIARI: Yeah, we want them as soon as possible.

MS. JOHNSTON: I’ll do it this evening.

COMMISSIONER FERNANDEZ: Thank you.

VICE CHAIR FORNACIARI: Beautiful. Thank you.

CHAIR AKUTAGAWA: Commissioner Sadhwani, did you want to -- did you have a comment?

COMMISSIONER SADHWANI: So the time and -- this -- I don’t know the third or fourth time we’ve had issues come up already today about just the vast array of information that we’re receiving, and how difficult it is to keep track of all of it.

I don’t know if it’s the purview of the -- this
new expanded subcommittee or the Executive Director, but if we can just figure out being able to use a Google Drive or some -- something -- Dropbox, whatever is appropriate under Bagley-Keene, I think it would be extraordinarily helpful and just much easier to keep track of all of these kinds of documents. Or posting in the website is perfectly fine, too, for transparency purposes.

CHAIR AKUTAGAWA: Commissioner Vasquez and then Commissioner Le Mons.

COMMISSIONER VASQUEZ: Yes, I made the suggestion privately to staff this weekend, and Commissioner Fernandez, you may have some experience, and Commissioner Sinay also as well. There are paid services that can help with particularly the posting of the website and sharing both items for closed session as well as public open session.

BoardDocs comes to mind, as well as Agenda Online. Those can be -- those are services that can be integrated into your website. And it is a way to facilitate document sharing that is compliant with sort of both open, you know, sunshine government laws, as well as you know, keeping things private that need to stay private amongst the Commission, but do need to be shared amongst the Commission.

So perhaps Commissioner Fornaciari and
Commissioner Fernandez, it might help to explore what those might cost, and if they’re perhaps, you know, worth the cost of investing for a year in something that would keep us organized?

CHAIR AKUTAGAWA: Commissioner -- Director Claypool? I’m sorry, no I’m sorry, Commissioner -- it was Commissioner Le Mons and then Director Claypool. My apologies.

EXECUTIVE DIRECTOR CLAYPOOL: Thank you for that, Commissioner Sadhwani. I do want to thank staff for -- at least for me, and I want to elevate, it’ll be great who we have, some process that we’re all comfortable with because I know we all kind of operate differently. I’m a push guy. Push it to me. I don’t want to go looking for it.

Personally, I don’t want to go to Google Docs. I really don’t want to go to any of those places. So to the way it came to me this time, I liked, because I got an email that had a link in it. I went to the link and they were all there. So that worked for me, but that did not work for other people. And if we have to find things where we have to go and -- look, if there’s a push mechanism, I’m just going on record as saying Commissioner Le Mons would really like a push mechanism and a notification. Thank you.

CHAIR AKUTAGAWA: Director Claypool and then
Commissioner Sinay and then Commissioner Vasquez.

EXECUTIVE DIRECTOR CLAYPOOL: I just wanted, Commissioner Vasquez, to give me the second name of the --

I got BoardDocs. What was the other one?

COMMISSIONER VASQUEZ: Agenda Online.

EXECUTIVE DIRECTOR CLAYPOOL: Thank you.

CHAIR AKUTAGAWA: Commissioner Sinay?

COMMISSIONER SINAY: I feel like this is an issue with any Commission, any Board, any anything. I think what you’ll find that is helpful by these programs is, yes, you get push notifications, Commissioner Le Mons, and you go to it, but also, we can go back to former meetings and find all the documents in one place.

And so can the community and everything else. And that to me right now, I’ve created like six different binders and none of them work well. The other piece I wanted to say is, we need to get the agendas out early, 14 days in advance. But I think the documents are actually more important sometimes than the agendas.

And I would like to see us get them out at least the Friday before the meetings. So that gives us the weekend to read it, to process it. I mean, the public is saying that they can’t process it. I don’t know if they understand that we’re not processing it.

And I do want us to think through, if we have an
action item, then we create a document that gives the background stuff so we can come into the meeting prepared versus -- and it doesn’t have to be complicated. But the more we come in prepared, the less we’re going to talk in circles and the more we’re going to make better decisions.

And so, I am full -- I’m pushing staff the Friday before that the agendas go out, all documents need to be in our hands. I mean, not before the agenda goes out, before the meeting.

CHAIR AKUTAGAWA: Okay, Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yeah, I was -- since we’re on this topic, we -- I had clarified this last week, but not sure the folks who are listening at home today heard or processed this. Another note on agendas and documents -- we, as a Commission, because we have to notice agendas and action items 14 days in advance, we also cannot continue business, as I’ve seen other commissions do.

We can’t take an item and hold it for action to the following full meeting. If we have -- we have days -- several day meetings in which it’s noticed. We could potentially, you know, pause something, get it up for public review and come back to it.

But just so that the public knows that that is also a restriction. So if we’re coming up on an action item on the last day of a noticed meeting, we do have to
take action or -- and if we don’t, we cannot take it up for another two weeks. And as we have discussed many times here, we’re under sort of time crunches for everything. So just wanted to reiterate for the public that that is another huge limitation for us as well, which is why it’s so important that we get a process down for communicating to the public all of the information that we are using to make a decision.

CHAIR AKUTAGAWA: Commissioner Le Mons?

COMMISSIONER LE MONS: I think a couple of meetings back, we approved a subcontract for a web person. I’m almost certain that we did that. And I’d like to get an update on the status and activities of this person, because I feel like that was the minimum of -- that informed why we said yes, and I think that we should be seeing some different output.

So when Commissioner Sinay is describing multiple -- posting locations on the website and no direction or information about what’s where and how you access it, like at this point, I feel like that should not be happening. So I’d like to hear an update on what this person’s tasks are, not that I want to get into managing that person or managing their priorities and tasks, but I do think that we need to make it clear that whoever’s managing that person, that it is a priority of some of this basic stuff, like
putting up the agenda with the support documents easily accessible, whatever kind of information that explains what’s here, how you come back, whatever the case. Yeah, thanks.

CHAIR AKUTAGAWA: Okay. I also see Commissioner Turner?

COMMISSIONER TURNER: Yeah. As long as -- thank you, Madame Chair. As long as we’re talking about preferences, I wanted to reiterate, particularly Mr. Claypool, you’re here as well, my desire is that with these documents that we’re getting, whether they come in a Google Doc, or you know, however we’re going to get them.

I would still like to know when we’re receiving the inordinate amount of paper that we’re getting, I want to know, is -- am I to research on my own and figure out these parts or will there be a training when we get to these meetings?

I feel like there is an assumption because paper has been sent out that there is an understanding. We almost just read it to us again on the call, so that gets to be more of a problem and we get it last minute because we’re kind of talking through it. I’ve not yet had a chance to read it and absorb it, and then we move onto the next thing.

And sometimes, I don’t know still where to attach
that information or what was the intent or purpose of it. And so, as long as we’re putting out our wish list, my wish list would be what documents that’s received also some sort of paragraph, a couple of lines ahead of time, the intent of this is, this is how you will use this, this is why you need to know this, or something.

Sometimes it’s apparent through conversations. A lot of times it’s just more paper that’s received. And when I receive it, I file it away, too, in one of these binders. And it really is not effective, and I don’t think it’s the intent to be able to really be able to absorb the knowledge and be able to later on call it and use it when needed.

CHAIR AKUTAGAWA: Marian?

MS. JOHNSTON: I did ask Raul to come in to answer Commissioner Le Mons’ question.

CHAIR AKUTAGAWA: Okay, let’s go ahead and go to the question around the website contractor and how documents are being uploaded, I believe it is.

MR. VILLANUEVA: Okay, so the documents --

COMMISSIONER TURNER: Sorry, Raul -- I’m sorry, I’m sorry, Commissioner -- Madame Chair. I want to make sure that I’m understood, because I feel like it’s not the first time it’s been said. And before we go just straight to the next conversation, I want to make sure that we’re --
we several months into this. And we’re -- I don’t feel
like we’re -- I’m necessarily getting a clearer
understanding of the process, and it is time to start
putting out work. I feel like we’re almost at the end of
training.

And I just need to know that I am heard, I’m
understood and I’m looking for a change in how we’re
receiving the information.

CHAIR AKUTAGAWA: Commissioner Turner, I’ll just
share with you my experience in terms of the agenda. I
think that has been already shared by those of us who have
Chaired a meeting and have had the, you know, have had to
put together the agenda. Things do come up quickly, and I
think we’re -- I think we’re starting to get ahead of some
of the agendas and trying to make our best guesses as to
what we should anticipate will be coming up in which weeks.

I think that there is a desire I think to at
least try to -- at least that was a discussion item that I
think that I had, you know, finding out the agenda, maybe
having a little line that says, this is what we’ll be
talking about, this is what the purpose is.

I think intention actually what’s happening is a
different story. I think in terms of the materials that
are being produced not right now, I will just say that not
all materials are being produced currently by staff. It’s
also us as the Commission. And so, I just want to acknowledge that I think what you said is very true.

But I will also acknowledge that as Commissioners, I think we’re just trying to get something out. I think it’s a good reminder, this discussion, that we need to try to get it out much earlier. And I think what I’m also hearing is that in putting out the documents, I think we each need to try to ensure that there is at least some explanation of what context this document or this material is going to have to the agenda item, and then what’s -- how will it be then utilized, is I think what’s -- what I’m hearing. And I think it’s something that for all of us as Commissioners, because I believe we’ll all be producing documents with each other that we should be keeping in mind as we go forward.

WOMAN: Thank you, yes. Thank you.

CHAIR AKUTAGAWA: Okay. Let’s see. Raul, I think you are going to explain about the website. Director Claypool, is this something that’s related to what we just talked about or is this separate from the website update?

EXECUTIVE DIRECTOR CLAYPOOL: No, this is related to what we just -- what we were just talking about, and Commissioner Turner, absolutely. I understand the frustration with getting something that -- where you’re going to have to fit it in. I had only put the items that
we discussed today out just to be a starting point, an
illustration so that I could speak to them and you could
also see them.

The Executive Director Report is a difficult
document to put together because I can’t put a lot of
description in 14 days ahead of time because I don’t know
what I’m going to talk about in 14 days from now. So it --
I would -- should have done a better job of pushing it out
in the email with a description saying, these are a
discussion for tomorrow.

And all of the things that you’ve looked at today
and that we will look at when we look at the organizational
chart are all draft, draft or informational. They’re not
decision points to be made. They’re just, let’s take a
look at this as a starting point and move forward. And
they’re -- and as my first week, I’ll get better at this.
I promise you.

CHAIR AKUTAGAWA: Commissioner Le Mons? Oh I’m
sorry, can I -- Commissioner Le Mons, do you want Raul to
make his report first or do you want to just make a comment
first? Raul, if you could share with us about the website
contractor?

COMMISSIONER LE MONS: No, other way around.

CHAIR AKUTAGAWA: Oh other way around. Okay.

COMMISSIONER LE MONS: No, my comment is just to
-- Director Claypool just made a statement that triggered that we should indicate that they’re drafts as well. I think that’s very helpful.

WOMAN: Yeah.

COMMISSIONER LE MONS: Because then we got one of the questions from the public comment was you know, is this something that you guys have decided on, etc.? So I think that the points that Commissioner Turner raised about some description as well as an indicator very clearly on the document that is a draft document, so people can discern between things that are in progress versus finals, etc. So now we -- I’d love to hear the answer to the question from -- hi, Raul. I’ve missed you.

MR. VILLANUEVA: I guess it’s good to be here. No, seriously, I was working in the back. And so, what were the questions, please?

COMMISSIONER LE MONS: Shall I?

MR. VILLANUEVA: Please.

COMMISSIONER LE MONS: So my question was, we’ve had a lot of discussion, as you’ve probably heard, to tail of it -- tail end of it here regarding things being posted on the website. We have a timing issue, we have a location issue, we have a poor navigation issue. All these things that makes it very complicated for the public, as well as Commissioners who’ve used the portal as a way to access the
documents that are presented for any given meeting.

It brought me to the fact that a couple meetings back, we had approved a web person that we approved under the understanding that because of the age of our website and the out of date technology, et cetera, that we had found someone who could handle some of these immediate needs by getting our things posted in a timely manner and do some of this very small, it’s the old Web Press site I understand.

So there are some little tweaks that maybe could be done to make sure that the information is posted, but not just posted, but easily identifiable where it is and what it is. And so, I thought about that and wanted to know what is this person being charged with doing? What can we expect? Because we feel like at this point, that was one of the first orders of business to get taken care of very quickly. And I know that she’s maintaining the background part. That’s great, but the foreground is critical.

MR. VILLANUEVA: So let’s talk about the posting locations. Posting locations only occur in two places -- one, on the homepage. On the homepage is where you find that an agenda’s been posted and a copy of the agenda. If you click over to the meetings page, where the notices are, that’s where it’ll have the agenda, and that’s where it’ll
also have the link to the public comment and/or to whatever handouts have been provided.

You click on that, that takes you straight over to the page where the handouts are. Those are the only places. Okay? As far as the posting, as I noted previously, I’d like to get 24 hours for the posting to occur. It’s not -- it’s very rare that I receive anything 48 hours or more in advance. It’s usually day of.

For some things, I will get it -- so I received some materials on Sunday night, and I was able to post those for the meeting today. But I was also receiving documents last night. That is not atypical. And I’m not bringing that up to point fingers.

As Commissioner Akutagawa noticed or stated, and for anyone who’s Chaired, trying to pull the meeting together two weeks in advance with partial information planning two weeks in the future, while you’re still working on a meeting now, I think has been challenging for all the folks who’ve been involved.

That being said, I think Commissioners Akutagawa and Fornaciari have done an incredible job over the last several weeks in working with these meetings -- this one and into November. But I think all of the folks I’ve worked with have been trying to do their best, as we look at a process and procedure in the making that has a lot of
hindrances involved.

To me, that’s — it’s a process problem, not a people problem. And to me, that’s why I get documents day of. That is something that I would look forward to working with the subcommittee on troubleshooting because to me, that is 100 percent a process and procedure issue and not a people issue.

COMMISSIONER LE MONS: And can I comment, Chair?

MR. VILLANUEVA: Please.

COMMISSIONER LE MONS: So I hear that, and I think we all are sensitive to that. So and my question’s specific to what this staff person is doing. To me, if we hired the person that was described to us, I would’ve expected that person to look at that website and say, I need a very easy, clear communicated homepage.

I need things right here that are easily accessible and doesn’t require two, three, four. I’m not even a web or tech person, but the less clicks, the better, kind of concept. So I’m looking for that kind of expertise from someone that we hire in a very specific category.

So I don’t think we should be on the homepage this, and then you click to here and click to there. We don’t have anything to communicate at this point except our agendas and the supporting documentation. So if that could all just be --
MR. VILLANUEVA: We’ll put it on the homepage, because that --

COMMISSIONER LE MONS: Well, it sounds like they’re not all on the homepage, actually. The agenda’s on the homepage. And then --

MR. VILLANUEVA: Yes.

COMMISSIONER LE MONS: -- you have to click somewhere else for something else and then somewhere else to another page. So that should be streamlined, I’d recommend. And I think that person should be charged with doing that, like they should be able to do that. That’s why we hired them. So that’s a people problem to me, at least from -- either they’re not getting the direction that that expectation is not put out there to them for whatever reason. So that’s that piece.

As far as deadlines and things are concerned, I respect that. So you tell us when it has to be in by, and I think Chair just addressed the whole Commission on making sure that we’re getting things in on time. But I kind of feel like we -- what was kind of explained was the process, when my question was really about what this person -- I still don’t know what they’re tasked to do.

And so, I’d like to know that specifically, what have we tasked this individual to do, because maybe we need to give some guidance on what we want that person to do.
versus what he or she has been tasked to do.

    MR. VILLANUEVA: Well, primarily right now, the posting. You know? She has ideas about the website, and I’ll take responsibility for having told her, wait. Because it’s not a unilateral decision. I thought we’d have a communications director by now who could provide assistance with that.

    If the subcommittee wants to start looking at that before those people are in place, that’s fine. She’s got some great ideas. There’s some structural problems with the website that could be part of that discussion. But I’m the one who told her to wait until these key people are in place. So I’ll own that one.

    CHAIR AKUTAGAWA: Commissioner Fernandez, I saw your hand up.

    COMMISSIONER FERNANDEZ: Yeah, just a couple of -- just for clarity role, are you posting to the website or is the contracted person?

    MR. VILLANUEVA: I don’t know WordPress.

    COMMISSIONER FERNANDEZ: Okay so you’re -- they’re doing it, right?

    MR. VILLANUEVA: Yes.

    COMMISSIONER FERNANDEZ: And then, I think there’s like -- I can’t remember how long the contract is for. Is it a dollar amount or a term?
MR. VILLANUEVA: Both.

COMMISSIONER FERNANDEZ: Okay.

MR. VILLANUEVA: Both.

COMMISSIONER FERNANDEZ: But I think -- I don’t think we need to wait for a Communications Director, because I think there’s like, simple things we could do to the webpage in terms of -- instead of having the agendas on our homepage, let’s just have a link that takes you to the agenda, which then takes you to the document.

So I think there’s like some things that can be done right away. And maybe you’re right. Maybe we need a subcommittee to maybe come up with some of those ideas, like take a look at it. So I don’t know. I don’t know how the rest of the Commission feels, but I feel that it needs to be a little bit user friendly and I don’t think we’re there yet. And I don’t think we need to wait, either.

So that’s for the rest of the Commission. Oh, Commissioner Anderson? Sorry about that?

COMMISSIONER ANDERSEN: Thank you. Could the Troubleshooting Committee be quickly charged with just being a short go-between right here with -- to make -- put these ideas, work with this one person until the communications person gets aboard? Just because it’s very clear -- we just want one spot where things go, and just like -- just in terms of I know, Raul, I really appreciate
that you’re saying, you know, the staff just can’t make a decision. They really do need a bit of direction.

And so, if we haven’t been giving direction in the right manner, could we possibly have the subcommittee take that charge and do that? I would propose that the -- you know, but well, the Chair would have to do that, but I would volunteer Commissioner Le Mons and myself to quickly assist in that matter.

CHAIR AKUTAGAWA: Thank you, Commissioner Anderson. I was thinking something very similar to, especially because I think Commissioner Le Mons has some very specific ideas of what would be helpful. I think that there sounds like there is both a design issue, but that could be part of a later conversation when the Communications Director comes in, but I think there is an architecture and usability issue that it sounds like this person that’s been hired can also help to alleviate some of those questions and some of those challenges.

And so, yes, Commissioner Le Mons and Commissioner Anderson, if you would also bring this under your purview, that would be wonderful and we can try to get a working website that would work and can hopefully make it a little bit easier for everybody to access. Raul?

MR. VILLANUEVA: Just something to keep in mind, this person was hired to do the posting, not to do a lot of
structural changes, because that’s actually at a different hourly rate than what she’s being paid for. And so, I would hesitate to just make an assumption that because you want it done, here’s your person and it’s going to fit within the scope of work and costs of that contract because it’s two different types of work.

CHAIR AKUTAGAWA: Okay, Commissioner Le Mons?

COMMISSIONER LE MONS: This is just one of those feelings again, where I just feel like we get handcuffs put on constantly. And maybe it’s just a product of -- I don’t work for the State. I’ve never worked for the State, either. So I don’t know all of the limitations, what we can and can’t do and all of this good stuff.

So we depend on the information that we’re getting from staff. And I like the broadest breadth of information rather than the other way around, because to now hear that all she’s paid to do -- and I’m gagging to hear that all she’s paid to do was post.

Because if I was clear on that, and I don’t know if my fellow Commissioners were clear on that when we voted to approve this contract, that that was all this person was going to do. I thought they were going to be handling the background architecture to make sure.

And when I say handling, making sure that it was vulnerable and that they had the skillset to make sure that
you know, things could stay running and humming. Like that’s a certain skillset to me. And so, that’s beyond just posting.

And then, if you can do that, then you can rearrange some things on a homepage so that it flows a certain way. So I guess what I would’ve liked to have known is that for a few dollars more or a significant number of dollars more, this person’s scope could be expanded and we could’ve voted on that rather than the bare minimum.

So I think this goes to what we were saying earlier, Mr. Claypool, with regard to the information that’s given to us, that it is as complete as possible because those gaps and holes -- clearly we’re a creative bunch, and we’re looking to put our creativity to work.

And so, you know, I see Commissioner Kennedy and others shaking their head. This is who you’re working with. So we know the rules. We get it. We’ll abide by the law. So we’re going to be creative in our approach. We need to be equipped with as much information to enable us to be able to do that.

So that’s a plea. What I’d love to do is be able to talk to this person and get her ideas and whatever’s within the scope of her contract, we’ll make sure we work within, but I just needed to say that and then make that
plea as we move forward.

CHAIR AKUTAGAWA: I think there’s a sense of sometimes we don’t know what we don’t know, so we couldn’t have asked the questions if we didn’t know. Director Claypool and then Raul?

EXECUTIVE DIRECTOR CLAYPOOL: So it was my understanding when I discussed with Raul about this individual that this was strictly an interim position, that this person was there to get us out of the purview of the state auditor and, two, the person that will ultimately handle this position.

It was -- I didn’t -- I wasn’t -- I guess I wasn’t listening to that part of your meetings, when this discussion occurred. Because I mean, I had listened to most of them, but this person is strictly, in my mind, somebody who’s the -- or is going to bridge that gap to the person we’re looking for.

And we’re going to discuss that in people that we’re looking to hire. If this person can do the things that you’re talking about, then that’s great. However, I don’t believe this is going to be the person that remakes this website -- that person and that’s going to have to come with your Communications Director. So I just wanted to put that out there.

CHAIR AKUTAGAWA: Raul?
MR. VILLANUEVA: Yeah, and I think my statement was misunderstood, that what I’m saying is, and basically Commissioner Le Mons, we ended up in your points, is we just have to be careful about what we’re asking her to do, because there are major structural things with that website that don’t really fall under that scope of work.

And what I was trying to communicate is that that’s something that needs to be looked at as we look at the many things that the website needs, and identify what are those primary things for now and that sit within that scope of work?

COMMISSIONER LE MONS: I think both you and Director Claypool are misunderstanding what we’re talking about here. We’re very clear that this person is the interim person. We are very clear about that. We’re very clear that we’re in the gap. But there are some expectations about what needs to happen in the gap.

So we’re not assuming that this person is going to rearrange and redesign our website or any of that. Like that’s not what this conversation is about. But I don’t feel like we’re getting the gap delivery. That was the reason that I brought this up. So when you say, Raul, that she was only hired to post, you narrow even further your broader description of be careful.

We understand we have to be careful. We’re not
trying to ask her to redesign, but your second point was,

she was only hired to post, which suggests that anything

beyond posting is going to be outside of the bounds of what

she is expected to do.

So I opened with what has this person been tasked
to do, so I wanted to get a complexion of what is the scope
of this person’s work, as it’s been given to her and the
priority? And it sounds like it’s only the Post, but there
is a possibility we could get some other things, and we
will work very closely with you to stay within the confines
of what we’ve agreed to financially with this person.

I know that they work part-time. Like, all of
those things, I haven’t forgotten. We’re not asking them
to redesign the website. Let’s be very clear. That’s not
what Commissioner Anderson and I would be asking her to do.
We know what we want to ask her to do. We just need to be
connected with her and we will work with you and whomever
else, Director Claypool or whoever we need to work with on
the staff perspective to make it happen. I don’t really
want to waste a lot more time talking about this.

CHAIR AKUTAGAWA: Okay. So where we are right
now, as I understand it is, whatever needs to be done
within the scope of the contract and what is allowable, the
Troubleshooting Committee will work -- will they be able to
work directly with the person or will they work through
MR. VILLANUEVA: I think it’d be good to have a Zoom meeting with all four of us.

CHAIR AKUTAGAWA: Okay. We’ll work together to, as best as can be done within the scope of the contract, resolve some of these issues that we just had a discussion around to create better clarity, accessibility to the materials as best as can be done. Commissioner Fernandez?

COMMISSIONER TOLEDO: I’m just going to recommend that it would make sense to forward a copy of that contract to Commissioner Le Mons and Commissioner Anderson so they know what the scope is.

CHAIR AKUTAGAWA: Great point. Great point. Okay. Now that everybody’s on the same page. All right, great point. All right. I know that we also had next up as part of the discussion, and I believe Director Claypool, you were going to make a -- I think at least a presentation of the org chart, I believe?

I also want to just note that it is 12:25. I just want to check. What time do we need to break for lunch?

WOMAN: 12:45.

MR. MANOFF: Our 90-minute is at 12:45.

CHAIR AKUTAGAWA: Okay, all right. So Director Claypool, we have 20 minutes. Is this possible?
EXECUTIVE DIRECTOR CLAYPOOL: Well, the org chart isn’t possible because I think it’s going to generate --
the draft org chart is going to generate this kind of conversation. However, I have two other protocols that are going to generate conversation, too.

So if I could use this time to just discuss that, and we could go to the org chart and that will be the last thing I have to discuss today.

CHAIR AKUTAGAWA: Okay.

EXECUTIVE DIRECTOR CLAYPOOL: On all the future agendas, we’re going to start including line items for staff hiring, litigation and closed session for personal -- personnel related issues. We need to have those on every agenda, just so that you have the opportunity to move to these types of issues, it’s going to be -- I forget, Commissioner Kennedy’s term for it -- but if it’s not needed, then we can just say it’s not needed, but those -- you’ll start seeing those on there, that as much as possible, we’ll try to flesh those out 14 days ahead of time for what an item might be.

But it doesn’t necessarily mean that we’re going to hire staff on that day, it’s just going to mean that we reserve that right to address those issues at that time.

My final issue is the documentation for establishing your positions.
All of you, I believe, are almost done or complete -- completely handed in your paperwork for establishing your positions. I know Raul’s been working with each one of you. If you do not have that paperwork in, you know, with Form 700s and the I-9s and so forth, if you don’t have that full suite in, we can’t establish your position.

And if we can’t establish your position, we can’t file a claim for payment. So it’s very important if you do not have that paperwork in, to get it in. I don’t have mine in right now, either, but I’m not making a claim for payment. I want to give you this thought.

Once we submit any document for payment from any of you, it’s a 30-day process to get that money back to you. It has to go to the Department of General Services, then it has to roll up through the State Controller’s Office. So it’s, you know, very important for us to start this flow. And I know that I’ve listened to Commissioner Kennedy and I understand the frustrations, but I want to be very clear.

From the time, again, it’s one of those submission based items, Commissioner Le Mons, that you talk about. This is from the time it submits, that we hand it off, the fastest this can go is 30 days. And then, you’ll see it, it can be as late as 45 days, if there are issues
that have to be resolved.

I wanted everybody to know that straight up because this is yet again something that we can’t move around as a Commission. This is just part of how the state, you know, part of how they handle their payments. So that’s my final item, and I’m sure there’s some discussion.

CHAIR AKUTAGAWA: I saw Commissioner Turner and then Commissioner Kennedy and then Commissioner Vasquez.

COMMISSIONER TURNER: Commissioner Kennedy was ahead of me.

CHAIR AKUTAGAWA: Commissioner Kennedy?

COMMISSIONER KENNEDY: Thank you, both. So just a point of clarification. Has any paperwork been submitted for payment on anyone’s (indiscernible) at this point?

EXECUTIVE DIRECTOR CLAYPOOL: I have to check with Raul. And I’ll see if he can come up and give me that information. But if you -- if it has, it has been recent, because those documents had finally been completed for some of you. But let me check.

MS. JOHNSTON: (indiscernible), Raul.

CHAIR AKUTAGAWA: Commissioner Turner?

COMMISSIONER TURNER: Yes, and it may tie into that. It is not helpful to say if anyone hasn’t -- when -- for most of us, or for me, when there is a directive or a
request, I complete it and send it in.

Now between our amazing computers and the system and the state processes, I don’t know if it’s received. And I don’t believe it has been an established to have it, to send back and say, I found it. So I’ve sent documents. And at this point, each time a general reminder, if anyone hasn’t turned in something, we don’t quite know, well, did they get lines or did they not?

I’m assuming they did. But then, to have you reiterate what we already knew, it takes 30 days, and now I heard to 45 days, I would be very dismayed to get to the end of that time period that says, oh, it was actually you that was waiting.

So I think it would be beneficial, when there are these time driving factors, when it’s important -- or all of this is important, if there is a request, and if for whatever reason, let’s assume that there could’ve been a breakdown in the system that says specifically Commissioners, this, this, this and this, via email or whatever the case may be, your information or send them individually. But other than that, we wouldn’t know. So I would say that all of mine’s in there. But who knows?

CHAIR AKUTAGAWA: Okay, thank you. Commissioner Vasquez.

COMMISSIONER VASQUEZ: I agree with Commissioner
CHAIR AKUTAGAWA: Okay. Then Commissioner Sinay?

COMMISSIONER SINAY: I think you brought this up, but those who have turned in all their paperwork, that has already moved forward. You’re not holding up the whole process for every single -- to make sure all 14 people have driven their stuff?

EXECUTIVE DIRECTOR CLAYPOOL: Can I defer to Raul?

MR. VILLANUEVA: As I get all of the materials from everyone, those are being submitted and those are being processed.

CHAIR AKUTAGAWA: Commissioner Le -- okay.

EXECUTIVE DIRECTOR CLAYPOOL: May I make a comment to Commissioner Turner?

CHAIR AKUTAGAWA: Yes.

EXECUTIVE DIRECTOR CLAYPOOL: It is a -- it is a priority of mine to obviously find out, you know, Raul has given me the spreadsheet, and today I was going to try to get out to any person who was remaining. These are the items we need to do, to have in order to complete this portion of it. I mean, it’s been a hectic week, so that’s where I’m at with it.

CHAIR AKUTAGAWA: Commissioner Le Mons and Commissioner Vasquez?
COMMISSIONER LE MONS: Yeah, I think Director Claypool might have addressed it. I was going to say, can we get -- so what I’ve done, Commissioner Turner, is whenever I submit something, I always put in red, please confirm receipt, because of that very reason, that you just don’t know whether they get it.

With technology, they’re supposed to get it or whatever. And then, if I don’t hear back, I can follow-up. So that was just -- that’s just the method. And Raul, I have to say, has responded each time in letting me know that it’s been received.

So that -- that’s just a trigger, but I do think that we should just automatically be made aware that you guys have whatever it is we need. Based upon the information that was shared just now between Raul and Director Claypool, we still don’t know if -- and I don’t feel like you need to say this to everybody, but I think we should get some kind of email correspondence saying if we have something that’s outstanding, and then confirming that ours have been submitted.

Because I agree with Commissioner Turner and Vasquez, I turned my stuff around right away, like whatever was asked for. So it sounds like there might’ve even still been like a lag and maybe a batch got sent. So I’m still not clear on when I hear you know, they were sent as they
went in. And then, Director Claypool said it might’ve been resent.

So I don’t think we really still have a clear understanding, really of like, when does that 30-day clock start for us as different people? So I don’t know how we get that information, if that’s a private email saying it was submitted on this day or yours isn’t submitted yet because of waiting on this particular document or something of that nature.

MR. VILLANUEVA: Well, I can send that email to each individual, and including in that email whether I’ve received anything or not and when it was submitted.

EXECUTIVE DIRECTOR CLAYPOOL: And in that email, we also need to say where the process of the requests are. You know, whether they’ve been forwarded or not.

MR. VILLANUEVA: They have been forwarded. And that’s what I was saying --

EXECUTIVE DIRECTOR CLAYPOOL: (indiscernible) for each one --

MR. VILLANUEVA: For everyone who has submitted their documents to me, those have been submitted to DGS HR. And they’re being processed. And so, I receive reports from DGS HR on an ongoing basis because I’m kind of watching it. There’s nothing -- yeah, there’s nothing to (indiscernible) --
EXECUTIVE DIRECTOR CLAYPOOL: Commissioner Turner, also wanted to say the 30-day and 45-day, just think 30 days. Now I said, if there’s something, an issue, then it’s going to come back, it can be as long as 45.

Typically, once we get the -- it all established, they’re all through, you can usually count on a 30-day period, because we’ll make sure that when we submit it, that there’s a minimum of things that need to be re-discussed. But 30 days is as fast as it can go, and that’s what we have to think in terms of.

CHAIR AKUTAGAWA: Any other -- Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yeah, I just wanted to reiterate that I think, Raul, if you could prioritize that batch of communications individually to each Commissioner, because I know I’ve been a laggard, and so I just recently submitted many of my documents this weekend. So I’m not expecting anything for a while.

That being said, I know that you know, particularly the first eight have likely been more on top of submitting their documents to you. And I would surely hope that they weren’t waiting for someone like me, and that you weren’t waiting for someone like me to get my stuff together to you for theirs to have been processed. And so, apologies if that was the case to my fellow
Commissioners. But hoping you get your stuff soon.

EXECUTIVE DIRECTOR CLAYPOOL: It is not the case. They were submitted individually, as there was completion.

CHAIR AKUTAGAWA: Okay, any other comments? All right, Director Claypool, any other items or protocols that you wanted to discuss?

EXECUTIVE DIRECTOR CLAYPOOL: No, those -- that’s it. The only other thing we need to discuss is the draft org chart, and it’s going to take longer than the three or four minutes we have right now.

CHAIR AKUTAGAWA: Yeah, we have roughly about nine minutes. I think -- let’s do this. Let’s go ahead -- let’s break for lunch now, since this seems like a good place, and then when we return from lunch at one, I’ll just say 1:37 p.m., when we return, we can then take up and finish your report and specifically the org chart portion of your report.

EXECUTIVE DIRECTOR CLAYPOOL: Thank you.

CHAIR AKUTAGAWA: Okay, 1:37 p.m.

(Recess taken)

CHAIR AKUTAGAWA: All right, welcome back, everyone. I just want to recap what we will be discussing at least for the next -- as part of the next report. When we left lunch, we were going to discuss when we returned the org chart.
I also want to add an additional discussion point to the Executive Director Report, and that was the discussion that we had around the materials and ensuring that we give everyone adequate time to both review and digest the materials. I think we need to have a conversation about what is considered an adequate timeframe.

You know, it was brought to my attention just prior to returning from lunch that it was brought up, but we moved on from it, so I think we should have a further discussion about just establishing what we would consider an adequate time.

All right. Just from a point of process, I believe we’ve also tried to make it a -- I guess a habit or a tradition of taking public comment upon return from lunch so that we can give anybody who wanted to be able to make additional comment, a time, a planned time in which they can do so.

And I want to go ahead and honor that before we turn this over to Director Claypool to talk about the organization chart. Jesse, could you read out the instructions? I’m sure that anyone who is coming back from lunch is probably now scrambling to try to get to the phone. So Jesse?

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

There will be also opportunities for the public to submit general comments about items not on the agenda. Please note that the Commission is not able to comment or discuss items not on the agenda. The Commission will advise the viewing audience when it is time to submit public comment.

The Commissioners will then allow time for those who wish to comment to dial in. To call in on your phone, dial the telephone number provided on the livestream feed. When prompted, enter the meeting ID number provided on the livestream feed using your dial pad.

When prompted to enter a participant ID, simply press pound. Once you have dialed in, you will be placed in a queue from which a moderator will begin unmuting callers to submit their comment. You will also hear an automated message to press star nine to raise your hand, indicating you wish to comment.

When it is your turn to speak, the moderator will unmute you and you will hear an automated message. The host would like you to talk and press star six to speak. You will have two minutes to provide your comments. Please
make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call.

Once you are waiting in the queue, be alert for when it is your turn to speak, and please turn down the livestream volume. The Commissioners will take comment for every action item on the agenda. As you listen to the online video stream, the Chair will call for public comments.

This is the time to call in. The process for making a comment will be the same each time, beginning by the telephone number provided on the livestream feed and following the steps stated. Good afternoon, caller. Could you please state and spell your name for the record, please?

MS. HUTCHISON: My name is Helen Hutchison. And that’s spelled H-e-l-e-n. And Hutchison is H-u-t-c-h-i-s-o-n. I’m with the League of Women Voters of California. So the League of Women Voters of California is one of the original proponents of the independent redistricting process in California.

We were observers and commenters during the full 2010/2020 cycle, including publishing a report, and people draw the line. And participating in the number of litigations with a goal of protecting the independence and transparency of the redistricting process.
We intend to continue to be actively involved through this current 10-year cycle. The success of this Commission’s work is dependent upon building and sustaining public trust. That means that your process may not always be as quick or as efficient as you may like.

It also means that you may at times push back against recommendations by your staff, including your attorney. Just because the law allows you to keep some information from the public does not mean that you should. Providing full and thoughtful reports out in your closed sessions is part of how you can ensure that the public trusts you and the outcome of your work.

This means that instead of just thinking about what you have to say, you should be thinking about what is the maximum amount you can share. In addition, I want to say that we share the concerns expressed earlier in this meeting by Lori Shellenberger, of Common Cause, about the need to be diligent about posting full information on your website.

Just as you as Commissioners need to have sufficient time to digest information, the public also needs that time to be able to provide thoughtful commentary on your proceedings. The public’s needs should be as much a part of your policies as those of you as Commissioners.

As you continue to refine your processes and
policies, please make sure that you prioritize transparency and communication that leads to thoughtful public engagement and trust in the process you are using. Thank you.

CHAIR AKUTAGAWA: Thank you. Jesse, do we have anyone else in queue?

JESSE: There are currently no callers in the queue, Chair.

CHAIR AKUTAGAWA: Okay. Alright. Well then let’s go on. Director Claypool? I’m going to turn this over to you to report on your org chart.

EXECUTIVE DIRECTOR CLAYPOOL: Thank you, Chair. As I said earlier, this -- the org chart, has everyone had the opportunity to pull it up? Does everyone have in front of it? So this is strictly a draft. Again, another starting point for us. This is the organization that I have kind of interpreted from what I’ve listened to, and as far as the positions that we’ve taken on.

The Executive Director, as I understand it, would be this individual who would handle a lot of our outreach and our education. And that’s why I’ve grouped it together the way it is, as you can see, for Commissioner Anderson. The manager that’s handling the data has a lot to do with both the statewide database COI project, and also, the contractor line drawer.
When I think of the contractor line drawer, I think in terms of public meetings. And so, that’s if you’re looking for where’s the information we’re bringing in from the public? That’s just in vision there. The dotted line between them and the field staff kept the field staff under the, kind of the deputy administrator, the business side of it, mainly because the field staff are individuals who will be in support of your outreach and of your meetings out there. But they’re kind of hard to manage, sometimes, insofar as how they’re traveling and what materials they need to have with them.

And so, just thought it would be easier to support the Deputy Executive Director by having him or her tell us what they wish to do. And then, we make sure the field staff arrive where they’re supposed to. Everything else to the -- under the admin and the legal, the legal side of it are just functions as we need them to be, for instance, the budget analyst and a budget assistant, somebody who handles FI$Cal. That is not a typo with the dollar sign in FI$Cal, that’s actually the way they do it.

But procurement analyst and IT in-house, IT person that would be the person that would replace the temporary person that we discussed earlier. So do you have any questions? And by the way, I’m willing to rearrange us any way you wish to have it rearranged, but this is how --
this is the organization that I understand that you want, and the organization that I can make happen.

CHAIR AKUTAGAWA: Commissioner Sinay and Commissioner Kennedy?

COMMISSIONER SINAY: I think it might be helpful for us to maybe go down -- if -- I think we need a facilitated conversation. If not, we’re going to be jumping around all over the place on this because there’s a lot of information.

EXECUTIVE DIRECTOR CLAYPOOL: Okay.

COMMISSIONER SINAY: But I did feel that we have a VRA subcommittee and a line drawing subcommittee. I don’t think we have a COI -- Communities of Interest Subcommittee. The outreach has been focusing on communities of interest, so that’s kind of -- that’s -- you know, we’ve taken on looking at Communities of Interest, but it might -- you might need a separate one.

I would put the -- if we do create a Community of Interest Subcommittee and the Line Drawing Subcommittee, it should be over to the left with the Outreach and Engagement Subcommittee feeding into the Deputy Executive Director.

I would -- and then, I would pull VRA out from that box that has so many. And the VRA Subcommittee would go over with legal. The other thing is, and this isn’t going line-by-line, but I was really surprised to find the
line drawer so far down because a line drawer actually
reports to us and works with us directly.

I know it may be managed, but it needs to be very
clear that the line drawer listens to only us when it comes
to drawing the lines.

EXECUTIVE DIRECTOR CLAYPOOL: So I didn’t -- I
actually had kind of worked that through by how it would
occur. So it was more a linear process in my mind, that we
would have the COI project first and the line drawer
second. I can put it up higher, but it all is falling
under the Deputy Executive Director and the Outreach staff,
and I would, in my mind, there’s a direct flow from you to
them.

So that -- the only reason it’s that far down
isn’t to minimize the -- what it -- what the function --
it’s just to put it in my own linear spacing, that’s all.
We can also put the VRA, and certainly the VRA Subcommittee
over.

And by the way, we don’t have a Legal
Subcommittee yet, so that was a little presumptuous on my
part, but I put it there because I think at some point,
you’re going to wish to have that Subcommittee because
they’re going -- they -- they’re going to be the ones who
are going to work with your Chief Counsel and your outside
counsel initially on any issues that come up regarding
litigation and so forth.

So it can be called anything you wish to call it, but at some point you’re going to want at least two Commissioners who can be available for, you know, for quick conversations regarding any litigation that comes up for this Commission.

CHAIR AKUTAGAWA: Commissioner Sinay?

COMMISSIONER SINAY: Yeah, is there anybody else who wants to say anything right now? I --

CHAIR AKUTAGAWA: Commissioner Sinay and then Commissioner Kennedy.

COMMISSIONER SINAY: I think when I -- to me, this is still drafted in let’s repeat 2010 as much as we can. And we’re actually in the world of COVID. And so, I felt that there was some pieces missing or maybe we needed a subdocument that actually defines what the responsibilities are going to be for each of those folks.

But outreach, field staff, I think that’s all going to depend. Also, we’ve been talking about different models on what we can do out in the field. But maybe I’m misunderstanding what the field staff is. I just feel like we’re being given -- and then, is the Deputy Administrator with delegated authority -- it just -- it feels like that middle place is a huge bureaucracy and a lot of staff.

And is that because we’re working with the
bureaucracy and therefore, we have to create a bureaucracy
to work with the bureaucracy? Because that just feels like
a lot of staff for what we need to get done right now.

EXECUTIVE DIRECTOR CLAYPOOL: So, if I could
address that? Yes, we’re -- we are -- we’re a bureaucratic
institution here and we’re all a part of the state. Those
positions that -- and I was going to discuss the positions
that we’re looking at so that we can actually make some
hiring decisions next week.

But it’s envisioned that a lot of these
individuals that are in that group, and it’s actually not
that large a number of people for what we’re asking them to
do -- take over our website, to start cutting our
contracts, to start making sure that people are getting
paid, keeping track of your money.

But it’s envisioned that a lot of those people
would be retired annuitants. Retired annuitants, as you
know, from Marian and from Raul are restricted to 960 hours
per year, but we’re going to get another 960 for Marian and
for Raul or from any RA on July 1st because it rolls over
on the fiscal year.

So in theory, because of where we’re at right
now, if we bring these people on, they could provide us a
half a year and a half a year, and then another half a year
the second half. So they could act as full-time employees.
They won’t always be here. Similar to Marian, retired annuitants typically come in when there’s something that needs to be done, and then go. So they’re very much more job specific. And the real benefit to having a retired annuitant is similar to Marian, you get amazing expertise, but on an hourly basis, and then when the job is over, they just kind of disappear. We don't have to pay for benefits or anything else because they remain retired.

Or, if I could just jump into this then, for the, some of the administration positions that we're looking at, we need to interview people before we can bring them to you to say this looks like somebody who can get this job for you, get this job done. And I've asked Raoul to email 11 individuals with extensive state experience in contract and procurements, to fill two of the positions, and to email six individuals with state experience and budgets and accounting to fill two positions; six individuals with state experience in administrative and clerical positions to fill three positions, and three individuals with experience in information technology to fill two positions.

So, in this upcoming week, this next week and hopefully at the end of this week, we're going to take a look at people based on the information that they have provided in the state's -- they go online and they say, "Here's my experience, this is what I can do." And then
we're going to meet with them and make sure that their experience is what they said it is, and then see what kind of a fit it looks like they would be in our organization. And then we're going to make a recommendation to you, the Commission, to hire them, so that we can get these people on to start filling just the middle part of what we need done; so that we can start fixing our website. And we can start getting more time so that we can actually address your issues while they take care of budgets and procurement and the things that we need to do, as I said, in the next two months in order to be able in January.

So, that's the process. We can move these boxes around any way we want but that many people in the administrative interior is really not that many people.

CHAIR AKUTAGAWA: I apologize. Commissioner Kennedy was actually next before Commissioner Anderson, so I have Commissioner Kennedy, Anderson and Sadhwani, and then myself and Commissioner Le Mons.

COMMISSIONER KENNEDY: I wanted to have a better understanding of what the two office techs will be tasked with, and the Legal Office tech. And part of the reason I'm asking this is, I see two functions that may need support, but you may be telling me that that's what these people are doing. One is just basic support to the commissioners on the paperwork and so forth, so that that
can be off-loaded from Raoul and run smoothly.

The other is research support. And I know that there were interns last time; I'm not seeing interns this time. I'm wondering what your thoughts are on interns and just the general question of research support. So, thank you.

EXECUTIVE DIRECTOR CLAYPOOL: If I can just address that, you're absolutely right; those two techs would be fulltime employees, whereas these retired annuitant handling budgets and procurements would be more specific to the contracts you're cutting, and so forth. They're really just intelligent hands to move documents that need to move forward to the state comptroller's office and so forth.

On research, it's kind of a dangerous place for your staff. And I'm going to go back and say that if you ask your staff to do research for you, then we would certainly do research and do it for you. I would almost say that it would be better to hire a contractor to do research for you. And I'm saying this because we have very -- you know, we have proximity to you. And so, there's always a danger, as occurred in that story I told you a week ago about the person who sat behind me when I was about to send a message about Indio having agriculture. And I didn't send it. The implication is that if we're
sending you information, then we are somehow impacting your
decisions. And so, if you want research done, then perhaps
we could hire somebody specifically for that task, but not
have it just be a general office tech person or something
like that. I feel very strongly that we need that clear
delineation between who's giving you information off your
staff, so that nobody can say, you know, "There's that
executive (indiscernible) again trying to push the lines in
Indio."

CHAIR AKUTAGAWA: Thank you.

EXECUTIVE DIRECTOR CLAYPOOL: Okay, the interns, I
apologize. Last time we used the interns to just as data
input, Commissioner Kennedy. We didn't actually use them
for any type of research.

CHAIR AKUTAGAWA: Commissioner Anderson.

COMMISSIONER ANDERSON: Thank you. Yeah, I had a
question about, you know, in terms of what was where. But,
I'm sorry, Mr. Claypool, are you going to be actually just
walking through each of these positions? And are we sort
of jumping the gun a bit here in terms of asking questions
about it.

EXECUTIVE DIRECTOR CLAYPOOL: Well, I can walk
through them. See, that's the bureaucrat in me; I look at
them, and they all seem self-explanatory. But if you would
like, similar to the office tech question that Commissioner
Kennedy had, I can tell you what's envisioned or what I thought was envisioned with each one of them. Why don't you ask me about a position and I'll tell you what I think?

COMMISSIONER ANDERSON: Well, actually, it would be because that basic -- you know, in terms of, if you have a plan, and you just jumped in before you present it, that's one thing. Second, though, is then yes, in terms of, I do have issues with -- you know, I see you have IT under, essentially, administration. But IT needs to be with the contract line; the three you have way down here -- I agree with Commissioner Sinay, in that the line drawing person needs to report to the Commission.

In terms of the structure of how you put these things together, I believe the technology has been kind of dropped down and not brought up and across the board at the same place; because we are finding in all our subcommittees, there is a distinct connection, directly at subcommittee level, not way down at the bottom of the charts in terms of who is going to go to whom and how -- basically, we want to make sure things flow properly. And the way it's put together in several different areas here, I don't see that happening. So, that's why I wanted to know if you were going to walk it through, or if we are just supposed to give you ideas of how we'd like things changed. So, what are those two options?
EXECUTIVE DIRECTOR CLAYPOOL: Well, it's probably going to end up being a hybrid. But I will tell you that the IT manager you're seeing over in Admin is somebody who makes sure your computers are running correctly; somebody that's working on our website, making sure things are posting up correctly. It's ... that was not my intention to have that be the IT source for your outreach or anything else. I would look at the inhouse media staff or your inhouse outreach staff as a place to lodge somebody for a more major effort in IT. You're not precluded from having both.

CHAIR AKUTAGAWA: Okay, thank you. So, I just want to acknowledge Commissioner Sadhwani is next, myself, then followed by Commissioner La Mons, Turner and Fernandez. All right, Commissioner Sadhwani?

COMMISSIONER SADHWANI: Thank you. I think, again, it would be helpful to have some background on what your thoughts are about who all these folks are, what they're doing, what their roles would be. Since we don't have that, I do have a number of questions. I think I have four to five questions. I'll try to lay them all out.

The first one: You had mentioned that some of these jobs, if approved today, that you are planning to reach out to -- you mentioned 11 people, six people, etc. Who are these people? Are they meant to be retired
annuitants? Is that the process for hiring retired
annuitants? Does the state require posting for these
positions to ensure equity and fairness at all? And so, I
think having a little additional information about your
thought process on that. I can stop there, or I can go
through the other questions that I've flagged. What would
be your preference?

EXECUTIVE DIRECTOR CLAYPOOL: I would prefer, at
this point, to just address that. Retired annuitants sign
up on a website and they produce information about where
their location is and then they give their credentials and
they're waiting to be picked up by state agencies who don't
want to take on long-term relationships with employees.
The first person I'm looking at right here has experience
as an information technology analyst, central data center
mainframe analyst, database analyst, information security
analyst, operation support, PC computer support systems
testing, telecommunications and web, internet and intranet
experience. So, that's all within the state, within the
Office of Information Technology.

So, this person, if they're still available,
would be someone that we would obviously consider for an IT
position somewhere in it, either maintaining our inhouse
system or they could be moved over into one of these with
the media director or the outreach staff.
As far as having to advertise these positions, remember we talked about the one wonderful gift that this Commission received was not having to do any of the things that have to be done in state service as far as advertising.

On the one hand, there won't be the opportunity to see who's available statewide. On the other hand, we can hire today; if I suddenly said to you, "I need this person," we could take a vote and that person would be on your staff and we would be moving with them. That's huge. That's probably the biggest thing that was given to this Commission that's separate from all other commissions in the state.

I didn't --I intentionally just put a very generic inhouse media staff, outreach staff, because I don't know how the future deputy executive director or the media director would like to flesh out their organization. And I hesitate to do that for them. They need to know who they're dealing with.

Now, I might propose one thing here, and that is, as we get these staff, I can run them to the Chair and the Vice Chair, to get their opinion on their qualifications. Last time we just -- because we were in so much of a time crunch, I just brought them before the Commission, and they just said yes, fine, hire them, hire them, and we fleshed
out in about two weeks.

But this time, we can be more introspective, but we need to get these people onboard, or a lot of the problems we've talked about all day today aren't going to get resolved. We simply need people who can move things for us, because Raoul is not enough and I'm not enough and Marian's not enough.

I can -- you know, so, that's my answer to your question. Your next question?

COMMISSIONER SADHWANI: I think just as a follow up, I know you mentioned yourself, Raoul and Marian, but we have also identified additional retired annuitants in a previous meeting, that I believe are staying onboard. But, in any case, the IT manager piece, just my only thought on that is, recognizing the issues that we have already encountered, recognizing that we are in the COVID environment, I think it might be helpful to think about someone besides the retired annuitants there. I don't know, I could go either way on that. But this is helpful to just hear.

I think one of my big concerns, when I heard you saying that you already have 11 individuals, six individuals, is that these are individuals that you knew. So, it sounds like there is a process, some process to do that.
Some of my other points: The media director, as identified, I would just change that to communications director. That is what we have advertised for and described.

I think I just want to ensure -- this is obviously a major change from the 2010 organizational chart, because we do -- we are hoping to have a deputy executive director and place the -- excuse me, communications director -- as a charge to that individual. I just want to clarify that it would still be the expectation of the Commission, that the communications director and deputy executive director, would be present at Commission meetings; that those are hires that we have made ourselves. And for me, I would want to make sure that they're there and we can interact with them directly.

The outreach and field staff, that to me is still a little unclear about what we're expecting those folks to do, or to be. And for field staff, why that would be under the deputy administrator with delegated authority. That wasn't entirely clear to me.

EXECUTIVE DIRECTOR CLAYPOOL: Can I --?

COMMISSIONER SADHWANI: Sure, of course.

EXECUTIVE DIRECTOR CLAYPOOL: Field staff. So, whether you are running full-on public meetings next June, because COVID is behind us, and now you can be together;
or, you are having -- it's difficult for me to envision that you could have a public meeting anywhere without having at least an outlet to those individuals who do not have internet services or whatever; that they could have a place. If you're doing your regional meetings down in Southern California, that there would be a place in, possibly in El Centro, for that region, where a person could come in and say, "I just want to talk to this Commission. How do I do it?"

If you have a kiosk, you need somebody there to run it. If you're trying to disseminate information at that site, you need somebody there. If it's your videographer, the videographer is going to need somebody to line the people up and make sure that they get their names, and that they process -- these are just mainly individuals who help people facilitate their testimony to you.

So, if you ran three different locations, for that region did, San Diego and El Centro and Temecula, then you would need at east two field staff in each place. You need somebody to bring them to the mic and help them and make sure the interpreters are there, so forth, if they need interpretation; you need somebody outside, at a minimum, to make sure that there's spacing socially distanced and adhering to the rules. And last, this isn't a field staff member that you'll employ. But in every one
of those locations, you're going to need a member, I would think, of law enforcement. Only because it just -- there can be some contentious moments amongst people who are waiting. And so, we saw them last time. I believe you'll see them this time. That's why we're having poll-wise voting.

Field staff, that's just a placeholder to fill out with the staff, that you'll need to be in locations when you decide how you want your meetings to look and how you want them run.

COMMISSIONER SADHWANI: Got it. That's really helpful, so I appreciate that. I guess, hearing that, I'm not sure why then, they would be under the deputy administrator as opposed to the deputy executive director. But that's something that we can perhaps consider.

Regarding the deputy administrator with delegated authority, what's delegated authority?

EXECUTIVE DIRECTOR CLAYPOOL: Delegated authority is the holy grail of procurement. And we didn't find it last time, we're hoping to find it this time. Right now, as your Executive Director, I have delegated authority for $100. I can go out and buy anything for $100 or less, and then we have to wait for that payment to occur before I get another $100.

Last time, the way we worked around it was we
used personal services contracts for almost everything. And by the way, in that draft ... in that chart that we showed you today, the fair and reasonable, the one that I said I didn't ... that's the new name for personal services contract. So, we will be amending that so that you know that that is a personal services contract.

So, personal services contracts allow us 10,000 or less. So, we would set up an account with, say, a law enforcement agency and say we need, for these series of meetings, we're going to need a person there, a sheriff to be there, or a police officer to be there. And then we would draw down on that and then we would cover it that way.

If we get delegated authority, then it changes a lot of things; it can be 50,000, it can be 100,000. Most organizations I think have 250. The state auditor probably has 500. And now we don't have to cut contracts to pay for police officers; we use our delegated authority to pay for them.

COMMISSIONER SADHWANI: Got it, and that's very helpful. Thank you. And just in terms of the title given there, I recall looking at the organizational chart from 2010, but don't have it in front of me. My understanding in 2010, however -- and please correct me if I'm wrong, was that this position was simply called administrator and not
deputy administrator. So, I'm wondering what the thought process was and changing it if that is indeed the case.

EXECUTIVE DIRECTOR CLAYPOOL: It was actually referred to as the business manager in 2010. The deputy position -- we have to have -- under the new rules of delegated authority, we have to have two people who have that authority. So, if you look at procurement, the procurement analyst with delegated authority -- so we need two people who can look at it and have taken the courses that are necessary to take in order to be given delegated authority, and then they look at a contract and they say, yes, those meet the requirements for payment, and then we can make that payment.

And the deputy administrator was simply to give is a little bit of heft with the Department of General Services.

COMMISSIONER SADHWANI: To get that delegated authority?

EXECUTIVE DIRECTOR CLAYPOOL: Right.

COMMISSIONER SADHWANI: And then, my final question on this, and I do have one other, is: Can retired annuitant be a deputy administrator with delegated authority?

EXECUTIVE DIRECTOR CLAYPOOL: Sure. Yeah, they're an employee. They just have 960 hours. We want to
be judicious. Again, our great advantage in the timing of our process is that if we get an RA today, they'll run through their 960 by June. And then, on July 1, they get another 960. They're just about like being a fulltime employee. But yes, they're an employee and they can have delegated authority, or they can be part of the delegated authority process.

COMMISSIONER SADHWANI: Can I just ask outright, is your expectation that Raoul will take on this position? I see that you've already put Marian on there, and that's fine, and I think we've had that conversation previously. But is that the expectation? And I think, along with that, I don't have a sense of how many hours they have used in this fiscal year at this point, to understand whether or not -- you know, what we're working with for the remainder of this fiscal year.

EXECUTIVE DIRECTOR CLAYPOOL: I wouldn't have -- first of all, I think that conversation about who is going to take positions needs to be held in a different forum. So, I hesitate to talk about who would be hired for what. I don't think that position is going to be an RA. I think we're going to hire for that position. We need a fulltime person.

And here's the -- you know, here's the thing with fulltime people: If you have them in certain positions,
like associate government program analyst or staff service analyst, those are lower level individuals; they're hourly workers, your office techs will be hourly workers. You hire an SSM1 and above, they're management, and they don't get overtime. Last time, overtime for some of our HPAs and stuff, they got paid more than our managers because of how many hours they worked; didn't mean the managers weren't working the same amount of hours. But the managers, you get a better level of expertise and you get somebody that can, you know, you don't have to worry about overtime with. So, that's …

COMMISSIONER SADHWANI: Perfect. Thank you, this is very helpful. And my final question, and my apologies to my colleagues -- I know I've taken the lion's share of the time here -- the statewide database COI project box that's here, are there thoughts on -- I guess, what was your thought process there? Is the expectation that we would hire someone specifically to coordinate with the statewide and the COI project, or just kind of a placeholder to ensure that that role does get filled or ...?

EXECUTIVE DIRECTOR CLAYPOOL: And see, again, io should have -- in places where there are contractors, like the line drawer and the public input data, the statewide database COI project actually fulfills two goals for this Commission: It brings a tool to the community, where they
can do iterations and they can submit them, so that's input, that's -- those are things, if I draw a picture of where my neighborhood is, and I do it in that database, and I submit it, that's public testimony on my behalf. It also fulfills a requirement that the legislature work with you on a joint project -- and I continue to languish on this -- but essentially, the legislature has a requirement to provide a public output tool, to the public, to give them -- to help with outreach and to give them a way to become involved. And so, this is that tool.

Now, we weren't ... we didn't work with them in coordination, like it says in the act. Cut it looks like they put the -- like that's what you're doing now. And it looks like an awfully good tool. I saw both the line drawer and (indiscernible) statewide database project as part of -- being managed by the outreach staff. And that's why I've got them where they're at. And that they would be overseen by the deputy executive director. And same with the media project and with the COI data manager. I put the COI data manager right next to that because of the interplay that needs to occur between the COI project and your line drawer, as far as input into the iterations if you're going to receive for public input.

COMMISSIONER SADHWANI: Thank you, that's very helpful. Just to conclude, I would also just echo the
comments of other commissioners, that I think that the contracted pieces, the line drawer, the external counsel even, should be moved higher up. We can recognize that others might supervise them, but ultimately, the Commission is going to be dealing with them directly from (indiscernible).

CHAIR AKUTAGAWA: Okay, thank you Commissioner Sadhwani. All right. So, I just want to say, right now I have myself, Chair Le Mons, Commissioner Turner, Commissioner Fernandez and Commissioner Vasquez. Maybe at risk of perhaps making things a little bit more complicated.

First off, I have some clarification questions. Director Claypool, the roles under the deputy executive director and also under chief counsel, are those just your suggestions? And will those roles be subject to determination by those individuals once they are confirmed and hired?

EXECUTIVE DIRECTOR CLAYPOOL: Yes. So, the chief legal counsel, last time, along with Marian, who is penciled in there because we've agreed we'd like her to stay on. They were the primary intersect with the outside counsel. Day-to-day questions that we would get from Gibson Dunn & Crutcher or from Morrison & Foerster, would roll into them, and they would move them forward to the
Legal Subcommittee. And then, as appropriate, they would be ... they would speak with the full Commission or with the Chair and the Vice Chair. Because of the Bagley-Keene, and because things can go sideways pretty fast, it was just, it was more of a line and staff function, if you will. It's also your chief council, will be the person who does the review of the billings that come forward and does the -- typically says yes, these are legitimate billings that I would expect to see from a law firm like this. And then your deputy administrator and your budget manager would look them over and say, okay, then we will pay that bill.

On the other side, I just ... this is what I believe that this Commission was looking for, that the Outreach and Engagement Subcommittee would have general overall purview of the educational and outreach effort. And as far as where the boxes are, I just considered all of that to be under the line and staff purview of the deputy executive director.

CHAIR AKUTAGAWA: Okay. I think, perhaps just in light of, I think, some of the earlier comments about being able to digest the org chart, I'd like to perhaps recommend that, other than the questions clarifying what the roles and the positions, you know, questions around retired; whether we could use retired annuitants, or whether or not it would have to go to an open recruitment, or if it's
using retired annuitants? I'd like to recommend that we
limit any comments around how we would move the pieces
around, at this time, until we give everybody a chance to
digest and review it, and then we revisit this conversation
at next week's meeting. Because I think right now, I feel
like, I think we're all trying to just catch up and
figuring things out at the same time. But I think the
clarification questions about what an office tech means,
can we use an RA -- I think that that makes sense to help
us inform our thinking. But I think maybe for a much more
productive conversation, it would be better if we try to
limit it in that way, and then return back with our
thoughts about how we feel certain positions should be;
where the committees, the line drawers, all that, I think,
you know, very valuable kinds of comments. But I think, to
give everybody a chance to think it through and weigh in
equally, I'd like to suggest and recommend that we do limit
it, and then have a fuller discussion again about the
actual org chart next week. Okay?

We won't make a decision just yet, but I just
wanted to mention that. Commissioner Le Mons is next up,
followed by Commissioner Turner, Fernandez and the Vasquez.

COMMISSIONER LE MONS: In the spirit, Chair, of
your comments, I actually have a little bit different
recommendation, but I think in that same direction.
I like that you've brought this forward, Director Claypool, to give us some insight into your thinking. What I'd like to recommend is that we remove the -- for example, the box under chief counsel -- and this is in the spirit of focusing what the purpose of the discussion today would be. And then, follow up with what Chair recommended in terms of the next steps. But I don't think next week, and I'll say why.

So, we've hired, we have our offer our for chief counsel. So, I think that person should have the luxury of deciding what they want in terms of their organization, with the exception of Marian. Because we -- for the reasons that we discussed. So, the outside contractor box would be blackened out, the legal tech box would be blackened out. The middle section we would leave. I have a question about the IT manager, just a follow-up question. The middle section we would leave with the exception of the field staff, because the description provided related to the field staff was primarily associated with logistical, on-the-ground, associated with outreach etc. So, that one would be blacked out and reserved for a broader discussion with the deputy executive director and executive director when the deputy executive director builds his or her organization with the direction that we've given.

So, that means that all of the boxes below the
deputy executive director would be removed. And the only box that would remain on that side would be the communications director; meaning the media director changed to a communications director, and those boxes below removed, or blacked out. That gives the communications director the opportunity to build their organization, come to us, have -- you know, of course, talk with Executive Director Claypool about his ideas and vision. And then we give them the privilege of presenting the organization they would like to build, to us.

And that the focus of this discussion -- where the subcommittees go is neither here nor here -- I mean, I don't mean it in that way, but we control that. So, I mean, we can move those where we want to move them to.

And for the purpose of today's discussion, we focus our discussion on that middle section, because that's the arm that I think that Director Claypool needs to get operationalized and let's have our questions be focused there. And we would repeat this process with the legal counsel when they're on board, about their organization, and the Deputy Executive Director, when they're on board, about their organization; just repeat the process. And I think that way, we can stay focused. The deputy executive director will have had a chance to meet with us, have some direction as to what's important to us in that area; work
with the Outreach Subcommittee -- I think I'm calling it probably wrong; I think they're called something else -- but Commissioner Sinay and company, Vasquez, etc.

So, that's what I'd like to propose as consideration for a way to proceed with this conversation, to bite it off a piece at a time, to be able to be thoughtful, intentional about it, and to respect the positions that we have hired directly, to give them the opportunity to bring their thoughts and ideas to us as well.

And the question I have for Director Claypool about the IT manager in house; I did get that that's not comprehensive, meaning the IT needs it will have on the communications side, is not necessarily what you're talking about there. But when we -- if, you know, my fellow commissioners are open to this process -- I think we can talk more in detail about that function, so you don't have to answer a follow-up question on that right now.

CHAIR AKUTAGAWA: Thank you Commissioner Le Mons.

Commissioner Turner next.

COMMISSIONER TURNER: Thank you, Madame Chair.

What would be helpful for me -- and I can support the proposals that are on the table -- but what would be helpful for me is that ... Mr. Claypool, your initial statement of this was, what you gathered from meetings and
what you believe, I really would appreciate having you
explain the org chart and your intent of what is there,
before we look at moving things, adding things, or etc.
And even if that is, in light of the latest proposal, done
just for that center section, I feel that we still jumped
around and I did not get an opportunity to see the
continuity of the flow based on what you were proposing, to
begin with. And so, I would really like to have
understanding of how you saw it; what was the thought
process of why you put it on the chart in the way that you
did, and understanding where you're coming from, that would
also then help me either be in agreement or have some
additional thoughts based on what we may need to do. And
so, that could be either for the full chart or it can be
just for that center section that Commissioner Le Mons
talked about.

But I think we still -- we mentioned not jumping
around, but I think we ultimately still ended up jumping
around, as opposed to gaining understanding first. And so,
that would be my request.

CHAIR AKUTAGAWA: Director Claypool, before you
answer her question, can we just hold off on your response
to her? I think I'd like to hear from Commissioner
Fernandez and Vasquez, and then perhaps we can come back to
you to give us the big picture that I think I hear
Commissioner Turner asking us, to hear from you.

COMMISSIONER FERNANDEZ: I do agree that the middle section is really what we need to concentrate on. I don't mind having the boxes on either side, because at least that gives everyone kind of like a global of there's more to come instead of having nothing. And I'm not talking for us specifically, it's more for the public.

And I did -- in terms of the field staff, I guess, personally, in my opinion, I think it is in the appropriate area, only because this area, if my understanding is correct, is that it's going to be like the organizer potentially contracting, in terms of if we do eventually have public input meetings. So, it's going to be more like the contracting, finding lodging, working with the videographer. So, it's more than what the ... and it would be a lot for the deputy executive director. In my opinion, it would be a lot for that position to take on.

So, I do see why it would be in the middle, because I consider that more of like an administrative type function. The deputy executive director would tell them, "Hey, this is where we're going to go," and they have to go make it happen. So, they would work with the deputy administrator.

So, that's kind of my thinking on that piece of it. And then, I think as Commissioner Sinay mentioned
something about a COI, which is a Community of Interest Subcommittee, but we already have that. We have Commissioners Kennedy and Akutagawa that are on that Subcommittee.

But I think, I mean, I do agree, we do really need to concentrate on that middle piece right now, and maybe not ... what I would have preferred from the beginning was maybe go position by position to tell us, is it fulltime, part time? Is it RA? Just so we kind of get an idea. And then, like brief what we envision those duties or those responsibilities. Because it's hard to just get an org chart and try to guess what those positions are going to do. So, that would have been better, instead of everybody asking separate questions. So, that's my two cents worth.

CHAIR AKUTAGAWA: Thank you, Commissioner Fernandez. Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yes, I'd like to focus on the centerpiece. And my question, actually, I'll hold until after a more thorough presentation on the middle section from Director Claypool, because I have a big question that may change things.

CHAIR AKUTAGAWA: Okay. I think what I'm hearing -- so, let me just recap what I'm hearing. We will focus -- and so, Director Claypool, if you could just -- and I
just want to make sure, Commissioner Turner, if we could just -- are you okay if we just have him focus on just the middle section, given the other discussion about letting the deputy executive director and the legal counsel, chief legal counsel, hire their own staff?

COMMISSIONER TURNER: (indiscernible/overlap)

CHAIR AKUTAGAWA: Okay. So, Director Claypool, if you could focus on those roles in the middle section. And I think what I also heard, and I think it was a great suggestion by Commissioner Fernandez, if you could also note fulltime, part time, retired annuitant, I think that that's also something that was of interest. Perhaps that -- would also be helpful is, on any of those, will you need to go out for a public recruitment, or are all of those going to be, like you said, because of the way it was positioned for us, you have a lot more flexibility to quickly hire.

EXECUTIVE DIRECTOR CLAYPOOL: Certainly. Starting at the top, deputy administrator with delegated authority; we have options there. We could exercise an option for an individual, or we could go out for a recruitment in that position. It is a fulltime position, and I see that as being somebody who is hired as a fulltime employee.

The office techs are really free floating. I
have them reporting to the deputy administrator. They would be fulltime positions, either at ... there is, actually, a position called office tech, but in order to get somebody to work here for 19 months, I would look at them to be like a staff service analyst position, or even an associate government program analyst position, AGPA. Those are ... when you have a short-term project like this, and you're bringing people in and you pay them a little bit more, you get better expertise, and it also pays for the, kind of the headache of having to then go back to their old departments, and having lost a little bit of seniority while they were gone.

So, those two positions, I see as kind of hands-on positions; people who just are always around to answer phones, to help with the outreach staff if they need to do Xerox or take something to ... if there's something that has to be ... a large printing that has to go to the UPS store, something like that. They can jump in a car and take off and do those things.

Because people also ... we had a similar position like that last time; that person ended up driving around all over the place trying to deliver things when we needed them delivered for certain meetings and so forth. So, they're just really general people to help with this process and help out. They will be - if we have them
fulltime, they will be employed fulltime. They will very rarely have any down time.

We go over, we've already discussed field staff. Budget analyst and, I've got DGS and DOF. And right now, that's where we're one of your temporary RAs is. You had discussed about having -- I had understood that Cynthia Dines was kind of a temporary contract, as we fleshed out that position. I would certainly, if she were available to do that position fulltime, that would be an optimum hire, because we don't have go out looking for that person; we've already got them in that spot. But whoever is there is going to have to, initially, give us a lot of hours to get everything up and running as far as your budgets go.

Below that, a budget assistant. You see I have AGPA; that's an associate government program analyst. And that person is just somebody who helps that person do the budgeting, and can also be available to help with picking up the telephone, answering commissioner telephone calls or issues. No one -- everyone in this type of a -- in my mind, here -- is helping with everything. When somebody needs help, you know, I will be -- last time and this time, if somebody -- you know, if the phone rings, I'm going to pick it up. I'm not going to wait for somebody who is not around or who is doing something else. That isn't that many staff.
So, the budget analyst, our budget assistant helps the budget analyst.

The next one across is the budget input analyst. And what's the difference? One person, that budget analyst, for DGS and DOF, they're going to also start, very quickly to put together your budget for next year. Now, I've heard people say, well, we have money in the bank with UF and all we have to is request it. That's true. You have, probably, I'm thinking, a 1.4 operational; you have 2.1 outreach. There should be about another three million over there that's just sitting, waiting for you to identify a need for it.

But I think we need to understand that you may very well exceed the 11.3 total. And in actuality, you will. So, we need to start recognizing that and billing that budget so that we can make a request to the legislature for additional moneys not being held for you right now. We have to get that in. That budget cycle has already cycled. So, we're actually here in October -- late for the Department of Finance's standard budget cycle. So, that person is going to do that.

The budget input person, the FISCAl person, that's the person who's putting in your requests for payment, your TECs and so forth. And that's a fulltime job; tracking to make sure that you're getting paid, you
know, trying to find out what the problem is if you're not.
Also, you know, putting in information regarding your
procurements. So, that's a fulltime position. We can do
it -- again, we can do it with a retired annuitant, or you
could hire for it; much cheaper to do it with a retired
annuitant, and much better for the state in the long run.
And right now, you have Patrick McGuire, who was with the
former Commissioner in there. Again, I'm think that if Mr.
McGuire can do it, and can give us the time he needs, then
we would keep him there.

Next to that is procurement analyst with
delegated authority; we already discussed that. It's
procurement, lots of contracts going out, lots of working
on the telephone with the Procurement Department at DGS,
finding out, you know, have things move forward to the
Office of Legal Services; do they have Department of
Finance approval yet? That's that position.

And then you have an assistant analyst and
contract oversight. Basically, this is somebody who just
helps with the procurement process. But once it's in, kind
of in the hopper, if you will, they keep track of it so
that your procurement analyst with delegated authority can
move onto the next major project for you.

IT inhouse manager, we've discussed. And I --
you know, however the -- I fully appreciate, by the way,
now that I've discussed that, that we want to give the
Deputy Executive Director and the Chief Counsel a chance to
flesh out their operation. I never intended to put anybody
in those boxes. I just, as Commissioner Fernandez said, I
just intended to make sure that we understood that you're
going to draw more staff there, and probably far more staff
in those two sides, than you will have in the middle, when
it's all over. But staff can come on, staff can go off.

So, have I been clear enough or …? Okay.

CHAIR AKUTAGAWA: Thank you, Director Claypool.
I see Commissioner Vasquez … Commissioner Vasquez?

COMMISSIONER VASQUEZ: Thank you for that
presentation; super helpful for my understanding in your
thought process. I'd like you to go a bit more into the
thinking behind preserving the position that's now labeled
Deputy Administrator, whom I understand, was a budget
manager or administrator. Anyway, this is a (SOUND GOES
OUT)

EXECUTIVE DIRECTOR CLAYPOOL: You think we froze?

CHAIR AKUTAGAWA: Okay. I wasn't sure if it was
me or if it was on her end. Commissioner Vasquez, you're
freezing up. We didn't hear pretty much all of what you
just said.

COMMISSIONER VASQUEZ: I'm going to turn off my
video. Hopefully, that will help. So, I would like to
understand more about your thinking around this deputy administrator position. Coming from the nonprofit world, where we do more with a lot less, this does seem like a huge operation. And understanding we have a whole bureaucracy with which to interact and need particular expertise around that.

This Commission has chosen to hire for a deputy executive director to lead a lot of the external work and community outreach; something, again, that I understand was directly under your purview. So, for me, given that a big bulk of the work from last year is being placed in another position's shop, so to speak, I'm not entirely convinced that this layer of management in the administration is particularly necessary. I can be convinced, so, would very much like your -- just more thought around that position in particular.

EXECUTIVE DIRECTOR CLAYPOOL: Okay. So, last time, I was a business manager. Last time we had a hard time getting, kind of getting people's attention with the title business manager. So, we gave it this deputy administrator with delegated authority, so that we could kind of compete at the title level, if you will. It helps. Every little thing helps.

I don't have the expertise that, say, Raoul has, when it comes to getting into the weeds of procurements, or
dealimg with a procurement analyst. I can sit with a procurement analyst and say, "Hey, you know, what ...," and I used Raoul, by the way, because last time he was a business manager. But I can sit with the procurement specialists and go through the contract and go, "Are you sure that we're getting what we're supposed to be getting here" — that we have enough safeguards on this money, and so forth, to get where we need to go.

But I don't know the rules inside and out for procurement. Nor do I know what really has to -- FISCAl is kind of an arcane area in itself. I know what FISCAl is. I couldn't begin to tell you how to input data into it.

Budget analyst, I've done -- that's probably where I have the strongest amount of expertise. I wrote the budget change proposals last time; had them returned quite a bit by DOF, and kept sending them back in after I made changes, had them returned and on and on.

This time, in order for us to have a more seamless transaction with the state, I think these are positions that you need, and I need somebody who can call over to the Department of General Services and talk general service-ese, if you will, with them when that conversation is happening, no matter who that person is.

As far as the deputy executive director, they're not going to have time for this, nor are you intending for
that individual to be involved in this. What you've put under the deputy director, executive director, is a huge load. That's one of the reasons why I wanted to pull all field staff from that, because Commissioner Fernandez is right -- you know, we just need to deal with the things that are in the weeds.

And then, my job after that, is to work with all of these entities to make sure that they're getting what they need to get the job done, particularly -- well, actually, there's no particularly. Your chief counsel, when it comes to litigation, is going to need all the help that that person can get to work with the outside counsel and to make sure that the contracts are being ... that the contracts are ... we're getting what we're supposed to get in deliverables. And your deputy executive director are going to need these people to make sure that we're getting the deliverables from the line drawer that we're supposed to be getting. And if we do, in fact, end up with a contractor for input and data mining, that we're getting those deliverables.

It's just ... like I said, may seem like a lot of people, but the State Auditor has about twice that many to handle 170 people. And they don't have the contracts or the need for speed that we have right now.

I don't know if that convinced you but that's why
I think you need that position.

COMMISSIONER VASQUEZ: The thinking was helpful.

Thank you.

EXECUTIVE DIRECTOR CLAYPOOL: Okay.

COMMISSIONER ANDERSON: Thank you very much for this description, it really helps. Just one thought, because we are specifically about this procurement and stuff -- now, my understanding is that Legal Counsel is also going to be -- every procurement contract, everything like that, that's Legal Counsel's having ... it is also involved in this; it's not just a ... you know, we'll be reviewing all contracts.

EXECUTIVE DIRECTOR CLAYPOOL: No, Commissioner Anderson. Office of Legal Services at Department of General Services will. But there's really no need to have legal counsel looking over our contracts. It's going to run up through the Contract Division. They're going to run it at BGS, the Procurement Division, and they're going to run it through the Office of Legal Services. You get free legal services -- this is not an area that your chief counsel -- that I know of any chief counsel, will get involved in, anywhere in this state. Just, it's ...

MS. JOHNSON: (indiscernible/inaudible)

EXECUTIVE DIRECTOR CLAYPOOL: Well, okay, so, outside counsel. Marian said outside counsel might have to
get involved with it because they'll have to be looking at their contracts; also, have to be honoring our contract. But no, there's ... I mean, we could certainly ask your chief counsel to look it over, but it's not a typical occurrence, given the layers of review we're already going through.

COMMISSIONER ANDERSON: I mean, in terms of the costs where we -- do we necessarily need to have all these reviews in terms of minimize -- you know, we want to reduce the amount of time when, from the time we produce something to when it goes through. So, having it all smooth and our eyes crossed -- you know, the I's dotted and the T's crossed -- I thought it was going to be Chief Counsel would also have a connection in that. But we can discus that when we move to the ... when we have a hire and we move to that item.

EXECUTIVE DIRECTOR CLAYPOOL: Okay.

CHAIR AKUTAGAWA: Commissioner Yee?

COMMISSIONER YEE: Yes, thank you, Director Claypool for this starting point and for all the thought you've put into it. I'm wondering about location, and just your thinking in terms of remote versus Sacramento-based positions here and you know, how far you've gotten with that thinking, and as you recruit people, how you're going to approach that?

EXECUTIVE DIRECTOR CLAYPOOL: We had talked a
little bit about -- or actually, there had been a
discussion earlier. We -- I shouldn't include myself; I
wasn't working for you then. But you had talked about
having people from other parts of the state that could do
parts of these jobs.

With the Chief Counsel and outside counsel --
certainly outside counsel last time came from Los Angeles
and San Francisco -- the other jobs, the media directors,
those are things that are going all the way across the
state.

With this center portion, budget analysts and so
forth, these are people who have to pick up the phone and
talk to somebody right now. Now, you could do that. You
could do a Zoom call from San Diego or from Long Beach, and
have that conversation. The only requirement is that that
person be very current in how state government works and
have some recent contacts with the people that they're
talking to.

The people that we've selected in these retired
annuitants, and the people that would answer an open add.
If you were to say we want a procurement analyst and that
person is going to have to do delegated authority, and
they're going to work with this Commission out of
Sacramento, most of your people are going to come from
Sacramento. These are very Sacramento positions. It's a
very small community, procurement and working with DGS, working with the Department of Finance. I'd be open to anyone from anywhere that could get this job done, that I am almost 100 percent certain that the people that you are going to find that are going to be willing to come in here and work, either here or from their homes, will be within 50 miles of this location. So, I'm open to it, but I'm just not sure how feasible that's going to be.

COMMISSIONER YEE: Thank you. Just to follow up, can you also update us on the status of the office space that we have there in the Department of Rehab, and just -- I mean, it's a great space and it could fit all these people easily if they … but what is the status of that? And what is our … now and in the future?

EXECUTIVE DIRECTOR CLAYPOOL: This was your second biggest guest out of the act. This space is provided to you by the Governor. And so, it doesn't come out of your budget. They started to take it out of your budget but Raoul reminded them that the governor is required to provide space. And so, they acquiesced. So, this is free space. We have two large spaces. Actually, well, we have a semi-large space next to us. It's a office with four cubicles and a little break room, that we envisioned would be for the chief legal counsel, because the chief legal counsel has a requirement to be able to
lock their office. And also, their offices, because they have sensitive data in them, including anything that deals with personnel. And then we have this very large space here. We have a great space for storage, we have a great space where we have two or three big spaces where we can store the things that might have gone out with the field staff, might still go out with the field staff. And then two regular offices, and about 15 or 18 cubicles. So, we have plenty of space to maintain the kind of staff that we might have when this is running full speed.

But remember something I said, the RAs that I'm envisioning for the budget analyst and the procurement positions and the FISCal, a lot of them will choose to work from home, because they live in Sacramento, but they know the people they're dealing with. So, we won't have them in on a regular basis. And we will be able to roll people on and off as we have a greater or lesser need for them. So, your outreach staff will go great guns until your maps are in, and then we don't need outreach staff anymore. Maybe just a little less, and we can roll those people off. At that point, your main mission will be litigation and whoever suing you.

So, there's a lot of flexibility in this. And I would say that when you look at this type of an organizational chart, just remember that it's, your mission
comes up, goes really full speed, and it goes back down and people will rise and fall with it. And that's what happened last time.

COMMISSIONER YEE: Thank you.

CHAIR AKUTAGAWA: Thank you. Are there any other questions or comments at this time? As you're thinking -- oh, okay, Commissioner Ahmad?

COMMISSIONER AHMAD: Just a minor recommendation for the org chart, to include at the very top above us, people of California, since we report to them.

EXECUTIVE DIRECTOR CLAYPOOL: Certainly.

CHAIR AKUTAGAWA: Very nice. And I guess maybe, on that note, I will also make another maybe visual suggestion. Perhaps it may be helpful if the contractors versus the subcommittee of the Commission could be in different colors, so at a glance it's a little bit more easier to discern which ones are employees and which ones are contracted positions and which ones are (indiscernible/sound drops). And they also make some of the -- what I believe will be some of the moving around next week a little bit easier to visualize.

Christian, I just want to check with you. What is -- at what time -- I think we're coming up on a break some time in the next, I think, ten to 15 minutes or so. Am I correct?
CHRISTIAN: Ninety minutes is 3:07, Chair.

CHAIR AKUTAGAWA: Three O seven, okay. I just want to make sure that I don't blow past it. Okay. How about this, we have roughly about ten minutes. Commissioner Sadhwani, I see that you had your hand up. Go ahead.

COMMISSIONER SADHWANI: Very briefly, we keep assuming that the area counsel will be outside counsel. It is also entirely possible that we could simply hire someone and they could be a staff member -- just to put that on our radar.

CHAIR AKUTAGAWA: Okay, thank you. Commissioner Le Mons?

COMMISSIONER LE MONS: Yes, I just wanted to clarify, Chair, whether there was an -- I know we're talking about continuing the conversation at some point in the next meeting, but not -- if there is, indeed, an action that needs to be taken today to clarify what that action is. And when we open for public comment, if we could direct the public to narrow their discussion to the section of the chart that we discussed, that would be preferable, since we suggested that we only wanted to really focus there today.

CHAIR AKUTAGAWA: Yes, thank you. And I believe, because we are --
COMMISSIONER LE MONS: I'm sorry, I just wanted to say one more thing. I apologize. I think the spirit of that is that even when we were discussing the potential -- our hires and going through the interview processes with our executive deputy director, as well as our chief counsel and our communications director, is we really want it -- fresh ideas' we wanted them to have the opportunity to design their organization. And I want to say to Director Claypool, that when you were describing your first round out of describing, that wasn't missed on me; I heard you say that you had laid this out. However, you were fully committed to them bringing their own organization; which is why I really want to recommend that we not get in the weeds of that. Because if you're -- I hate -- personally, I'm very biased against this idea of allowing someone else to establish what they want, but then you do all the framing and then invite them to the table. So, when I made that recommendation of blacking those things out, that's his point of view, and that's great, and we got a glimpse into it. But I don't think that we should have our ... those roles that we discussed, the hire-level roles, start from that place. Because, remember, I said we're a creative bunch, and we want to give them the opportunity to bring their creativity to us, based on the frame we give them. And then we'll plug it into this organizational chart as we
CHAIR AKUTAGAWA: Thank you. I think two things: One Commissioner Le Mons, I hear what you're saying. I do believe that Director Claypool is looking to try to start the hiring process, or the recruitment process sooner rather than later. So, I think we will need to come to some agreement about what the middle part of the org chart is.

Additionally, I'd like to ask Director Claypool a question for clarification. In terms of the data manager and also the contractor for the, what you titled public input and data mining, I believe that is what I would ... I would recommend renaming to perhaps a data analytics consultant or contractor. And if there is a separate data analytics manager working with the contractor, I would recommend that that also be pulled in under you as well too, in terms of it is a, what I would call ... it does impact outreach. But I think the data analytics, given many of the other responsibilities that the deputy executive director would have, I think in terms of the -- that's what I would call a portion of the IT information systems that could fall under your purview in this particular case. I welcome any other perspectives on that, but I do want to ask, is that what was the intent? Is that what you had in mind when you put that there? Is that the
data analytics person?

EXECUTIVE DIRECTOR CLAYPOOL: It is. And the reason I put it where it's at is because there's so much -- there's going to be so much interplay between your line drawer, the COI project, your public meetings. I mean it's ... information is going to go in and that data analytics is going to have to store it and bring it back to you. And so, in my mind if ... I'll tell you, I said, if I were the deputy executive director, what would I want? And I said to myself, I would want control. I'd want control over the information as it was flowing, I'd want to know where it was going, and I would want to know how it was being stored, and I would want to know how it was going to be presented back to this Commission. That's why I put it there.

I have to say that I'm not going to be working in a vacuum, and neither is the individual who is deputy executive director. We're going to be working really closely together. If you wanted it underneath me personally, or underneath the admin, wherever you want it, you know, I would be happy to take responsibility for it, but I'm going to -- in this regard, if I were controlling that part, I would subjugate myself to the deputy executive director. I'd make sure that that individual knew, this is what we're getting in -- you know, are you happy with what
we're trying to get out. I see this is almost a lesser role to the ... a subpart to the outreach, not necessarily on par with it. It's just -- to me, the hard work is in the outreach, but we have to make sure that you get a usable product.

CHAIR AKUTAGAWA: I'll withdraw my proposal to move it under you. But I think this is perhaps a discussion that we should have as part of the fuller discussion of the entire org chart next week. Given also, Commissioner Sinay's comment that the line drawer should be reporting directly to the Commission, I also believe that this data analytics contractor, and also maybe the manager is also hand-in-hand with the line drawer. It's not just -- I don't see it as just outreach. There is a wealth of data that I think we're going to be using that's going to cut across many of the organizational levels. And I think it's not -- I think I'd be concerned if it was just labeled as outreach information, and I think it's much more than that.

With that said, I see Commissioner Sinay and then Commissioner Le Mons.

COMMISSIONER SINAY: I would like to ask that we do not restrict where the public comments are coming from -- where the public would like to discuss when it comes to organizational chart, because some of our best thinking has
come when we've been talking outside of staff and us 14. And I think that they would -- that if they -- if someone in the public has some thoughts on this organizational chart, and obviously they did because they called in earlier, that we allow ourselves to hear -- allow them to speak and for us to hear the bigger picture, because that's part of the creative process.

CHAIR AKUTAGAWA: Commissioner Le Mons?

COMMISSIONER LE MONS: I disagree. I don't feel like focus a discussion is to prevent anybody from speaking on anything. We're not not talking about the rest of the chart. We are going to talk about the rest of the chart. We are in the middle of the hires. I keep hearing that we're going to have this broader discussion about the org chart next week. And when are we going to have our staff onboard? It's like when are we going to incorporate the Executive Deputy Director in the conversation? When are we going to incorporate the chief legal counsel into the conversation?

I mean, I think that having the people who are going to be driving this for us hear from us what we want is important for them to be able to bring forwards to us. But to spend -- there's so much stuff that we have to do in terms of focusing our time, I just hope that we can be a little bit more judicious about how we focus our time.
The public is welcome to speak about whatever they want to speak about. The request was to ask them to focus their comments on the part that we want to take action on because we are -- what I thought my recommendation was is that we're waiting to deal with these other parts of the organization when we have our leadership in place.

So I just really wanted to reemphasize that. It isn't to -- and I hope that the public -- this is -- you know, the public is listening -- we have reinforced -- and always hold us accountable that our behavior is in line with our commitment and with what we have reinforced philosophically. And please not jump to the thought that anytime we make a decision that is in the spirit of focusing or asking for a particular frame of input that we are trying to not be open, we're trying to not be transparent. That is our commitment.

And if you feel like we're making decisions that doesn't align with that, certainly we want to hear about it. I want to hear about it. But I don't think that we should feel like we can't do certain things or focus conversation in a way that's going to be useful to moving things forward for fear that somebody's assuming that we're doing something else.

So I just hope that that is not the knee-jerk
reaction from everybody listening that that's what's happening. Aside to that, speak on whatever you want to speak on.

CHAIR AKUTAGAWA: Okay. With that said, we are at the break time. I think on that note what I'd like to do is for us to take our 15-minute break. When we return, I'd like to take public comment on any part of the org chart. And I think when we come back, hopefully we will also be able to take action on Director Claypool's request for the middle section of the org chart so that he can start his hiring sooner rather than later. Is that okay? Okay, 15 minutes. I think that'll be at the 23 mark.

(Recess taken.)

CHAIR AKUTAGAWA: Thank you. Welcome back, everyone. I would like to -- all right, everybody is on. Okay. I promised before we went on break that we would take public comment on the discussion that we been having around the org chart, and I think this is as good of a time as any just to allow people time to call in. Jesse, would you please read off the instructions?

THE MODERATOR: In order to maximize transparency and public participation in our process, the Commissioners will be taking public comment during their meeting by phone. There will be opportunities to address the Commissioners regarding the items on the agenda. There
will also be opportunities for the public to submit general comments about items not on the agenda.

Please note that the Commission is not able to comment or discuss items not on the agenda. The Commission will advise the viewing audience when it is time to submit public comment. But Commissioners will then allow time for those who wish to comment to dial in.

To call in on your phone, dial the telephone number provided on the livestream feed. When prompted, enter the meeting ID number provided in the livestream feed using your dial pad. When prompted to enter a participant ID, simply press pound. Once you have dialed in, you will be placed in a queue from which a moderator will begin unmuting callers to submit their comment. You will also hear an automated message to press star 9 to raise your hand, indicating you wish to comment. When it is returned to speak, the moderator will unmute you and you will hear an automated message saying, the host would like you to talk and press star 6 to speak. You will have two minutes to provide your comments.

Please make sure to mute your computer or livestream audio to prevent any feedback or distortion during your call. Once you are waiting in the queue, be alert for when it is your turn to speak, and please turn down the livestream volume.
The Commissioners will take comment for every action item on the agenda. As you listen to the online video stream, the Chair will call for public comments. This is the time to call in. The process for making a comment will be the same each time, beginning by the telephone number provided on the livestream feed and the following steps -- following the steps stated.

CHAIR AKUTAGAWA: All right. Jesse, if I'm looking at this correctly, it looks like we have two people in queue.

THE MODERATOR: Yes. Good afternoon, caller. Could you please state and spell your name for the record, please?

MS. PONCE DE LEON: Hi. Good afternoon. This is Alejandra Ponce de Leon with the Advancement Project California. And just calling to engage in the conversation that has been happening so far. I definitely want to be mindful of Commissioner Le Mons, you know, sense of like pursuing and really looking in terms of the hiring of staff. And so I want to uplift that we definitely respect that.

But we also wanted to call to uplift just some of the concerns that our partners in terms of the chart. And even just hearing and echoing what some of the Commissioners have raised about the line drawer being so
far removed from the Commissioners and also the VRA Counsel. These are definitely important positions that, you know, I think, we are really appreciative of many of you already raising and moving in the direction of tabling a lot of these decisions until later to get more information.

And so we definitely want to acknowledge that that is a sentiment that we also feel and that we would want to recommend as well. And more than anything, just to create time, you know, for the public to also have an opportunity to see the chart, to think through and to weigh in on just any other additional issues that may, you know, may not be apparent right now, but maybe the public can see that and can uplift at a later time when, you know, folks are able to digest and come up with, you know, other recommendations and other suggestions.

So just wanted to uplift that to all of you.

Thank you so much.

CHAIR AKUTAGAWA: Great. Thank you.

THE MODERATOR: Good afternoon, caller. Please state and spell your name for the record, please.

MS. HUTCHISON: Hi. This is Helen Hutchison, H-E-L-E-N H-U-T-C-H-I-S-O-N, with the League of Women Voters of California. And I just want to echo what my colleague from the Advancement Project just said. We do understand
Commissioner Le Mons' request and respect that, but also want to express support for your approach to this whole discussion, and particularly highlight that the Commission will need to be in direct contact, especially with the line drawer and the voting rights attorney.

So thank you very much.

CHAIR AKUTAGAWA: Great. Thank you.

THE MODERATOR: That is all the public comment at this time in the queue.

CHAIR AKUTAGAWA: All right. Thank you to everyone who called in. Let's go ahead, let's return to the Commissioners and the discussion that we were having. Okay. Commissioner Sinay.

COMMISSIONER SINAY: During our 15-minute break, I walked around, and I had to go back to the question that was raised by Commissioner Vasquez. And I was kind of caught off guard by Mr. Claypool's response that he didn't have the expertise to be able to manage and do the Deputy Administrator's job, because I thought that was part of our interview and that was part of the package we were getting was that Mr. Claypool had that experience.

And so I wanted to give some time, Mr. Claypool, for you to be a little -- if you could speak a little bit more to that, because... Because.

MR. CLAYPOOL: Certainly. First of all -- oh,
okay. I thought Commissioner Fernandez too had a question.

So what I told you, I said last time I handled just about all of the things that were done with the first Commission. I wrote the BCPs, budget change proposals for -- so I can stay out of the -- that's even jargon, isn't it -- but a budget change proposal so that the Commission could get new funding, on and on.

But there's a profound difference between having the expertise to understand that a contract has to have certain elements, and to read it over and say, yeah, that's where we want to go, and understanding all the boilerplate that goes into it, the considerations for small businesses, women in minority businesses, on and on.

There's -- this is built from the ground up and I've never been a procurement analyst. I was an auditor. I looked at a lot of procurement analysts and looked at their work. But we need somebody who can work with a procurement analyst and get in the weeds. All I'm -- all I said I could do was to manage a group that did it, and I would know what the weeds looked like, and I could go with them -- I could do the work with them.

So it's going to be the same for your Deputy Executive Director. It's going to be the same for your Chief Council. There are things that we have an expertise for and there are things that we don't have the expertise
for. I do not have the skillset to write your contracts. And I can go through your contracts and make sure that you're getting your deliverables, but I couldn't then go through the process for docking, you know, the funds that were going out to a contractor, like we did last time.

Last time Gibson, Dunn & Crutcher delivered a bill to us and at that time the is this manager came to me and said, this is -- you know, their billing is for $200,000 and it's in their contract. And so I looked at it and said, yeah, that appears to be right. We looked at it with Chief Counsel. Chief Counsel said, yeah, that appears to be right. But the Chief Counsel and I both said it appears to be right. The person who brought it to us said, no, it is right. We took it to Gibson Dunn and they withdrew $200,000 for the billing.

So, yeah, I don't have the skills to do every position on that chart. I have the skills to manage every position on that chart, and that's what I said I could do for you in my interview.

CHAIR AKUTAGAWA: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yeah. I do happen to have the org chart from the last Commission, and they had it at a higher level reporting directly to the executive director. They had a budget director and a business manager. And how I see this deputy administrator is
they're collapsing. They're collapsing those two positions into one to be what I would call an administrative type manager level, which as Director Claypool referred to, to get down to the weeds of things with the -- I've been a budget analyst. I've been a procurement analyst. I've been managers over both. And it is a lot of work, and you can't have just one person that will be able to do every single little function that needs to be done.

Even though we're a small Commission, we're still required to do all the processes of a big organization. So you still need that level of expertise because it's cumbersome. They have deadlines that if you don't meet, it's too bad, you're out of luck. I mean, just the regulations and the policies to keep up with and the paperwork that's involved, you really do need expertise in each area to make sure we continue to move forward.

So I just wanted to provide my input in terms of actually having had done those positions, and what it does entail.

CHAIR AKUTAGAWA: Thank you, Commissioner Fernandez. Commissioner Vasquez? Sorry, Commissioner Vasquez, you have your hand up. That was kind of blending in with the trees in the back --

COMMISSIONER VASQUEZ: I know. I know. I keep trying to figure out -- I'm going to stop my video also,
because I think my Internet is being weird. Okay.

Thank you, Commissioner Fernandez, for that context. Personally, for me, I understand the need for the expertise for these additional positions. I think that case has been made to me. What I still do not understand is the need for the middle manager, if I'm -- that's my -- it's that particular position that I'm still not clear on. Or maybe I'm -- maybe I'm clear; maybe I'm just not sold on it, on the necessity of it in terms of being a middle manager between these experts, which I understand and hear that we need, and Mr. Claypool, again, given that we have limited funding, given we've added a position onto the org chart.

Just want to make sure that I understand the what and the why for this higher-level position.

CHAIR AKUTAGAWA: Commissioner Le Mons and then Commissioner Turner.

COMMISSIONER LE MONS: I have a question for Director Claypool as it relates to this. Does the -- you mentioned earlier in your description that it required two individuals with delegated authority. Are those hierarchical in nature or can they be parallel positions and meet that requirement of having two individuals -- if I understood that correctly, that you needed to have two people with delegated authority as a part of the chart, as
opposed to a single person. So if you could clarify there.

And then I also wanted to just offer a little bit of commentary on -- I've been in the nonprofit space for probably 30 years, all size nonprofits, from very small mom-and-pop nonprofits to half a billion dollar nonprofits. And there's a culture in the nonprofit community of the multi-hats, and it's just a way of life. And I just want to offer that I have an appreciation for that, and I understand that, and there's a different kind of grid and the kind of people that work in that kind of environment.

But what I find with -- in my almost 30 or 30-plus years of working in that space, a lot of the smaller organizations always scuffle and oftentimes go away because it's very hard to walk that line between being that nonprofit and being a business. And when I've worked in the larger organizations, even there you have a lot of the nonprofit mentality that can't get and it can't embrace the business side of things that are really contrary to mission at all, but really makes for sustainability, et cetera, et cetera.

So I just share that to say I appreciate it, but we are running an operation here and we need to make sure that we're putting in place the kind of structure and resources to run this machine that we're going to need. And if that is kind of bureaucratically designed, then I
think if I trust anything in terms of where we're going as the 2020 Commission, is this little -- this infrastructure section is probably my least concern.

I'm excited and really looking forward to the outreach side and all the great work that I know Commissioner Sinay and Commissioner Vasquez has done on the creativity, and everything is going to be awesome over there way I would be measuring this is.

And so the way I would be measuring this is if we are spending resources in the middle here that are going to somehow not have resources available for all this innovation that we're wanting to do, then I'd want to push back. Outside of that, I'd like to support the structure as it's laid out, with that clarity on the delegated authority.

EXECUTIVE DIRECTOR CLAYPOOL: So to be clear, it's hierarchical. It's a check. The procurement person is going to do the first review and the second one has got your administrator, your businessperson is going to be the second one, and they are going to be in line.

And also, with regards to limited budget, we are going to need more money, and they are -- I believe that this administration and this legislature will be predisposed to making sure you have the money you need to get this job done. And that position will help with --
will help us immensely in filling out the rest of your organization. That's all.

CHAIR AKUTAGAWA: Commissioner Fernandez and then Commissioner Yee.

COMMISSIONER FERNANDEZ: I just have a question. Maybe we're getting a little stuck on this deputy administrator, because I don't see it as a high level in terms of classification. Are we talking about a Staff Services Manager 1? And I apologize to everybody else because I'm just trying to -- in the state hierarchy, I'm just trying to see the salary levels of what it would be. But is it Assessor's Manager 1 or 2 or 3?

EXECUTIVE DIRECTOR CLAYPOOL: (Off mic) closer to a CA (Off mic). A Career Exempt Administrator 1, essentially, is the position. It's above the Staff Service Manager level. And again, the thought behind paying it at a higher level is that we're asking somebody to step out of line for 19 months and then disappear. So that's the thought behind it.

But you, you, can make a determination as to where you want to go with it.

COMMISSIONER FERNANDEZ: Okay. I was thinking it was going to be a lower level, especially if you were going to have the analyst. I was thinking it was going to be a Staff Services Manager 2, not a CA.
EXECUTIVE DIRECTOR CLAYPOOL: Okay. The last time, I believe we ran it at a 3. So this is -- lot of jargon for you, but the Staff Services Manager series, 1, 2 and 3, are your last level -- they're your middle managers before you reach the CEAs, which are your upper management in State government, Career Exempt Administrators. (Off mic)

CHAIR AKUTAGAWA: Okay. Commissioner Yee?

COMMISSIONER YEE: Yes. Director Claypool, I had a question about your prediction that at some point we'll need more money earlier. You just mentioned it just now and also previously, that it would exceed our -- at one point you predicted we would exceed our $11.3 million budget. And I don't want to open the whole budget discussion here, but just insofar as it relates to staffing.

I know in your interview you had mentioned that in 2010 you had at least one Commissioner who really pushed for lean staffing and kind of start-up level staffing, I think you had characterized it.

EXECUTIVE DIRECTOR CLAYPOOL: Right.

COMMISSIONER YEE: So, I'm just wondering, your prediction that we'll run out of money, how much of that is related to what would be arguably a more adequate staffing level that you foresee for this time?
EXECUTIVE DIRECTOR CLAYPOOL: The staffing -- the funds for your staffing are fairly minimal cost. We're going to be -- if we hire -- if we hired every position here, we would be at about the same number of people. But we are hiring many people at a higher level, considering we're also hiring your Deputy Executive Director to a higher level and so forth.

But when it's all said and done, the incremental cost over last time is really not that -- it's not going to be that significant. It's simple -- it's similar to my argument about the incremental cost of paying yourself per day rather than the six-hour thing. At the end of the day, the extra amount of money isn't that much.

Where you're going to go significantly over budget is in your videography, because now you're going on virtual everywhere. In your outreach and education, because you are going to do what I think the Act originally intended. You're going to actually be robust. You're not looking to just bring in testimony so you can draw the maps, which was our primary focus last time. Now you're actually taking on this educational component. You're doing what I believe the framers of this Act intended.

But we didn't do it last time. It's not in your budget. Your budget is calculated, as you know, by what was expended last time, plus a COLA. So if we didn't do
things last time and now, we do them, that's going to stack on money. The Legislature is required to give you adequate funding. Now, note, they're not required to give you instantaneous funding. They're required to give you adequate funding.

And so as you move forward and you spend your money, we have to be -- we have to be mindful of the budget. But then we will go into this budget change proposal process where we're going to say, this is what we're envisioning, this is what we got under contract, and we are going to need this much more in order to make this work. That's the way the process -- that's the process that you're in as a State agency. That portion, that operational expenses for your staff, is a very small part of that.

The big contracts are in outside counsel, VRA, your consultants, videography, and particularly in this company, if we can find them, that will do your data. Those are going to be huge contracts and that's going to shoot you over the amount that has been budgeted for this. Once you do that, that sets the tone for 2030. That budget becomes their landmark, and then they get the COLA. But you'll also, I think, set in place a framework for them as to what outreach should look like.

COMMISSIONER YEE: Thank you.
EXECUTIVE DIRECTOR CLAYPOOL: That's why.

CHAIR AKUTAGAWA: All right. Thank you very much. I just want to acknowledge that it is 3:45 and we have not gotten past the Executive Director's report on the agenda. I do realize that we had quite a bit to talk about, but I do want to just be mindful that we have quite a bit more on our agenda for this time around.

Mr. Claypool, I think for the sake of perhaps moving this portion of the agenda along, especially since we will be continuing the discussion next week, for you to be able to move on your administrative portion of the org chart, are you looking for us to just approve that portion of the chart so you could go about the hiring of those staff?

EXECUTIVE DIRECTOR CLAYPOOL: So, I would like to see three things. First, that if this -- I can -- we won't have these people in place by next week. We'll be interviewing them, and we'll be bringing them forward. But I would like to be thinking about people to bring forward for your -- so that you can approve them for these positions. If we -- if they're retired annuitants, if by next week you say, no, we don't need an assistant AGPA budget person or an RA there, then we can drop them out. So first, I would like, however, to be able to look at that middle section for people that might be acceptable to you.
The second thing I need is to know whether or not you wish me to black out the areas that Commissioner Le Mons had stated. It'll make a difference in -- because I want to turn this around and back to you as quickly as possible and get it back up so people can start digesting this. Because many people are going to have an opinion on it.

And then the last thing, I think it would be helpful for me to be able to run the people that we're considering up through your administrative subcommittee, just to say these are the positions, these are what the people look like. This is how we'll hire them. This is so that somebody can see it besides just us. And we could also, by the way, run it through the Chair and the Vice Chair. But I think it might give you a little more ease in what we're proposing and how we're proposing to do it.

So, those are three things I need.

CHAIR AKUTAGAWA: Okay. Does someone want to make a motion? Commissioner Fernandez?

COMMISSIONER FERNANDEZ: I just wanted to know what specific positions, because some of them seem to be, maybe aren't right now. So I guess maybe I just want to be a little bit clearer as to the specific positions that Director Claypool was looking for some sort of --

CHAIR AKUTAGAWA: Can I make an alternate
suggestion? I think building upon Director Claypool's suggestion to run things through the Finance and Administration Subcommittee, can I suggest that perhaps we asked the Finance and Administration Subcommittee to talk at through with Director Claypool, and perhaps come back to us if we need to? Unless he wants to take action immediately, so that he could start interviewing.

EXECUTIVE DIRECTOR CLAYPOOL: Well, I don't know that we necessarily need to take an action here. We can interview them and make our suggestions. The action should be next week when we actually make a motion to hire.

CHAIR AKUTAGAWA: Okay.

EXECUTIVE DIRECTOR CLAYPOOL: So we can -- this is just administrative right now.

CHAIR AKUTAGAWA: Okay. Then in this case, then, I'd like to just go ahead and ask the Finance and Administration Subcommittee to work with Director Claypool on the details of that middle section, and to please come back to the rest of us.

I am also going to ask that they take on the question about whether or not the boxes should be blacked out or not. I think perhaps you could do both versions and see which one you want to recommend we go forward with.

All right.

Commissioner Le Mons?
COMMISSIONER LE MONS: I wanted to clarify on what I mean by black them out. It was really like remove them. Meaning not to necessarily have boxes there that are blocked out, but to stop -- to give Director Claypool the authority to build the chart to those positions that we have already hired or are hiring ourselves. Meaning the Chief Counsel, leaving Marian's, and the other side, the Executive Director and the Communications Director. And it's in the spirit of leaving the runway for those leaders to provide their recommended organization for our review.

So I wouldn't want a chart up there with all these black boxes on it that somehow says there's seven positions, or anything like that. It was -- I should have framed it a little bit differently. It's really limiting his authority to that model. That's really what I'm suggesting.

CHAIR AKUTAGAWA: Okay. And then are you also suggesting in terms of some of the other points that were brought up about the line drawer, the contract positions, perhaps we should also leave those on there?

COMMISSIONER LE MONS: No.

CHAIR AKUTAGAWA: Are you also suggesting that we should remove those?

COMMISSIONER LE MONS: No.

CHAIR AKUTAGAWA: Because --
COMMISSIONER LE MONS: I'm sorry. No. So that's a separate point. Because if we don't feel like the line drawers fall up under -- and I don't -- the purview of the Deputy Executive Director, so we pull that out. But all that goes away and if we -- in our next conversation we can talk about -- or we can put it where we want it now -- that next conversation that we are having as a Commission is about where are we putting the line drawer, or whoever else, or the subcommittees, all of that kind of stuff. But I'm just really talking about those two organizations.

CHAIR AKUTAGAWA: Okay. I'd like to make a suggestion then that we also ask that of the Finance and Administration Subcommittee to also consider those parts as well too, given the rather robust conversation that we've had about those parts, and then come back to the rest of the Commission with your suggestions, and then we could debate and we can play around with that.

Director Claypool?

EXECUTIVE DIRECTOR CLAYPOOL: Okay. So for the purpose of rolling this back on for the public to see, I actually would suggest that Commissioner Le Mons has an excellent idea, that you're going to want to flesh this out. But for now, we could work with the Finance and Administration Subcommittee to do that. Leave the rest of it just open, as suggested. And then when we come back,
all we're doing is fleshing out those areas amongst you. But at least for the purposes of this part, the public has a chance to see what the administrative part of this is going to be. Because I'd like to get it right back up as quickly as possible so that people can see what we're doing, so we don't have any more questions.

CHAIR AKUTAGAWA: Yes.

EXECUTIVE DIRECTOR CLAYPOOL: That's my comment.

CHAIR AKUTAGAWA: Yes. Commissioner Andersen?

COMMISSIONER ANDERSEN: Thank you very much. I think because blood being there, I know we -- I think -- I have a proposal for how you can turn this right around immediately, is the ideas that Commissioner Le Mons has said, you know, they shouldn't be there. Correct, they shouldn't. But they should all be on essentially the same piece of paper, because these are items that Mr. Claypool has identified as (dog barking) and the ones that need to occur should be indicated on the chart. Because we've all talked about them.

And so then, particularly because I know working with the other Chief Counsel, they are areas where we need a person, and sometimes they -- these people might not realize items that we have already considered need to be addressed. And so they would be here, but not just blank. Like a list of them at the bottom, all separated. Just
these little items. So we know we kind of want to put them somewhere, but we haven't actually put them anywhere. So the public would be aware of items that we're thinking we have to place.

So as I'm thinking, that could just be turned around right away, so as opposed to waiting and then coming back with another version which we're going to work on again and go through this whole conversation multiple times.

CHAIR AKUTAGAWA: Commissioner Le Mons?

COMMISSIONER LE MONS: I think that that preludes what I've suggesting a little bit, because there is a spirit to what I'm talking about. It's not just the boxes on the page. This is Director Claypool's vision. He's here. He's not going anywhere. The Deputy Executive Director, the communications, all those people report to him. He won't be shy about sharing with them his thoughts.

But what they're presenting to us, in my opinion, would be their vision, having talked to him. And most importantly having heard from us. If I am accurate here, we have a subcommittee, Commissioners Vasquez and Sinay, who have put endless hours into a whole yet to be seen -- I mean, we've seen bits and pieces, we've heard little bits. But it's the whole situation going on that I'm -- again, I'm excited about ladies. I think it's going to be an
amazing.

And he's going to be the chief staff in making sure that that vision, as we eventually decide we wanted, comes to fruition. We don't know what the outreach is going to look like. We don't know what the tools in the technology and the fields. We don't know any of that.

So I don't think we need to concern ourselves so much because we had a conversation. Yes, we had a conversation about this. We said, thank you, Director Claypool, we got some insight from you, but this is not going to be the basis of our chart. Our basis of our chart is going to be what we just discussed. I will repeat all of that. And we'll build upon it with our staff, our line leaders that have that responsibility.

So we're going to be having this chart conversation in chunks, which is okay. I think it's okay. Those things that are important to us, like a line drawer, that's a separate point, so I'm not talking to that, or any other piece that Commissioners feel like those people should be reporting to us, we don't want them very down under the outrage, we don't want -- that's a separate thing.

And I'm saying that if we want to talk about that in our next session, it sounds like Chair wants to move this forward. So if we want to talk about that at our next
session, let that be the focus of our conversation, and maybe talking amongst ourselves about what direction do we want to give our Deputy Executive Director, what direction do we want to give our Chief Counsel, because we have some very specific things that we want them to do on our behalf, as it relates to building their organization. And we have not had the benefit to be able to tell them what that is and then give them the freedom to create something and bring it back.

So I'm talking about a very specific process to get us ultimately to an org chart, and we're not quite there yet. I think it's going to take a couple conversations. But if we do it systematically, it's not like we're wasting time, it's not like we're spinning around or anything. It's just going to be done in stages because that's when the players will be available. If they're all here, then we can do it next time.

CHAIR AKUTAGAWA: So what I'm hearing is to allow the appropriate people, in this case the Deputy Executive Director and the Chief Counsel, when they're on board, instead of influencing them with what is already thought to be the kind of positions that are needed, we instead let them creatively decide who it should be. Because I think human nature is that when we see something already on paper, we're just going to go with that and perhaps not
I think what I'm hearing Commissioner Le Mons is saying is that to allow that creativity and to allow also those individuals the chance to really build their organization, let them think through what are the positions that they want that they think is important. And instead of just presenting even the suggestion that these are some things that you could think about, we just allow them to do it. And so we leave those sections blank. We just parse out the parts that we as a Commission want either reporting directly to us, for example, the line drawer.

I would also propose an add-in, the data analytics person as well, too. And that also the middle section that Director Claypool is also responsible for and will be working with the Finance and Administration Subcommittee.

Okay. All right. Then any additional comments, anything that anyone wants to add? Otherwise, I would like to move along to the next item so that at least we'll get a little bit into our agenda that we have, considering we only have tomorrow left. All right. Thank you.

Just for clarification -- and I don't know, Marian, if this is something that you answer or if this is something that Director Claypool answers. If any of the Commissioners has ideas on other pieces of the org chart...
that should be pulled out, can they email the Finance and
Administration Subcommittee, or should it be routed via
you, Marian? Can't hear you.

    MS. JOHNSTON: They can contact the
Administration and Finance Committee.

    CHAIR AKUTAGAWA: Okay. So, for example, if
other than the line drawer, if there is another contractor
or another position on the org chart that you really feel
needs to be pulled out from wherever it is and needs to be
part of the larger conversation the next time, please
contact the Finance and Administration Subcommittee, which
is Commissioner Fernandez and Fornaciari.

    Commissioner Le Mons?

    COMMISSIONER LE MONS: I just wanted to remind
you that when you gave the list of people to keep, keep the
Communications Director too. You did mention that one.

    CHAIR AKUTAGAWA: Oh, I'm sorry. Yes. Yes.
Yes, the ones that we've already directly hired. Thank
you. Yes, the Communications Director, the Deputy
Executive Director, and the Chief Counsel are ones that
we've already directly hired, or will be directly hiring,
and the Executive Director.

    Okay. Thank you. All right, I would like to
propose that Agenda Item Number 6 we postpone to tomorrow
morning, because I believe this is going to be a longer
conversation than the 4:00 timeframe that we have. And I think we would be better served if we are all fresh when we have this conversation.

I'd like to move towards Agenda Item Number 7.

Marian, counsel update?

MS. JOHNSTON: The only update I have is that on Friday, the United States Supreme Court agreed to hear Trump v. New York, which is the case challenging the government's order to exclude undocumented immigrants from the census. It was set on a very abbreviated expedited schedule, set for argument on Monday, November 30th. The brief on the merits is due end of October; the Appellee's brief two weeks later, and the response brief one week later.

The major question, if they decide to uphold the government's decision, will be how you count undocumented immigrants to exclude, since there is no formal counting process, and it wasn't a question during the census. So as we discussed earlier, the big concern is whether that would make invalid the final census numbers. But we should know probably within 60 days after November 30th what the Supreme Court decides on that.

CHAIR AKUTAGAWA: Commissioner Ahmad and Commissioner Sadhwani?

COMMISSIONER AHMAD: I just want to make sure
that I heard that correctly. Did you say 60, six zero, days?

MS. JOHNSTON: Usually a decision from the U.S. Supreme Court comes out in 60 days, yes.

COMMISSIONER AHMAD: Okay.

MS. JOHNSTON: Especially on an expedited schedule like this.

CHAIR AKUTAGAWA: Commissioner Sadhwani?

COMMISSIONER SADHWANI: We can discuss this now or during the census action subcommittee, either one. But I would just put out for my colleagues that this is a major case. Obviously, we very well may -- presumably will have a new Supreme Court Justice who might reverse our understanding of the Constitution as it regards to the census.

California law, as we've been trained, is very clear that we do count, all residents of our state in this process of redistricting. So we are most certainly impacted by this and I think we have discussed at previous times an interest, potentially, to explore submitting an amicus brief on other census litigation. I would just raise it as something that we might want to consider in this case.

CHAIR AKUTAGAWA: Just for clarity, our next agenda item is Agenda Item Number 8, update on the 2020
census report on progress of California census. And then I know that there's also going to be a subcommittee report on the action on the census. Are these similar conversations? Can we group them together for the purposes of this agenda, Commissioner Ahmad?

COMMISSIONER AHMAD: Yeah. Whenever appropriate, I can go over Number 8. It's just census response numbers.

CHAIR AKUTAGAWA: Okay. Let's do that. And then I think we could then also discuss what Commissioner Sadhwani also just brought up as well too.

COMMISSIONER AHMAD: Sure, great. So again, this is data that is publicly available at 2020census.gov. I've been checking the numbers since the close of the census. They have remained the same. So California, our final -- presumably our final census response rate was 69.6 percent. The highest county -- or I should say the county with the highest self-response rate was 78.6 percent, and the county with the lowest self-response rate was 39.8 percent. Those numbers vary when you stoop down to the city level, as well as the census track level.

And then with congressional districts is well, the lowest self-response rate by congressional district was 55.6 percent, and the highest self-response rate by congressional district was 79.3.

If you're interested in finding out where those
locations are, you are free to visit the publicly available website, 2020census.gov, and it has a whole bunch of different indicators in which you can break down the state to see different self-response rates across the state, and even across the country.

That's all I have.

CHAIR AKUTAGAWA: Thank you, Commissioner Ahmad.

Commissioner Le Mons?

COMMISSIONER LE MONS: I have a question for Commissioner Ahmad. Where did you -- do you happen to know where California placed? How does California compare nationally? And the reason I'm after that question, sort of in the spirit of what Commissioner Sadhwani was talking about, so California is California, right? And this is a national issue. And we sort of anticipate this third scenario, we start to kind of think about how these things might play out, I'm just curious as to nationally -- if you look at it from a national standpoint to see where we kind of fell into our response rates on the national scale?

COMMISSIONER AHMAD: Sure. According to the website right now, Minnesota actually has the highest self-response rate nationally. California falls within the 69-74 percent range. And there's a handful of other states that fall within that range as well.

If you look at the site, they have different
colors for indicating different tiers. The bluer it gets, the higher the self-response rate. And the more orange it gets, the lower the self-response rate. So we are -- nationally, we are at the higher end of the spectrum, compared to the other states, and territories, I should also include. That being said, Puerto Rico was reporting 35.7 percent self-response rate, as one of the lowest reporting areas.

I hope that addresses your question.

CHAIR AKUTAGAWA: Thank you. Okay, with that, let's move to the subcommittee update, and specifically the action on census. And Commissioner Sadhwani, given the numbers that Commissioner Ahmad also just shared with us, I think it helps to provide some context in terms of what you have brought up. And I think you had left it at a suggestion that we also consider an amicus brief for, I believe, the Trump v. New York case?

COMMISSIONER SADHWANI: Yes.

CHAIR AKUTAGAWA: Other cases, I assume?

COMMISSIONER SADHWANI: In particular, I would say that case. And you know, I don't mean to speak for Commissioner Toledo. We actually have not had a chance to discuss this, so please feel free to chime in with your thoughts on this matter.

We've had this discussion many times and I think
that we came to the conclusion as a united front that the census is extraordinarily important to our work. I think the ramifications of this case could be enormous, right? And I would invite, you know, public testimony on this. But while I didn't feel it's so important to move forward a strategy on an amicus brief in the other cases; they were moving rapidly, and it just didn't feel like we could weigh in in a realistic way, I think that the nature of this case is different.

We do have a little bit of time. We have a solid month. And I think it would be important for the court to hear from a bipartisan independent commission whose work is reliant upon accurate census data. For us to be compliant with California law, we need all residents to be -- you know, to be counted. And you know, I would leave that to our general counsel, assuming that person comes onboard, and to Marian, to work on the exact legal language and position that we might want to take.

But I do think that this is an extraordinarily important issue, and particularly given the position of California law, one that puts us in a very difficult position. And it would be very appropriate, in my opinion, to say something.

MS. JOHNSTON: If I could add to the timing, the amicus brief in support of the Appellees, New York, are due
November 16, soon.

CHAIR AKUTAGAWA: Thank you, Marian. I saw Commissioner Andersen's hand up.

COMMISSIONER ANDERSEN: Thank you, yes. Actually, Marian, on this -- this is a very, very important issue. And could you please, counsel, tell us -- because this might have a very important -- it might be very important where we are moving forward or not.

The numbers that say the issue is, you know, should they take, you know, a certain number of immigrants out of the numbers for a portion of it. Does that mean, you know how the census data is -- you know, they collect all sorts of things. Is the apportionment number the ultimate number that is delivered, or are we still going to get essentially our whole number from the census data? And will the census data be specifically restricted to what the apportionment number becomes (indiscernible)?

MS. JOHNSTON: If the Administration's position is upheld, the number you get from the Census Bureau will be without undocumented immigrants, as best can be determined.

COMMISSIONER ANDERSEN: Okay. Then that's -- not only would -- because our rule is we must count all Californians.

MS. JOHNSTON: Correct.
COMMISSIONER ANDERSEN: All people who are here. And the legislature is also required to assist us with accurate information. So this is extremely important. It's not that just we can't do our job. The legislature would also be then in violation of the law. And that's big. That's big, big, big.

CHAIR AKUTAGAWA: Commissioner Toledo and then Commissioner Sinay?

COMMISSIONER TOLEDO: Just a question for Marian. Has the Attorney General filed an amicus brief, or is he planning to?

MS. JOHNSTON: Last I checked, that was about two weeks ago, they had not. I can get back in touch with them.

COMMISSIONER TOLEDO: Okay. Thank you.

CHAIR AKUTAGAWA: Commissioner Sinay?

COMMISSIONER SINAY: That was kind of where I was heading. I'm looking at some of the amicus priests that have been submitted. A question would be, since we don't have our legal counsel onboard -- I mean, we have Marian, and I think Marian, in the past you said that amicus briefs wasn't something you've done in the past, or...?

MS. JOHNSTON: Oh, no. I did the brief in the Arizona case.

COMMISSIONER SINAY: Oh, okay. Because what I
was going to say is one of the things we may want to consider is an amicus brief we all the citizen redistricting commission throughout the state sign on to it. Or is there an amicus brief that's already been written in California, like Commissioner Toledo was saying, that we could sign on to?

I don't know which way and amicus brief is stronger, if it's sent by an individual entity, or if it's sent by multiple entities.

MS. JOHNSTON: I think it would be stronger if it was sent by multiple entities. I don't know of any effort to do that. But certainly, we can get in touch with the other redistricting commissions and find out. The woman who called this morning from Arizona would be a good place to start.

The Brennan Center also has a record of a lot of the litigation efforts that are going on, so I would check with them. And there's also the National Council of State Legislatures that keeps a count of that. So there are a number of sources we could go to to find that out.

CHAIR AKUTAGAWA: Marian, is it worthwhile also going to the other citizens redistricting commissions like Michigan, as well too, that might be impacted by this? I do know that what I read is that the estimate is that California will lose an additional seat in the
apportionment if the numbers are adjusted to remove the undocumented immigrants from the final census numbers.

Commissioner Sadhwani?

COMMISSIONER SADHWANI: Just on that, I think my understanding is that California will likely lose one seat, regardless.

CHAIR AKUTAGAWA: So that means two, right?

COMMISSIONER SADHWANI: So if we don't count the undocumented in California, we could lose potentially multiple seats.

CHAIR AKUTAGAWA: Okay. So Commissioner Sadhwani, are you proposing that we submit an amicus brief, or are you -- do you want to move to perhaps look into partnering with some other states, or perhaps another organization that may already be putting together an amicus brief?

COMMISSIONER SADHWANI: Well, I mean, I would like to move that we would write our own, but only if Marian feels like she has the capacity to assist with that and/or -- you know, depending on -- you know, hopefully the update on Chief Counsel will come next and/or Chief Counsel if they are onboard. I think time is of the essence. So I wouldn't want to make such a motion without, you know, Marian's support and expertise on this.

I'm also happy -- I think -- you know, this came
up earlier this morning. You know, I think Chairwoman, before you came on, or right as you came on, I think a question about coordinating or at least reaching out to the Michigan Redistricting Commission, Arizona, and I had offered then and I'm happy to offer again, I'm still happy to take that on for the census subcommittee and find out what they might be doing, and how this might be affecting — I think there's -- I think there are several pieces that will affect all of our states. So I think being in coordination with, or at least in dialogue, shall we say, with these other states would make sense. But I'll leave it to the Commission to decide how best to.

CHAIR AKUTAGAWA: Thank you. That's helpful. I see Commissioner Turner, Toledo, and Ahmad.

COMMISSIONER TURNER: Just real briefly, I wanted to confirm. There is nothing prohibitive about us filing a separate amicus brief, and then alter on if there was a concerted effort, (off mic) to a second one, is there?

MS. JOHNSTON: No prohibition. It's generally not done. I think the thing to do first would be to find out if there is going to be a coalition brief, and if not, then do our own.

COMMISSIONER TURNER: Okay. Thank you.

CHAIR AKUTAGAWA: Commissioner Toledo?

COMMISSIONER TOLEDO: I was going to suggest that
perhaps we can put our -- develop a document with our main points and bring that to the group next week, or yeah, next week probably, for -- to help guide Marian's work, if we choose to move forward with an amicus brief. Because we'll need our key points in an outline for the amicus brief, if we decide to move forward.

MS. JOHNSTON: What I would suggest is you decide today if you want to move forward, and then before the next meeting, we can just find out if there are other people we can join with, or whether it would have to be on our own.

COMMISSIONER TOLEDO: Okay.

CHAIR AKUTAGAWA: Okay. Thank you. And then Commissioner Ahmad?

COMMISSIONER AHMED: I just wanted to also bring up if we may reach out to some of the other statewide redistricting commissions, there's also other local redistricting commissions within our own state that may or may not potentially want to be involved in something as well.

CHAIR AKUTAGAWA: That's a great point. I know that certain cities have their own redistricting commissions. Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yeah, I was just going to say it may very well be that we are the commission that is out in front in terms of who getting this started. So, we
may be drafting in our own amicus brief the template, or the actual coalition talking points. So I think that's awesome. But to, I think, Marian and Commissioner Toledo's point, we should be sure to flesh that out next week so that -- we will probably -- in all likelihood, we will probably be the ones drafting it, and doing the heavy lifting for others to sign on too.

MS. JOHNSTON: In the interest of local governments it's a little bit different than the interest of states, because states would lose the congressional seat as well as the money that state and local government would lose.

CHAIR AKUTAGAWA: So, for clarification, Marian, does that mean that there is still a vested interest for them as well too, because if states lose money, they lose money?

MS. JOHNSTON: Correct.

CHAIR AKUTAGAWA: Okay. Thank you. Commissioner Toledo? Oh, was its Commissioner Toledo or Commissioner Andersen? You're both -- on the tiles, you're like right -- right up above each other.

COMMISSIONER TOLEDO: I think it's Commissioner Andersen.

COMMISSIONER ANDERSEN: I think -- this is just a quick -- Marian, on the actual lawsuit, I believe that I
heard the Census Bureau when asked about the numbers said
the only number of immigrants that they could actually give
the administration would be those who are actually in
detention facilities.

MS. JOHNSTON: I've read that too.

COMMISSIONER ANDERSEN: And if that is a number,
do we have an evaluation of that versus some unknown
number? Is it -- I know it's -- we have no idea what could
be going on, but it would be -- I don't know in terms of
that kind of number if -- if that's a -- how significant
that particular number is for the state of California.

MS. JOHNSTON: I don't know.

COMMISSIONER ANDERSEN: We could look -- I don't
know if we could look into that somehow, as well -- as well
as pursuing this.

MS. JOHNSTON: The problem is that I think there
is no -- no good information about that because it wasn't
asked during the census. Yeah. And I don't think
California keeps a record of it.

CHAIR AKUTAGAWA: I think a lot of it is
speculative as to what numbers they can try to utilize for
that.

Commissioner Fornaciari, I see you next.

VICE CHAIR FORNACIARI: Yeah. Wouldn't Karin
have that information on the -- the prisoners because of
the work she's doing to -- you know, she's got that data from the Bureau prisons. She may have that if we feel like we --

MS. JOHNSTON: She -- she might have it for the prisoners who are undocumented --

VICE CHAIR FORNACIARI: Right.

MS. JOHNSTON: But it would say --

VICE CHAIR FORNACIARI: For the prisons. Right.

MS. JOHNSTON: She was saying that the information she gets from the prison is not always very accurate because --

VICE CHAIR FORNACIARI: Right.

MS. JOHNSTON: -- of their recordkeeping processes.

CHAIR AKUTAGAWA: Okay. Commissioner Vasquez and Commissioner Sinay.

COMMISSIONER VASQUEZ: Yeah, I just -- I don't think that's a particularly productive line of research, that the number -- those who hold the numbers, really, at the end of the day, Department of Homeland Security, so they're -- they have the numbers.

They know theoretically -- apparently we're finding out that they don't always know -- how many people are in detention centers and where they are. So they're going to decide what subset, if any, and how they're going
to use those numbers.

And so for us to think that we might be able to then sort of backwards map into what -- what a population in California looks like who is not detained would -- would just be -- I think that's a bit of what Karin was trying to tell us was that should -- should we get the data as proposed by the current administration, we will be -- we will -- we will be in a very, very, very hard place data-wise.

CHAIR AKUTAGAWA: Okay. Commissioner Sadhwani, did you want --

COMMISSIONER SADHWANI: So should I make a motion that we move forward to draft an amicus brief that we can bring back to the Commission for review, as well as reach out to other statewide commissions to open a dialog to find out if this is something that they too are working on, if we can join efforts with them or if they want to join efforts with us?

MS. JOHNSTON: I would suggest it be in the form of you want to participate in the case either with a separate brief or with a coalition of briefs, and I'll find out before next meeting whether there is a coalition.

COMMISSIONER VASQUEZ: Second.

COMMISSIONER SADHWANI: Can I make that motion?

COMMISSIONER VASQUEZ: Can I second it?
MS. JOHNSTON: Who seconded it?

CHAIR AKUTAGAWA: Commissioner Vasquez.

MS. JOHNSTON: Okay. The motion will be to participate as amicus in the Trump versus New York case, either as a separate party in a coalition with those with like interests. Correct?

CHAIR AKUTAGAWA: And it was seconded by Commissioner Vasquez.

And I see in terms of discussion comment, I see Commissioner Andersen that you had your hand up.

COMMISSIONER ANDERSEN: That -- that was just in terms of what we're bringing back for next week, so it's -- because I agree with Commissioner Toledo. It should be -- we need the talking points or the legal points. But that doesn't -- that doesn't really bear on the motion here. So thank you.

It -- this is -- it's a -- this is a, you know, I come back and forth, you know, how involved we want to get, and I just don't see any way out of we have to be involved. I just don't see any other way. That's -- we have to or we can't do our job.

CHAIR AKUTAGAWA: Okay. If there are no other -- well, no other commission comments for right now, I -- we have to go -- I -- I know we need to take public comments on this motion before -- Commissioner Sadhwani.
COMMISSIONER SADHWANI: Thank you. Can I also just make a procedural suggestion that we can consider? When it came to doing the census letters, we had had a very brief discussion about can we get everyone's signatures? If it -- presuming we move forward with actually submitting an amicus brief, I think it would be a nice effort if we could actually get everyone's signatures on such a document.

MS. JOHNSTON: You have to be a member of the California -- of the Supreme Court Bar.

COMMISSIONER SADHWANI: Oh, to sign -- to be a signatory? Well, forget it then. Okay. But for future reference, I think if we do -- if we can develop some protocol for our procedures --

MS. JOHNSTON: Well, you could put out a press release supporting it, which -- or announcing it that had everybody sign.

COMMISSIONER SADHWANI: Sure. Yeah. If we can figure out how to do that for future, I think that would be generally a great thing to have.

CHAIR AKUTAGAWA: Thad's a great thought.

All right. Let's open it to public moment. And looks like -- if I'm looking at this correctly, we have one already queued up. And Jesse, can you read off the instructions also?
JESSE: In order to maximize transparency and public participation in our process, the commissioners will be taking public comment during their meeting by phone. There will be opportunities to address the commissioners regarding the items on the agenda. There will also be opportunities for the public to submit general comments about items not on the agenda.

Please note that the Commission is not able to comment or discuss items not on the agenda. The Commission will advise the viewing audience when it is time to submit public comment. The commissioners will then allow time for those who wish to comment to dial in.

To call in on your phone, dial the telephone number provided on the livestream feed. When prompted, enter the meeting ID number provided on the livestream feed using your dial pad. When prompted to enter a participant ID, simply press pound.

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

When it is your turn to speak, the moderator will unmute you, and you will hear an automated message saying the host would like you to talk, and press star six to
speak. You will have two minutes to provide your comments.

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

The commissioners will take comment for every action item on the agenda. As you listen to the online video stream, the Chair will call for public comments. This is the time to call in.

The process for making a comment will be the same each time, beginning by the telephone number provided on the livestream feed and following the steps stated.

Good afternoon, caller. Could you please state and spell your name for the record, please?

MS. SHELLENBERGER: Hello, this is Lori Shellenberger. It's me again. L-O-R-I S-H-E-L-L-E-N-B-E-R-G-E-R. I'm the redistricting consultant for California Common Cause, and I'm calling in, in support of the motion and the Commission's decision to submit an amicus brief in Trump v. New York.

And I also wanted to let you know that the Brennan Center for Justice is coordinating the amicus briefs in that case. And full disclosure, I'm calling in a -- I do also consult with Brennan Center for Justice, but
I'm speaking on behalf of California Common Cause today, but I'm happy to connect Marian to the person who is point on amicus brief there.

As of yet, I don't believe there are any other commissions that have come forward, but that doesn't mean that there won't be, and that will be a very well-coordinated amicus campaign.

Secondly, they can also -- of course, Marian is fully qualified to -- to draft this brief, but they can also connect you with law firms who often provide pro bono counsels to -- to -- to write that brief for you as well. And those are also prominent supreme -- you know, barred supreme court litigators that -- that usually are -- are tasked with writing those briefs.

I can remain on if anyone has questions. Otherwise, thank you.

CHAIR AKUTAGAWA: Lori, would you please stay on? There is a question, it looks like, from one of the commissioners to you. Commission Sadhwani.

COMMISSIONER SADHWANI: Yes, thank you. This is Commissioner Sadhwani. Thank you so much for calling in, and this is extraordinarily helpful and such a generous offer, so I thank you very much for that.

I'm wondering -- I know that you're representing California Common Cause, but certainly Common Cause is a
national organization, and I'm wondering if -- if you might 
am also be able to assist us in connecting to other 
commissions to Michigan, to Arizona.

I know I don't have those contacts. I don't 
know, Marian, if you do, but if that's something that 
Common Cause could at least help facilitate, I think that 
that could just save us a -- save us a quick step, save us 
a little bit of time.

MS. SHELLENBERGER: Yes. Absolutely. I -- in 
addition to consulting with California Common Cause, I 
consult to the national redistricting team that's working 
with those commissions, so I can forward information to -- 
to the commission with those contacts.

COMMISSIONER SADHWANI: Very good. Thank you so 
much.

CHAIR AKUTAGAWA: Thank you.

MS. SHELLENBERGER: All right. Thank you.

JESSE: There are currently no more --

CHAIR AKUTAGAWA: All right. Thank you.

JESSE: There are currently no callers in the 
queue, Chair.

CHAIR AKUTAGAWA: Okay. I think we can move to a 
vote.

MS. JOHNSTON: Commissioner Ahmad?

COMMISSIONER AHMAD: Yes.
MS. JOHNSTON: Commissioner Akutagawa?

CHAIR AKUTAGAWA: Yes.

MS. JOHNSTON: Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes.

MS. JOHNSTON: Commissioner Fernandez?

Commissioner Fornaciari?

VICE CHAIR 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: Yes.

MS. JOHNSTON: Commissioner Toledo?

COMMISSIONER TOLEDO: Yes.

MS. JOHNSTON: Commissioner Turner?

COMMISSIONER TURNER: Yes.

MS. JOHNSTON: Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yes.

MS. JOHNSTON: Commissioner Yee?

COMMISSIONER YEE: Yes.
MS. JOHNSTON: Unanimous, Madam Chair.

CHAIR AKUTAGAWA: Thank you very much. Okay.

MS. JOHNSTON: I voted yes for you. I knew what you wanted.

CHAIR AKUTAGAWA: All right. Next up on our subcommittee agenda, we have the hiring of the deputy executive director.

And just briefly, before I go on to that, I do need to -- I apologize. I do need to leave this meeting for another brief meeting. Commissioner Fornaciari is going to be taking over for me, and so I'm going to hand this over to him now so that I don't disrupt the conversation around the hiring of the deputy executive director.

VICE CHAIR FORNACIARI: Thanks, Commissioner Akutagawa.

Before we get started on that, Kristian, what's our break time, and what does ASL support look like as far as continuing on?

MR. MANOFF: Break time is 4:53.

VICE CHAIR FORNACIARI: Okay. And then --

MR. MANOFF: As far as I know, we're good on ASL support. I got a thumbs up from them, so there you go.

VICE CHAIR FORNACIARI: Okay. And then just do any of the commissioners kind of have a feeling for how
much longer they're -- they want to go, or just carry on?
Commissioner Taylor?

COMMISSIONER TAYLOR: Yes, I probably have to
drop off at the break.

VICE CHAIR FORNACIARI: Okay. Commissioner
Vasquez?

COMMISSIONER VASQUEZ: Could I make a suggestion
to the group to consider a hard stop at 6, 5:30? I'm not
sure what folks' appetites are for going late into the
night. I am willing, but, you know, I'll be honest, the
brain starts to fade at a certain point.

VICE CHAIR FORNACIARI: Commissioner Turner?

COMMISSIONER TURNER: Yep. I did not anticipate
going later today, coming back, so I'll be off -- I'll need
to be off no later than the next maybe 15, 20 minutes.

VICE CHAIR FORNACIARI: How do folks feel about
just going -- well, going to the break and we'll check in
then, see if we want to stop or we're -- I'm not feeling
well either. You guys can tell. I apologize if I keep
dropping off. So let's -- let's get back to it.

Hiring of the deputy executive director update?
That would be Fernandez and Ahmad.

COMMISSIONER AHMAD: Do you want to go
Commissioner Fernandez or should I? Yeah. Okay. Fill in
where I have gaps.
So an update for the group and for everyone, we are finally moving forward with the duty statement. Woohoo. So our process has started as of today, and we have a meeting on the calendar -- Commissioner Fernandez and I with our candidate -- set for later this week to provide updates, so we intend to share the copy of the duty statement, the changes that we had discussed in closed sessions for that candidate, and relay all of that information to the candidate.

Commissioner Fernandez, do you have any other updates?

VICE CHAIR FORNACIARI: So then when -- okay. So you know, to anticipate Commissioner Le Mons' question, so -- when are we get it in the -- you know, stick the -- the statement -- the duty statement into this churning machine to get the machine going and our -- you know, how long is that going to take to come out the other end with a -- with a job offer?

COMMISSIONER AHMAD: So we -- we were told, I believe together at one point, that the process is approximately three weeks, and we are going to be annoying every single day, and contact staff, and keep pushing it forward, and hopefully get the person on within the three-week timeframe.

VICE CHAIR FORNACIARI: Oh, so it's already going
through the --

    COMMISSIONER AHMAD: Yeah, as of today, so
it's --

    VICE CHAIR FORNACIARI: -- through the
bureaucracy.

    COMMISSIONER AHMAD: It's --

    VICE CHAIR FORNACIARI: Oh, okay.

    COMMISSIONER AHMAD: -- flying away into the
processes.

    VICE CHAIR FORNACIARI: Okay. Beautiful.

Wonderful. Okay.

Any questions on that at this point?

Outstanding.

C, hiring of chief counsel. Andersen and Toledo.

    COMMISSIONER ANDERSEN: This one's easy.

References have been checked. The offer will be made
possibly today, probably. And then we will see.

    As far as the -- how soon, I don't recall, but
we'll -- we may -- we might be able to make more
information today, tomorrow -- I mean tomorrow.

    VICE CHAIR FORNACIARI: Okay.

    COMMISSIONER ANDERSEN: Commissioner Toledo, do
you want -- have anything else to say?

    COMMISSIONER TOLEDO: No. I think Commissioner
Andersen -- I mean Fernandez had something, a question, I
believe.

VICE CHAIR FORNACIARI: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes. I did find out this morning that the references were checked, so now I have to coordinate with Commissioner Akutagawa because both of us were charged with moving forward with contacting the candidate. So hopefully -- apparently she's not available now, so we'll try to make some time either today or tomorrow sometime during a break or something.

VICE CHAIR FORNACIARI: Yes. I'm not sure when she's going to be back available, so you'll have to get with her directly.

Any other comments on that, questions? Yes, Commissioner Sadhwani, then Commissioner Le Mons.

COMMISSIONER SADHWANI: Just in the spirit of moving forward, would it make sense to charge someone in Commissioner Akutagawa's absence so that it could move forward today?

VICE CHAIR FORNACIARI: Go ahead, Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I don't mind teaming up with Commissioner Ahmad again. That's -- since we already know the process, are you game?

VICE CHAIR FORNACIARI: Is there -- the Chair -- Commissioner Akutagawa's part of the -- part of the team
because she's the Chair. Marian?

MS. JOHNSTON: Yes?

VICE CHAIR FORNACIARI: Would it be okay if in -- in the absence of Commissioner Akutagawa that we have Commissioner Ahmad --

MS. JOHNSTON: Whatever you -- that would be fine.

VICE CHAIR FORNACIARI: -- and Fernandez make the offer?

MS. JOHNSTON: That would be fine.

VICE CHAIR FORNACIARI: That's okay? Okay.

Well, then, Commissioner Toledo?

COMMISSIONER TOLEDO: Just a quick -- and I -- and this is -- I'm fine with this. Commissioner Akutagawa did -- had asked Commissioner Andersen and myself to -- to join her in making the offer as well, so -- but -- but I think having Alicia -- or Commissioner Fernandez and Commissioner Ahmad do this would make sense given that they've been involved in every job offer, and continuing that makes sense to me.

VICE CHAIR FORNACIARI: Okay. I want to make sure I give space for anyone else who wants to make a comment on this.

Okay. So I'm going to assume that no comments mean that you're supportive of that. If not, wave your
hand ferociously. Okay. I don't see any hand waving.

Okay. So then Commissioner Fernandez and Commissioner Ahmad, if -- if you guys would hook up and take the lead on that, that would be great.

Then we'll move forward to Item D, hiring of -- where are we -- communications director. That's Taylor and Vasquez.

COMMISSIONER TAYLOR: Good afternoon. So references have been checked as we -- as we discussed. However, there's been some additional information that we need to discuss in closed session.

VICE CHAIR FORNACIARI: Okay.

COMMISSIONER TAYLOR: So we have that scheduled for the 28th, and we'll be able to proceed further once we have that conversation with the full commission.

VICE CHAIR FORNACIARI: Okay. All right. Very good. Any -- I guess -- well, you can ask questions, but maybe they can't answer them at this point, or we can wait till the 28th.

Okay. Oh, Commissioner Le Mons?

COMMISSIONER LE MONS: I don't have a question for them, but I do have a question for us. Did -- we didn't put closed session on this agenda as --

VICE CHAIR FORNACIARI: No, unfortunately, we didn't.
COMMISSIONER LE MONS: Ah, okay.

VICE CHAIR FORNACIARI: We have it on -- we're having it -- a closed session for personnel discussions on every agenda from here on out.

COMMISSIONER LE MONS: I see.

VICE CHAIR FORNACIARI: Anything -- yeah. Okay.

Then Finance Committee, I think we have nothing -- oh, sorry. Commissioner Sadhwani.

COMMISSIONER SADHWANI: No problem. Just one real quick question. So October 28th is a little while from now. I understand from a scheduling standpoint in 14 days that that is probably how it has to be. Are we at all in touch with our chosen candidate or other candidates to know that -- to let them know that we are still in this process? Should we do that?

I would hate to lose candidates if there's a larger issue or -- do you know what I'm saying? I don't want to have to reinvent the wheel if this candidate doesn't work. I don't know what the issue is, but I -- I just wonder what the -- what is the communication with the -- our chosen candidate or the other candidates?

VICE CHAIR FORNACIARI: Commissioner Vasquez?

COMMISSIONER VASQUEZ: Yeah. My -- my understanding is that we left it with each candidate that we would communicate -- we would close out the process with
them but no additional communication since their interview has happened, so we're still in -- we're still in the process of -- as far as they know. And correct me if I'm wrong, Commissioner Taylor.

COMMISSIONER TAYLOR: No, that's -- that's correct. No additional contact with the candidates.

And while the -- and I would -- I would say -- and you guys can tell me if your experience is different -- for a job -- for a job interview, we're still within a relatively short timeframe. If I were to get back within two weeks from a multitude of jobs that I've applied for, I probably would've been ecstatic. So I still think we're within the framework with where a person would be -- would expect that we're in our bidding process.

COMMISSIONER SADHWANI: Thank you.

VICE CHAIR FORNACIARI: Okay. Commissioner Fernandez, did you have a comment? I saw your hand was raised.

COMMISSIONER FERNANDEZ: No, that's -- I was going to mirror what Commissioner Taylor said. We're still -- it'll still be within a two-week time period, so it would be okay to not have to communicate back to all of the candidates. So thank you.

VICE CHAIR FORNACIARI: Okay. Very good.

Finance Committee, we don't have anything
significant to report. Gantt Committee, anything at this point? Commissioner Kennedy?

COMMISSIONER KENNEDY: Just that we will -- I would propose to take the input from tomorrow's discussion on milestones and key dates incorporated into the Gantt chart as it currently stands. And then when I hear from Director Claypool in the course of the week for our half-hour getting-to-know-you chat, we can discuss how we hand that over to him.


Okay. Line drawer RFP, Saguenay and Andersen?

COMMISSIONER SADHWANI: Sure.

VICE CHAIR FORNACIARI: Commissioner Sanguine?

COMMISSIONER SADHWANI: Commissioner Andersen, do you want to go or shall I?

COMMISSIONER ANDERSEN: Go right ahead.

COMMISSIONER SADHWANI: Okay. Perfect. I'll start, and feel free to jump in.

So we have been busy. As mentioned earlier, we have taken the approach to have a number of conversations with folks who have been either directly or tangentially involved in the 2010 process. Our purpose here is that in order to hire a line drawer, we felt we needed to know about who line drawers are and what is the field and scope
of line drawers.

As mentioned several meetings ago, there was a list that was created. I don't know if -- exactly if it was created by the State Auditor's Office or by Raul or who exactly created this list, but we were given that list, and we wanted to be able to verify it.

So thus far, we have had a conversation with Karin MacDonald, the -- from -- in her capacity as Q2, the consulting firm in which she was the line drawer for 2010. We had -- we had an -- I had initial conversation with Paul Mitchell, and we're having a follow-up conversation. He is seen as a Democratic party line drawer. We also had a conversation with Doug Johnson who -- who did one of the -- the trainings for us earlier in the -- in the year and is often seen as -- as more of a Republican-leaning line drawer. Those have been very helpful. We are anticipating a few additional conversations and follow-up conversations.

Our expectation is to prepare a memo for you all with the key pieces that we have learned as well as, hopefully, to begin a draft -- and I think the information that was provided to us this morning in that email, a draft of the RFP or whatever process it is that we will use.

We would like to ask that we have some time on the agenda for the November 4th, 5th, and 6th meeting so that we can present to you kind of our findings from these
conversations as well as a draft of that RFP to move forward.

Some of the things that we have learned, you know, without going into too great of detail here, one is the process in 2010 was extraordinarily chaotic and very difficult for a line drawer to do. As we heard earlier, there were only two people -- Doug Johnson and Karin -- who applied in 2010.

The -- the field of line drawers both here and in the state of California and nationally -- is very small, and these folks are already becoming very busy. And our task is monumental. We are the largest state in -- in the country with many, many districts to be drawn. So I -- I agree with Director Claypool that we do need to get on this sooner rather than later, and -- but I think we also need to have a very realistic understanding of the -- the field that we're entering into, and therefore use all of that to help determine the scope of that RFP. And we've been soliciting a lot of feedback about that.

Commissioner Andersen, is there anything else that I've missed?

COMMISSIONER ANDERSEN: Just -- just that when we say, you know, draft the RFP, we are talking about the scope portion of that. We're not talking about the particular details. And so we have indeed been working on
this. We've been getting a lot of good input. We're also getting ideas about how to approach it and how to evaluate it, which we got a couple (indiscernible) on which have been very eye opening, very helpful in terms of what's -- things that went wrong and pit foil -- pitfalls to avoid.

And that's -- and there is -- also we're finding is how the connection to the -- the Voting Rights Act and through this COI tool or whatever tool, how it -- these all need to be meshed together, and so it does give us the whole idea of these -- they're not separate items. They are essentially one -- different aspects of the same item, which has been very helpful as far as this -- detailing the scope, so we're really working on that aspect, and that's what we plan to come back with you to a -- basically a rough draft of that -- that portion.

COMMISSIONER SADHWANI: That's correct. And I would just add also to that, that the community outreach piece, I think that our conversations with the line drawer have been very interested and helpful at trying to understand the community outreach piece and how we will need to do things differently from 2010, based on what we talked about with the -- in all of the conversations is that while having all this community engagement is wonderful, it's actually very difficult and costly to -- to do.
And so we have heard twice that the figure for this kind of contract would probably run us 2 to 3 million dollars, so I want to put that out there for everyone.

And certainly as we continue to think about our community outreach plan, we need to be thinking about how the line -- how we anticipate the line drawer to be engaged. Is it the same way as 2010, or will it be some different way, and how are we going to communicate that in an RFP in terms of that scope of work?

VICE CHAIR FORNACIARI: I saw Director Claypool's hand.

EXECUTIVE DIRECTOR CLAYPOOL: I just wanted to add that in 2010, the difficulty -- the reason we only received two is because we scoped out their experience wrong, and we required that they have -- have statewide experience, and then we had to back it off to SMA, Statistical Metropolitan Area.

So how you -- as you're putting that together in your thoughts, you'll -- you'll get more if you require less experience, but you'll -- but that's the dilemma because very few people can give you a statewide experience, like Doug Johnson did Arizona. Now Karin has done California. Who else has done statewide experience?

So --

COMMISSIONER ANDERSEN: Actually, to address that
very point is it's not necessarily quantity of work. It's
quality of work. And that's -- that is a -- we've gotten
that from several different angles, and also just talking
among -- with -- on the subcommittee, it's certain types of
experience, not necessarily the size of experience, because
that's what's absolutely crucial, which is really helping
us tailor the scope.

So that -- and that is exactly -- and also the
one thing about the cash, because it did play into, you
know, people who just said oh, forget it because now there
are many more line -- many more people who are looking for
line drawers, including advocacy groups who can pay a lot
of money. So there's the whole money issue too, which
didn't -- which came out of -- from 2010 came at it from a
different angle. So we're trying to consider all these
items.

VICE CHAIR FORNACIARI: Okay. So you -- we'll --
we'll hear from you in -- in more -- much more detail in a
couple weeks.

Are there any -- any other questions for the team
before we move on to the next -- we are up against the
break. We have two minutes. Well, is that enough? I
mean, how much -- how long do you need, Commissioner
Sadhwani and Yee? I don't want to -- I don't want to short
you guys, so I just -- you -- should we take the break and
then come back, or are we in the mood to kind of finish for
the day and -- and take it up first thing in the morning?
I -- where you guys at?

COMMISSIONER YEE: What was --

COMMISSIONER SADHWANI: I'd be fine with that. I
don't know.

VICE CHAIR FORNACIARI: Finish for the day and
take it up in the morning? Is that --

COMMISSIONER YEE: I don't think we have -- we
don't have a lot to report, but I think the mood was to
call it quits after, you know, in a minute or two, right?
So --

VICE CHAIR FORNACIARI: Okay. All right.
Then -- let's see. I think we need to see if there's
public comment before we -- before we end. Is that
correct? So Jesse, can you read the -- the direction for
public comment, and -- and we'll see if we have some public
comment? And we will recess after that.

JESSE: In order to maximize transparency and
public participation in our process, the commissioners will
be taking public comment during their meeting by phone.
There will be opportunities to address the commissioners
regarding the items on the agenda. There will also be
opportunities for the public to submit general comments
about items not on the agenda.
Please note that the Commission is not able to comment or discuss items not on the agenda. The Commission will advise the viewing audience when it is time to submit public comment. The commissioners will then allow time for those who wish to comment to dial in.

To call in on your phone, dial the telephone number provided on the livestream feed. When prompted, enter the meeting ID number provided on the livestream feed using your dial pad. When prompted to enter a participant ID, simply press pound.

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

When it is your turn to speak, the moderator will unmute you, and you will hear an automated message saying the host would like you to talk, and press star six to speak. You will have two minutes to provide your comments.

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

The commissioners will take comment for every
action item on the agenda. As you listen to the online
video stream, the Chair will call for public comments.
This is the time to call in.

The process for making a comment will be the same
each time, beginning by the telephone number provided on
the livestream feed and following the steps stated.

Chair, there's currently zero callers in the
queue.

VICE CHAIR FORNACIARI: Okay. Thank you. We'll
-- we'll allow a couple of minutes for the livestream to
catch up, and then folks can call in, if that's okay.

COMMISSIONER VASQUEZ: Thank you to our Chairs
today.

VICE CHAIR FORNACIARI: You're welcome.
COMMISSIONER VASQUEZ: It's tough.
VICE CHAIR FORNACIARI: It's really distracting.
COMMISSIONER VASQUEZ: It's really tough.
VICE CHAIR FORNACIARI: Yeah. So Commissioner
Sinay, do you have a -- do we have a speaker for tomorrow,
or is that the one you mentioned would be on the fourth
through sixth?

COMMISSIONER SINAY: No. We have no speakers on
this agenda.

VICE CHAIR FORNACIARI: Okay.

COMMISSIONER SINAY: Next -- next week we've --
VICE CHAIR FORNACIARI: Oh, next week during --

COMMISSIONER SINAY: We have a panel, yeah.


COMMISSIONER SADHWANI: So if I'm reading that right, then we actually don't have too, too much left for tomorrow.

VICE CHAIR FORNACIARI: Well, the key milestones will probably take a while. I'm not sure how much the COI tool, how long that conversation's going to take. But yeah. Otherwise --

COMMISSIONER SINAY: Knock on wood, Sara.

VICE CHAIR FORNACIARI: It'll be before 7:30 when we finish up tomorrow.

COMMISSIONER VASQUEZ: Have you met us?

VICE CHAIR FORNACIARI: What's that?

COMMISSIONER VASQUEZ: Have you met us?

VICE CHAIR FORNACIARI: That's why I said 7:30. Maybe I'm being too optimistic.

Okay. Well, it's been -- I feel like it's been enough time to -- for the livestream to catch up and folks to call in. And we have no one in the queue at this point, and we will take public comment first thing in the morning.

So with that, I will call recess. We are recessed until tomorrow at 9:30, so thank you all.

(Opening session recessed until October 21, 2020.)
REPORTER’S CERTIFICATE

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of July, 2021.

[Signature]

PETER PETTY
CER**D-493
Notary Public
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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber.

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IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of July, 2021.

Barbara Little
Certified Transcriber
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