

STATE OF CALIFORNIA  
2020 CITIZENS REDISTRICTING COMMISSION (CRC)

In the matter of:

PUBLIC MEETING

721 Capitol Mall, 2nd Floor  
Sacramento, California 95814

TUESDAY, AUGUST 10, 2021

9:30 A.M.

Reported by:  
Peter Petty

**APPEARANCES**Commissioners

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 Vazquez  
Russell Yee

Staff

Alvaro E. Hernandez, Executive Director  
Ravindar Singh, Administrative Assistant  
Anthony Pane, Chief Counsel  
Marian Johnston, Legal Counsel  
Fredy Ceja, Communications Director  
Martin Pineda, Communications Coordinator  
Marcy Kaplan, Director of Outreach  
Paul Mitchell, Data Analyst  
Toni Antonova, Data Analyst

ContractorsTechnical Contractors

Public Comment Moderator  
Kristian Manoff, AV Technical Director

Line Drawing Team

Karin MacDonald, Statewide Database  
Jaime Clark, Statewide Database

VRA Counsel

David Becker, Strumwasser & Woocher

**Also Present**Public Comment

Renee Westa-Lusk

Lori Shellenberger, Common Cause California  
(Unidentified)

Peter Cannon

Grace Garner, Black Census and Redistricting Hub

James Woodson, Black Census and Redistricting Hub

## P R O C E E D I N G S

Tuesday, August 10, 2021

9:30 a.m.

CHAIR AKUTAGAWA: All right. Good morning, California. Welcome --today is Tuesday, August 10 -- to the California Citizens Redistricting Commission Public Meeting or Business Meeting.

And we are happy to be back, in a different mode than we've been for the last few days. We have a lot of items on our agenda, so we are looking forward to having robust conversation, and I do want to go ahead and just start with the roll call and then at which point I'll be outlining what we'll be doing for the agenda, so, Ravi.

MR. SINGH: Yes, Chair. Commissioner Andersen.

(No audible reply.)

MR. SINGH: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Present.

MR. SINGH: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: Here.

MR. SINGH: Commissioner Kennedy.

COMMISSIONER KENNEDY: Here.

MR. SINGH: Commissioner Le Mons.

COMMISSIONER LE MONS: Here.

MR. SINGH: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Here.

MR. SINGH: Commissioner Sinay.

1 COMMISSIONER SINAY: Here.

2 MR. SINGH: Commissioner Taylor.

3 COMMISSIONER TAYLOR: Present.

4 MR. SINGH: Commissioner Toledo.

5 COMMISSIONER TOLEDO: Here.

6 MR. SINGH: Commissioner Turner.

7 COMMISSIONER TURNER: Here.

8 MR. SINGH: Commissioner Vasquez.

9 (No audible reply)

10 MR. SINGH: Commissioner Yee.

11 COMMISSIONER YEE: Here.

12 MR. SINGH: Commissioner Ahmad.

13 COMMISSIONER AHMAD: Here.

14 MR. SINGH: And Commissioner Akutagawa.

15 CHAIR AKUTAGAWA: Here.

16 MR. SINGH: You have a quorum, Chair.

17 CHAIR AKUTAGAWA: Awesome. Thank you very much,  
18 and thank you to everybody who is here.

19 I do want to just say some brief welcome before  
20 we go to public comment.

21 So, first off, I just want to say that we have a  
22 very, very full agenda today. I do want to just say that  
23 as you'll see from the agenda, it is jammed packed. We  
24 have also some meaty discussions that we will be engaging  
25 in, so as a result, as much as we want to make sure we have

1 everybody's voices heard, we also -- I would also want to  
2 encourage all of the commissioners to be thoughtful, to be  
3 participative, but please be succinct as much as possible,  
4 just so that we could keep our agenda moving, and  
5 particularly around the reports. I'm just going to request  
6 that as much as possible keeping those reports succinct, or  
7 if you want to make a game-time call and decide, you know,  
8 this could wait for the next meeting. It's not urgent that  
9 we need to speak about it right this second. I'm sure that  
10 everyone will appreciate it so that we can really ensure  
11 that there's adequate time for the discussion items that we  
12 have planned.

13 So, with that, Katy, let's go to public comment.

14 PUBLIC COMMENT MODERATOR: Good morning. I  
15 apologize, Chair.

16 CHAIR AKUTAGAWA: That's okay.

17 PUBLIC COMMENT MODERATOR: I had just taken a  
18 bite of a granola bar. I was settling in for you to tell  
19 us the schedule. All right. Good morning.

20 In order to maximize transparency and public  
21 participation in our process, the commissioners will be  
22 taking public comment by phone.

23 To call in, dial the telephone number provided on  
24 the livestream feed. It is 877-853-5247. When prompted,  
25 enter the meeting I.D. number provided on the livestream

1 feed. It is 87487440379 for this meeting.

2 When prompted to enter a participant I.D., simply  
3 press the pound key.

4 Once you have dialed in you will be placed in a  
5 queue. To indicate you wish to comment, please press star  
6 nine. This will raise your hand for the moderator.

7 When it is your turn to speak, you will hear a  
8 message that says, "The host would like you to talk," and  
9 to "press star six to speak."

10 If you would like to give your name, please state  
11 and spell it for the record. You are not required to  
12 provide your name to give public comment.

13 Please make sure to mute your computer or  
14 livestream audio to prevent any feedback or distortion  
15 during your call.

16 Once you are waiting in the queue, be alert for  
17 when it is your turn to speak, and again, please turn down  
18 the livestream volume.

19 And for those just calling in, if you will please  
20 press star nine on your telephone keypad to raise your hand  
21 indicating you wish to comment at this time. Please press  
22 star nine to raise your hand indicating you wish to give  
23 comment.

24 And I see that hand, caller with the last four  
25 2829. If you will now please follow the prompt to unmute

1 by pressing star six. Caller 2829, the floor is yours.

2 MS. WESTA-LUSK: Good morning, Commissioners.

3 This is Renee Westa-Lusk. I'm calling on two things.

4 One, I've been watching a lot of the public input  
5 live virtual meetings, and one question that keeps popping  
6 into my head is there's a lot of community visit interest  
7 where they try to -- they're from another county and they  
8 want to take chunks of another county out to put in their  
9 community of interest, but yet, there may not be as much  
10 testimony or input from the areas that they're trying to  
11 take from another county to put in their community of  
12 interest, and my main worry is that there's counties out  
13 there that are trying to draw the lines for other counties.  
14 And are you aware of where the testimony is coming from?  
15 Because you need to hear from the people that actually live  
16 in those areas to find out if they want to be districted  
17 with another county, et cetera. That's my first question.

18 And then I wanted to know what the guideline for  
19 letters, emails, public input hearing is because the --

20 MR. MANOFF: Thirty seconds.

21 MS. WESTA-LUSK: -- data from the census is  
22 arriving like in two days, and I want to know what the  
23 deadline is for getting the letters in. Thank you.

24 CHAIR AKUTAGAWA: I always put myself on mute.

25 Thank you, Ms. Westa-Lusk.

1 I believe in terms of your first question, we  
2 don't necessarily know where all of the individuals are  
3 calling from. We are not required to request name or  
4 location, and so that is something that would be difficult  
5 for us to ascertain.

6 And, so, in terms of the other part of your  
7 question, it's hard to say right now. We're still waiting  
8 for full set of data. We hopefully be seeing the COI data  
9 that has also been submitted in writing as well, too, so at  
10 this time it's hard to really give a definitive answer to  
11 what you're asking. We're just taking as much input as we  
12 can, and everyone is being encourage to call in and give us  
13 their perspectives on what could be part of their  
14 communities of interest.

15 On your other question, I believe the deadline  
16 for sending us public input, whether it be an email or  
17 snail mail, is essentially right before we are required to  
18 submit our final maps. We'll be continuing to take input  
19 as we draw maps and as we are finalizing maps. And I will  
20 ask anybody, perhaps the Line Drawer Committee, if you want  
21 to add any comment on that. Alvaro, do you want to give  
22 clarification?

23 EXECUTIVE DIRECTOR HERNANDEZ: Chair, you are  
24 correct. We'll continue to take that input up until the  
25 time we complete the maps.

1 CHAIR AKUTAGAWA: Thank you. Okay, Katy.

2 PUBLIC COMMENT MODERATOR: Thank you so much.

3 Right now we have a caller with the last four 60514. If  
4 you will please follow the prompts to unmute at this time  
5 by pressing star six. Caller 60514, the floor is yours.

6 MS. SHELLENBERGER: Good morning, Chair Akutagawa  
7 and commissioners. This is Lori Shellenberger,  
8 Redistricting Consultant for Common Cause.

9 And I'm calling with a question about you  
10 schedule for today. It appears there are a couple of items  
11 that involve third parties and potentially have a time  
12 certain, and so, if you could share regarding the line  
13 drawer training and also the VRA compliance session. If  
14 those are set for a time certain, I know there are lots of  
15 folks interested and who learn a lot from those  
16 presentations, and the public would appreciate it, both for  
17 today and then in terms of future meetings, if there are  
18 time certain for agenda items, if those could be included  
19 in the agenda once they're set, that would be awesome.

20 Thank you so much to all of you for your service.

21 CHAIR AKUTAGAWA: All right. Thank you, Ms.  
22 Shellenberger. And to be honest, to Katy's point, I was so  
23 anxious to make sure I did not forget public comment that I  
24 neglected to go through the schedule, and I figure I would  
25 do that after the public comment at this point. Most often

1 I feel like I forget to do that part, so thank you for  
2 teeing me up for that part.

3           So, let me just go through the schedule so that  
4 everybody is aware of what we'll be doing, first off, in  
5 terms of the line drawer and the VRA compliance agenda  
6 items, we will be holding those in the later part of the  
7 afternoon due to one of our presenters not being available  
8 until after 2:00 o'clock. So, let me just give the agenda  
9 in terms of what -- roughly what we hope we'll be able to  
10 meet in terms of timeline.

11           We'll be continuing after this with the director  
12 reports, then we'll move to the subcommittee reports. Then  
13 after the subcommittee reports, we will be taking a break  
14 depending on where we will be in the committee subcommittee  
15 report, and then at that point after the subcommittee  
16 reports are concluded, we will be going into a brief closed  
17 session, and this will be so that we can have reporting on  
18 our request to Mr. Preen\*\* or, I believe, but don't quote  
19 me, I may be wrong on that, we will be doing a closed  
20 session, and then at which point we will be coming back --  
21 hopefully after a very brief closed session we'll be coming  
22 back and we'll be starting a conversation on lessons  
23 learned that will be led by Commissioners Ahmad and  
24 Kennedy. We'll then break for lunch, and then we'll come  
25 back after lunch and we will start with a conversation or

1 with the discussion presentation by the VRA Compliance  
2 Committee, and then we'll be moving to the line drawer, and  
3 then we'll be concluding the meeting with a conversation,  
4 discussion on incarcerated populations in Federal  
5 facilities, and then we'll conclude with public comment in  
6 any other closing comments from the public.

7           And then also, Ms. Shellenberger, as much as  
8 possible we will try to put the times on the agenda. We  
9 just did not know for sure on this particular one what time  
10 we would be putting it on, and then we were requested by  
11 our counsel, legal counsel, that they needed to -- they  
12 were only available after two o'clock. So, that has --  
13 that's what's driving our agenda today.

14           Okay. So, with that, let's go ahead and let's  
15 move on to our director reports. Director Hernandez, we'll  
16 start with you.

17           EXECUTIVE DIRECTOR HERNANDEZ: Thank you, Chair,  
18 and good morning, Commissioners. I wanted to start by  
19 introducing my data management team. I would like to take  
20 the opportunity to introduce to you our Data Manager, Toni  
21 Antonova. Toni, are you there? I think I saw you there.  
22 If you could take a little bit to introduce yourself. I  
23 see you there. If not, I can also introduce our other  
24 member of the data management team, and that is Paul  
25 Mitchell, and there is Paul. Paul, if you could briefly

1 introduce yourself.

2 MR. MITCHELL: Hi, everybody. Paul Mitchell  
3 here. I come from a background in geographic information  
4 systems. I worked for the Census Bureau during the 2010  
5 census, working on the tribal team where we helped to  
6 delineate all the tribal physical areas. My background is  
7 really in geospatial data and working with the delineation.  
8 So, I'll be helping with the mapping side of things where  
9 Toni is going to be picking up more of the data management,  
10 kind of the work flow for the data.

11 EXECUTIVE DIRECTOR HERNANDEZ: Thank you, Paul.  
12 And there we have Toni. Toni, welcome aboard. So, Toni,  
13 if you could do a brief -- there you go.

14 MS. ANTONOVA: Hi. I'm Toni and my background is  
15 in data science. I've worked for a number of companies in  
16 the Silicon Valley, and I kind of pivoted to do some more  
17 work in government and the intersection of technology there  
18 with the election last year.

19 And I'm really excited to jump on board. I'll be  
20 helping streamline the data entry and access process making  
21 -- help make everything as transparent as possible.

22 EXECUTIVE DIRECTOR HERNANDEZ: Thank you both.  
23 Appreciate that.

24 And to round out our team, you guys have all met  
25 Phil Zigoris. He's not with us right now, but he's our

1 data consultant who you've met previously when he shared  
2 the functionality about Airtable. And, so, our team is  
3 going to be working on a plan bringing the information, as  
4 Toni mentioned, and all the information from the COI tool  
5 as well as working on bringing the information we've  
6 received from the COI Input Meetings into our database as  
7 well. So, they have a tall task. We have a tall task in  
8 getting that information in there as soon as possible, but  
9 we're going to be working with the line drawers, working  
10 with the data management subcommittee, line drawer  
11 subcommittee to work out any of the potential issues that  
12 may be there.

13           Moving on, both our outreach and communications  
14 staff have welcomed some additional staff to the team, and  
15 I'm going to defer to their respective reports to provide  
16 additional information and introduce the staff that is  
17 available.

18           Moving on, in regards to the COI data, last week  
19 we received a data sharing agreement document from the  
20 Statewide Data Base. We are reviewing it. Legal is  
21 reviewing the document, and we'll reach out to the  
22 Cybersecurity Subcommittee for their review as well, and  
23 once we have that, everything should be in place to start  
24 the transmission of the data to our database. So, we're  
25 looking forward to getting that done.

1 I also wanted to touch base on the Commission  
2 budget. There are two budget documents posted under our  
3 handouts for today's meeting. I'm going to defer to the  
4 Finance and Administration Subcommittee to go over the  
5 documents during their report out.

6 That concludes my report, Chair.

7 CHAIR AKUTAGAWA: Wonderful. Thank you very  
8 much, Director Hernandez. Let's go onto our next report,  
9 Communications Director. Director Ceja.

10 COMMUNICATIONS DIRECTOR CEJA: Thank you so much,  
11 Chair, fellow commissioners.

12 I, too, want to introduce you to a new member of  
13 our team, Martin Pineda. He is a 30-year-old son of  
14 Honduran immigrants. He graduated in 2017 with a  
15 bachelor's degree in communication studies from Cal State  
16 Northridge. Since graduating he has dedicated himself to  
17 the fight for immigrant rights and social justice as a  
18 communication strategist for the largest Central American  
19 organization in the country, CARECEN. He recently worked  
20 with Zoom Strategies as an accountant coordinator where he  
21 led digital efforts for a variety of clients. Alongside  
22 the Latino media (indiscernible) he worked on a digital  
23 media campaign called Step Forward California to create a  
24 digital and print resource guide for formerly incarcerated  
25 individuals and their families impacted by the war on

1 drugs.

2           As a communications coordinator for the  
3 Commission, Martin will focus on our website concerning all  
4 agenda and documents are uploaded in the timely manner and  
5 helping to update our public input and public comment from  
6 the public.

7           Today is Martin's first day on the job, so I just  
8 wanted to give him a few seconds, since we have such a  
9 tight agenda, to say hello. So, feel free, Martin.

10           MR. PINEDA: It's a pleasure to be here and an  
11 honor. Thank you for having me, and I'm happy to be part  
12 of the team and working with each and every one of you in  
13 the upcoming months.

14           COMMUNICATIONS DIRECTOR CEJA: Awesome. Thank  
15 you so much, Martin.

16           I also wanted to update you on what's going on  
17 with the advertising bid. So, the radio and billboard  
18 advertising bids are in with the office of OLS for review  
19 for process. That takes anywhere from five to ten days.  
20 As is the social media advertising bid for statewide social  
21 media campaign. That's also with OLS. We're waiting for  
22 one more bid to come in today for the newspaper advertising  
23 bid, and we also came up with an idea. We pulled some  
24 funds to focus on ethnic media. We've been reaching out to  
25 ethnic media but, sadly, have not gotten a great response,

1 so we're looking for a contractor to precisely reach out to  
2 ethnic media and make sure that all the languages that  
3 we've identified as important for ethnic communities are  
4 reached out to and to secure that we get stories placed and  
5 also just the word out about the work that we're doing in  
6 those communities. So, we will be putting those bids out  
7 soon, and hopefully, we'll have responses.

8 I will bring all this to you as commissioners for  
9 approval once OLS has approved the process that we want to  
10 do, which should take anywhere from five to ten days, so I  
11 would envision that by the next meeting we should have  
12 something to present to you for the contractors.

13 And the social media analytics report is up on  
14 the website for your review, and that is the end of my  
15 report.

16 CHAIR AKUTAGAWA: All right. Thank you, Director  
17 Ceja. It looks like we have a question from Commissioner  
18 Kennedy.

19 COMMISSIONER KENNEDY: Thank you, Chair.  
20 Director Ceja, I just wanted to get an update from you on  
21 the status of having the 2010 website restored to its  
22 structure and content as of June 30, 2020.

23 COMMUNICATIONS DIRECTOR CEJA: Yes, thank you,  
24 Commissioner Kennedy. We have been working. I believe one  
25 of our contractors has been working on that. We were first

1 dealing with the issue of making sure that both of our  
2 websites were ADA approved for the State Department of  
3 Technology. They were doing a round and if we were not up  
4 to date by the end of July, then they were going to shut  
5 down the site. So, we were focusing on that, but I believe  
6 that somebody is working on that precisely or particularly,  
7 so I'll check in with them to see where we are in the  
8 process, but I know that a few documents were missing and  
9 we were also looking to restore those.

10 CHAIR AKUTAGAWA: Commissioner Fernandez.

11 COMMISSIONER FERNANDEZ: Yes, thank you, Chair.  
12 Fredy, I just -- you made a comment in terms of when the  
13 documents come back from OLS you'll bring it forth for  
14 approval. My only concern is that our business meetings  
15 are kind of, I don't want to say few and far between now,  
16 but, you know, we're meeting either weekly or every two  
17 weeks and my concern would be that if you are ready to go  
18 and you're waiting for us for approval, me, I'm a little  
19 anxious to just get going with all of this outreach, right,  
20 so I'm not sure how my fellow commissioners feel about  
21 maybe some other process for this contract so you don't  
22 have to wait for the full commission meeting to approve.  
23 We have as a commission approved the funds to be used for  
24 that, so I'm just wondering if there's an alternative to as  
25 soon as you receive approval, let's go ahead and execute.

1 So, I'm just kind of bringing that for discussion. I know  
2 we have a full agenda, but I'm also really anxious about  
3 the outreach efforts that we have. So, thank you.

4 COMMUNICATIONS DIRECTOR CEJA: Yeah, thank you  
5 for that point. That's super important. So, when we were  
6 talking about process, how to get this through the hurdle,  
7 it was my inclination that we needed to bring this up for  
8 full commission approval. And we'll take Legal's response  
9 here, but if you feel that you've given us enough  
10 jurisdiction to continue with the contracting, then we'll  
11 go full steam ahead. I'll still give you an idea of how we  
12 scored and how these individual contractors are the winning  
13 bids, but if Legal is okay with us moving forward, then we  
14 won't bring it back to the full commission.

15 CHIEF COUNSEL PANE: So, Commissioner Fernandez,  
16 we can certainly look at that issue, and if that's not  
17 needed, then we won't do that then because it won't be  
18 necessary. If it is required, then we'll have to bring it  
19 back.

20 COMMUNICATIONS DIRECTOR CEJA: I will tell you  
21 that the vendors are super anxious to get started as well.  
22 I get emails and pings every day.

23 CHAIR AKUTAGAWA: I think we're all very anxious  
24 about that. Thank you, Commissioner Fernandez, for asking  
25 that question. Thank you, Director Ceja. Is there any

1 other questions? If not, let's move on to Outreach  
2 Director's report, Director Kaplan.

3           OUTREACH DIRECTOR KAPLAN: Hi, Commissioners.  
4 Thank you and good morning.

5           I did post a report on the COI input meeting  
6 recap of coming COI meetings as well as COI tool updates  
7 and some of the hosted non-English COI input that was  
8 provided with English subtitles when we didn't have an  
9 interpreter. So, let me know if you have questions on  
10 that.

11           And I also just wanted to provide an overall  
12 update. I know we're crunched on time. We did bring on  
13 four additional field staff, and given the tight schedule  
14 today I'll have them join a future meeting so they can get  
15 briefly introduced. Staff is continuing to outreach for  
16 upcoming COI input meetings, the logistics behind the  
17 meetings, as well as really promoting and pushing our  
18 digital toolkit as well as the language lines that we have  
19 implemented for August and September and really targeting  
20 communities that serve limited English proficiency to let  
21 them know about interpretation availability as well.

22           I did just want to circle back on a few items  
23 that were requested at the previous commission meeting. We  
24 did go ahead and add additional slots to the session one  
25 and session two appointments to accommodate for timing as

1 well as the average of no-shows, so we added five slots for  
2 each appointment time slot. We also added a question to  
3 the registration form about how the public heard about the  
4 COI input meeting, and we'll include that in reporting  
5 going forward. And we did send an email to the public who  
6 had registered for previous COI meetings to share ways they  
7 can participate and help spread the word, including sharing  
8 our digital toolkit, and we've implemented a process to  
9 continue to send follow up emails after the COI meeting for  
10 those who we have emails for.

11 I also just wanted to highlight that we are  
12 translating the digital action toolkit into our 12 non-  
13 English languages to also promote more engagement with  
14 limited English proficiency across the state.

15 And I also just wanted to highlight on Friday's  
16 COI meeting, which is in the written report, we did get  
17 some additional requests for interpretation. So, we will  
18 have a full meeting with multiple languages, and so we're  
19 excited to be able to support communities to provide their  
20 input at the COI meetings as well.

21 CHAIR AKUTAGAWA: All right. First off, I do  
22 want to say thank you for your report, Director Kaplan.  
23 That was really fabulous, and I'm happy to have that. It  
24 was much easier to digest all those numbers, so thank you.

25 Commissioner Kennedy.

1           COMMISSIONER KENNEDY: Thank you, Chair.  
2 Director Kaplan, I'm just wondering, with local  
3 redistricting ramping up, I'm seeing a lot of information  
4 out there from counties and so forth talking about local  
5 redistricting, but they're not talking about statewide  
6 redistricting, and I'm wondering if you and your staff have  
7 compiled a list and/or reached out to all of the local  
8 redistricting bodies that you're able to identify, and if  
9 so, what the response has been. Thank you.

10           OUTREACH DIRECTOR KAPLAN: Yes, there have been a  
11 few local redistricting commissions that me and staff have  
12 been in touch with. I've also been invited to a monthly  
13 call with the L.A. County Redistricting Commission who is  
14 bringing together other local independent redistricting  
15 commissions, and so we met last month and also are looking  
16 at how Common Cause has pulled together a lot of the  
17 independent redistricting pages, so I'm sharing with Fredy  
18 on how we might be able to promote that on our website and  
19 also coordinate more around on cross -- what's the word --  
20 to do cross sharing in terms of our statewide effort and  
21 local efforts as field staff are engaging. So, we will  
22 continue that going forward.

23           COMMISSIONER KENNEDY: Perfect. I think that is  
24 going to be very important for all of us going forward, so  
25 thank you for that.

1 CHAIR AKUTAGAWA: Thank you for asking that  
2 question, Commissioner Kennedy. I do agree. I think it's  
3 important that we do have that collaboration going on.

4 Director Kaplan, you mentioned that you do have  
5 some new field staff. Are they on now, because while this  
6 is their time meeting, let's introduce them if they are on  
7 with us?

8 OUTREACH DIRECTOR KAPLAN: They are not on the  
9 meeting today because I was informed that we were crunched  
10 for time, so I was going to have them join an upcoming  
11 meeting.

12 CHAIR AKUTAGAWA: Okay. No problem. Thank you  
13 for doing that then. All right. Let's go ahead and move  
14 on. We are making good time. So, Chief Counsel.

15 CHIEF COUNSEL PANE: Thank you, Chair. Just a  
16 quick update.

17 First of all, thank you to Marian for sending out  
18 the updates to all of you.

19 And, second, just a quick note about the status  
20 of the litigation contracts. They are with both law firms,  
21 and I am awaiting signature or edits from their side. Have  
22 not received anything yet, but I'm hoping to expect some  
23 form of a response, I've reached out, hopefully in the next  
24 week or so. I don't know if anyone has any questions.  
25 That was going to conclude my report.

1 CHAIR AKUTAGAWA: Okay, thank you. Do we have  
2 any? All right, seeing no questions, all right. Thank you  
3 very much.

4 Let's go ahead and let's move on to the committee  
5 and subcommittee updates. We'll start first with -- oh,  
6 I'm sorry, we need to take public comment after the  
7 directors' reports, so, Katy, can you read off the  
8 instructions so that we can take public comment on the  
9 directors' reports.

10 PUBLIC COMMENT MODERATOR: Yes, Chair. The  
11 Commission will now take public comment on Agenda Item 3,  
12 Director Reports.

13 To give comment, please call 877-853-5247 and  
14 enter the meeting I.D. number 87487440379.

15 Once you have dialed in, please press star nine  
16 to enter the comment queue.

17 The full call-in instructions have been read  
18 previously in the meeting and are provided in full on the  
19 livestream landing page.

20 At this time, Chair, we do not have anyone in the  
21 queue.

22 CHAIR AKUTAGAWA: Just let us know when they've  
23 finished streaming on the livestream.

24 (Pause)

25 PUBLIC COMMENT MODERATOR: The instructions are

1 complete at this time, Chair.

2 CHAIR AKUTAGAWA: All right. Thank you, Katy.  
3 All right, let's go ahead. Let's move on to the next item  
4 on our agenda, which is number 4A. It is the committee and  
5 subcommittee updates, and we'll start with Government  
6 Affairs and Census Committee.

7 COMMISSIONER TOLEDO: I don't believe we have a  
8 substantive update.

9 CHAIR AKUTAGAWA: All right.

10 COMMISSIONER TOLEDO: So we can go on to the next  
11 committee.

12 CHAIR AKUTAGAWA: Thank you. All right. Let's  
13 move on to, then, 4B, Finance and Administration Committee,  
14 and I do believe they have a report. No? Commissioner  
15 Fernandez, you're on mute.

16 COMMISSIONER FERNANDEZ: I was just going to ask  
17 the Government a quick question.

18 CHAIR AKUTAGAWA: Oh, I'm sorry.

19 COMMISSIONER FERNANDEZ: We sent an initial  
20 letter regarding hoping to continue the virtual meetings,  
21 and, you know, we saw what the latest was in September, end  
22 of September, so I'm just wondering if we feel like maybe  
23 we need to send another one only because now with this  
24 variant and, you know, I'm sure they're working on  
25 something past September, but I'm just wondering if we

1 asked to do a follow up or something, and I know that we  
2 did receive response from the office, so that was my only  
3 comment. Sorry about that. I wasn't fast enough with my  
4 hands.

5 CHAIR AKUTAGAWA: I thought you were so eager to  
6 do your report that you were raising your hand already.

7 COMMISSIONER SADHWANI: I can just jump in and --  
8 I've actually been out of town, but I don't know, Marcy, if  
9 you have any additional follow up from the Governor's  
10 office. We had asked if Marcy could reach out. I know  
11 she's been in contact with some of the folks from the  
12 Governor's office, given her work, you know, with the  
13 census outreach. Marcy, do you have any additional update  
14 for us?

15 OUTREACH DIRECTOR KAPLAN: I did ping my contact  
16 there several times last week, and she put me in touch with  
17 a colleague, and so, I reached out to that colleague a few  
18 times, and so, I will send another follow up today to my  
19 initial contact to see if she can nudge some more. But I  
20 did not get an answer or response.

21 COMMISSIONER SADHWANI: Well, that's really  
22 helpful to hear, Marcy, and helpful to hear the update, not  
23 helpful to hear that the Governor continues to not respond  
24 to us. And, you know, I think one of the things we had  
25 discussed and just briefly had mentioned is, is it

1 beneficial to potentially do an op-ed of some sort saying  
2 that the lack of leadership on this issue is causing issues  
3 for us in our planning for the fall and to continue our  
4 efforts in redistricting. I don't know that we want to go  
5 down that road, but perhaps we do. Certainly we have a  
6 governor who is facing a recall, and maybe he wants to  
7 responsive to the needs of the Commission and the needs of  
8 the people of California. So, you know, I think that is  
9 open for discussion, whether or not we want to do that now,  
10 you know, either way as people have strong thoughts for or  
11 against. That's great. If not, we can move forward and  
12 Commissioner Toledo and I can continue to discuss that this  
13 week and apply some additional pressure to the Governor's  
14 office.

15 CHAIR AKUTAGAWA: Thank you. That would be  
16 fabulous and that would be, I'm sure, helpful to know from  
17 the staff perspectives.

18 All right. Commissioner Fernandez.

19 COMMISSIONER FERNANDEZ: No, I'm not anxious to  
20 get onto the next one, but just a quick -- Marian, thank  
21 you so much for sending us information regarding  
22 legislation. And as you have pointed out, there is  
23 language in some of the trailer bills regarding local  
24 boards, but nothing in terms for commissions and those that  
25 are associated with Bagley-Keene. So, I don't know if

1 there's something -- maybe this is going to be a Lessons  
2 Learned, but I'm thinking for the future, for the next  
3 commission, maybe think about either submitting or being  
4 part of some legislation for that piece of it in terms of  
5 commissions or Bagley-Keene being able to meet virtually or  
6 in hybrid and not having to disclose residence information.  
7 So, I just want to be sure we put that on the lessons  
8 learned before I forget. But thank you all for your  
9 efforts and for wanting to be inclusive of everyone  
10 participating in this process.

11 CHAIR AKUTAGAWA: Marian.

12 MS. JOHNSTON: Just to let you know, the local  
13 bill allowing local agencies to do that has moved forward,  
14 but so far no legislation has been introduced about state  
15 agencies.

16 CHAIR AKUTAGAWA: Commissioner Andersen.

17 COMMISSIONER ANDERSEN: Sorry. On that same  
18 note, should we be pushing someone in the Governor's office  
19 to say, hey, why don't you put, you know -- I mean, the  
20 Little Hoover Commission put out the report that this  
21 should, indeed, be going for the State commissions as well,  
22 or State agencies. You know, do they need to get someone  
23 to add onto this bill, or do we want to do that?

24 CHAIR AKUTAGAWA: Commissioner Sadhwani, are you  
25 responding, because I also see Commissioner Vasquez. Okay.

1           COMMISSIONER SADHWANI: My thought on this, and  
2 this certainly needs to be a Commission decision, but we  
3 have a lot going on, and we have our focus on drawing maps.

4           The Governor can -- has the authority through  
5 executive order to extend the executive order until the end  
6 of the year or make a carve out just for our Commission if  
7 need be at the stroke of a pen.

8           Working the legislative process I think is  
9 absolutely something that we do over the next ten years  
10 after the maps are done. And, certainly, I think that's  
11 something that could continue to keep us busy to provide  
12 that additional input. I don't know that it's the best use  
13 of our time to do that now when we have the maps in front  
14 of us. Certainly, I agree and support those efforts, but I  
15 think it's also a question of limited time and resources,  
16 and how do we get what we need in order to draw the maps by  
17 expending the least amount of (indiscernible).

18           CHAIR AKUTAGAWA: Commissioner Vasquez.

19           COMMISSIONER VASQUEZ: I definitely agree with  
20 Commissioner Sadhwani's assessment of sort of what we can  
21 do now and what is the best use of our time now, and  
22 looking ahead to longer term solutions. I do think,  
23 though, building off of Commissioner Andersen's idea it may  
24 be helpful for us to -- I do like the idea of writing and  
25 op-ed, and I think we can push that op-ed if and when, you

1 know, we decide to do that to partners like the Little  
2 Hoover Commission, like Disability Advocates to say, you  
3 know, look, join us, distribute this to our network,  
4 because it's not just about the op-ed; it's about who sees,  
5 and reads and reacts and joins us in our call to the  
6 Governor to make this fix and make it soon.

7 CHAIR AKUTAGAWA: Commissioner Sadhwani and then  
8 Commissioner Toledo.

9 COMMISSIONER SADHWANI: Oh, sure. Commissioner  
10 Toledo --

11 CHAIR AKUTAGAWA: No, go ahead, Commissioner  
12 Sadhwani.

13 COMMISSIONER SADHWANI: Okay. If there's general  
14 agreement on the idea of drafting an op-ed, we could  
15 certainly work on that this week and, you know, through  
16 staff share a draft of that with everyone as soon as  
17 possible.

18 CHAIR AKUTAGAWA: Commissioner Toledo.

19 COMMISSIONER TOLEDO: I was just going to say  
20 that I do agree with Commissioner Sadhwani about ensuring  
21 that, you know, modernizing the open meetings, while it's  
22 going to take some time, and that certainly -- I think our  
23 offense really is about that, but at the same time we have  
24 our urgency. Our urgency is getting the maps done and  
25 getting the executive order extended through the pandemic,

1 right, through the emergency declaration, so really  
2 highlighting those two aspects. And so I'd be supportive  
3 of an op-ed or some other kind of media piece that we could  
4 do with Commissioner Sadhwani and through the committee and  
5 bring it back to the full Commission.

6 CHAIR AKUTAGAWA: All right. Thank you very  
7 much. Thank you, Commissioner Sadhwani and Commissioner  
8 Toledo for volunteering to take action on that through your  
9 committee, and we look forward to seeing the draft of the  
10 op-ed.

11 Okay, any other -- okay, Commissioner Andersen.

12 COMMISSIONER ANDERSEN: Sorry, could we also  
13 possibly do just a quick letter in support of the Little  
14 Hoover Commission, push them to do some of this because  
15 they have a lot more time than we do. So, you know like a  
16 letter from us saying, wow, you are so on it. This is what  
17 is going on. If you would lead on this we would join right  
18 in with -- I think that would help in addition to the op-ed  
19 piece.

20 CHAIR AKUTAGAWA: So, Commissioner Sadhwani and  
21 Commissioner Toledo, are you okay with adding that as well,  
22 too?

23 COMMISSIONER TOLEDO: I've been in contact with  
24 the Little Hoover Commission, and so we'll continue to be  
25 and encourage them to continue to move on this issue. And

1 as we work through the committee process we'll bring back  
2 our recommendation draft and who we've contacted as well.

3 CHAIR AKUTAGAWA: So, just for clarification,  
4 then, Commissioner Toledo, are you then not going to write  
5 a letter or are you going to write a letter even though  
6 you're in contact with them in addition to the op-ed?

7 COMMISSIONER TOLEDO: We did write a letter and  
8 we receive a Little Hoover Commission if I remember  
9 correctly. So, the letter that we sent to the legislature  
10 also had a cc to them, just so that they knew our stand on  
11 the issue. And, so, we can certainly follow up on that and  
12 see if they received it and if they have any additional  
13 suggestions for the Commission.

14 CHAIR AKUTAGAWA: Okay. Commissioner Sadhwani,  
15 did you have a comment, and I just want to check in with  
16 Commissioner Andersen. Are you satisfied with what  
17 Commissioner Toledo said?

18 COMMISSIONER ANDERSEN: Sorry, did you --

19 COMMISSIONER SADHWANI: Go ahead, go ahead.

20 COMMISSIONER ANDERSEN: Okay. I was going to  
21 say, rather just check and say, hey, you know, did you get  
22 our comment, I'd say like, you know, can you lead this; we  
23 can't. Just a little slightly different angle of it. This  
24 is a great idea. It needs pushing. And that's something  
25 that as you're talking to them obviously you can get a

1 better read on how that would work in terms of a letter or  
2 not. And I trust --

3 COMMISSIONER TOLEDO: I think they are leading  
4 this effort, but we can confirm that they are leading this  
5 effort. My understanding is that they are leading this  
6 effort, and our work is really just saying -- is  
7 complementing their work and really that work forward as  
8 more of an advocate as opposed to the leader.

9 COMMISSIONER ANDERSEN: Right.

10 COMMISSIONER TOLEDO: Because we don't have the  
11 time to be --

12 COMMISSIONER ANDERSEN: Right, that's exactly. I  
13 don't want us to become the, you know, oh sure, their idea  
14 is for us to do. We don't have time to do that. So, I  
15 thank you for that angle, and I leave it to the  
16 subcommittee.

17 CHAIR AKUTAGAWA: Thank you. Commissioner  
18 Sadhwani, I saw your hand up.

19 COMMISSIONER SADHWANI: Yeah, I was just going to  
20 offer, I have a close colleague who actually sits on the  
21 Little Hoover Commission. I can reach out to her and just  
22 kind of see where they're at in this process and offer our  
23 support, and see if a formal letter would actually be  
24 helpful.

25 CHAIR AKUTAGAWA: Okay, fabulous. Thank you.

1 Commissioner Vasquez.

2           COMMISSIONER VASQUEZ: Yeah. I was just going to  
3 say that my sense is that the Little Hoover Commission sees  
4 us as the longer-term policy process legislatively, and  
5 that's I think where they're headed now, so I think  
6 probably us leading an initial call to the Governor through  
7 an op-ed, et cetera, makes the most sense, and then making  
8 the case to the Little Hoover Commission to say, hey, we  
9 actually have like an urgent need for this thing that you  
10 have been asking for to happen right now. Here are the  
11 reasons why. But I think just for context we probably have  
12 -- if we haven't already informally, probably have to make  
13 it clear to the Little Hoover Commission why we have a  
14 sense of urgency and why we are targeting the Governor,  
15 because I think their head is more towards this long-term  
16 policy change legislatively.

17           CHAIR AKUTAGAWA: Okay. Seeing no other hands,  
18 thank you very much Commissioner Sadhwani and Toledo. We  
19 look forward to seeing the draft of the op-ed, and I  
20 believe you'll be reporting to us on what your  
21 conversations with the Little Hoover Commission will be.  
22 All right, thank you.

23           Let's move on to number 4B, which is the Finance  
24 and Administration Committee.

25           VICE CHAIR FORNACIARI: Yeah, thanks. Alicia had

1 so much fun last time, I'll take the fun this time.

2 So, let's see. I'm going to start off by  
3 thanking Alvaro for the burritos yesterday. They were  
4 delicious. It was really nice to get to meet Alvaro, Ravi  
5 and John in person and see Raul again.

6 And I want to thank John and Alvaro for spending  
7 two-and-a-half hours with us yesterday plowing through the  
8 budget.

9 And then I want to thank John for all his hard  
10 work. You know, he's a one-person shop managing all of our  
11 budget and finance and all that work.

12 So, before I report out I would refer everyone to  
13 the expenditures page -- oh. I want to thank Alicia for  
14 the delicious treats she made, too. I kind of thanked her,  
15 but not really. I didn't need them.

16 Okay, expenditures page. So, we went through in  
17 detail the expenditures to date trying to understand where  
18 we were last fiscal year and looking at trying to figure  
19 out how to close out last fiscal and understand, you know,  
20 where we're at at this point.

21 Expenditures, you know, are still rolling in, so  
22 we don't have the close out details on last fiscal year,  
23 and I just want to add a little footnote here to encourage  
24 everyone who hasn't had an opportunity to submit all their  
25 per diem or other expenses to please get that in as soon as

1 you can so that we can wrap up last fiscal year.

2           What we were able to do, though, John did most of  
3 this work and we went through it, we were able to identify  
4 four areas where we believe we have some budget  
5 flexibility, and that's the new column in the expenditures  
6 sheet. So, I'll go through that and explain where those  
7 flexibilities came from.

8           The first row is from delayed hiring, for  
9 whatever reason. You know, hiring was delayed and we  
10 expected to expend those funds on staffing but weren't able  
11 to.

12           The second row is for commissioner travel that we  
13 didn't do in June, July and August that we had budgeted  
14 for.

15           The all-other operational cost row, there's two  
16 pieces to that. First of all, we had initially budgeted a  
17 million dollars for an IT contract, but we down a different  
18 road, right, with our IT. So, we don't need that whole  
19 million-dollar contract, but we carved out, and again, our  
20 numbers aren't really super hard at this point, but we  
21 carved out about 250,000 to pay for our IT expenses, and  
22 we'll refine that as we go along. But that gives about  
23 750K flexibility there.

24           And then the other piece of that is like \$88,344  
25 approximately that we aren't going to spend in our outreach

1 efforts for live meetings. We decided not to have these  
2 live meetings, so we allocated per diem venue costs and  
3 security costs that we're not going to spend.

4           So, you know, that's just some flexibility we  
5 identified at this point. The thought that we had is that  
6 we would look at -- recommend the communications and  
7 outreach groups to think about opportunities to use some of  
8 this flexibility. You know, we talked about text banking,  
9 but we didn't have the funds to do text banking, which  
10 apparently was pretty impactful last time. For instance,  
11 some of the media buys are going to be more expensive than  
12 we had thought, so we were thinking that the outreach and  
13 communications team to think about opportunities for  
14 improved outreach with some of those funds.

15           So, then if we look at -- so, I'm going to go on  
16 to the next part which is the budget ask. So, our budget  
17 is really weird, right? It's not in fiscal years. It's a  
18 big pot, and they've allocated a big pot, and it's not even  
19 fiscal related. It's related to line drawing and then  
20 after line drawing and that kind of thing.

21           And so, if you look at the other page, if you  
22 look at the appropriations page, if you look at the  
23 provision one and provision three, additional operations  
24 cost and COVID census delay operational costs, that  
25 \$6,081,000 or something like that. Maybe it's \$6,091,000.

1 That money has not been -- I mean it's not been provisioned  
2 to us. We have to continue to go back and request that our  
3 monies be provisioned to us.

4 And, so, our recommendation was to request a  
5 provision of that money because we go back to the previous  
6 page, all of our (indiscernible) in place, invoices are  
7 rolling in.

8 COMMISSIONER TURNER: Commissioner Fornaciari,  
9 before you go on.

10 VICE CHAIR FORNACIARI: Yes.

11 COMMISSIONER TURNER: You mentioned 6,000,000 on  
12 the appropriation page.

13 VICE CHAIR FORNACIARI: Right.

14 COMMISSIONER TURNER: And you're going a little  
15 fast.

16 VICE CHAIR FORNACIARI: I'm sorry.

17 COMMISSIONER TURNER: I want you to tell me again  
18 where you are.

19 VICE CHAIR FORNACIARI: Okay. Yeah, I'm sorry.  
20 Thanks, Commissioner Turner.

21 If you look in the bottom section row, one, two,  
22 three, four, five -- row six and row seven. Row six says  
23 budget act 2021, additional operation costs, provision one.  
24 And the next row says COVID/census data delay operational  
25 cost, provision three. So, we've been -- those have been

1 approved. Those monies have been approved for us, but they  
2 haven't been allocated. I'm not using the right  
3 terminology. I forget what the right terminology is. But  
4 we have to go back to the finance office in the legislature  
5 to give us authority to spend that money. I mean they've  
6 allocated that money, but they haven't given us authority  
7 to spend it at this point.

8           So, because all of our contracts are now in  
9 place, invoices are rolling in, especially when the  
10 contracts for the media contracts are placed, you know, the  
11 invoices are going to start rolling in for that. So, we  
12 want to ensure that we don't run out of money. So, Alvaro  
13 and John are going to go forward and ask that that money be  
14 released to us.

15           And, so, I think that's -- and that will be the  
16 total of our pre-map allocation. There is some more money,  
17 post-map money that's been allocated, and the four million  
18 plus for post-map litigation. We're not going to ask for  
19 that money yet, but we'll -- we'll be ready to ask for it  
20 later, you know, when we're getting close to post-map time.

21           And so, projections. You all asked for  
22 projections. So, you know, at this point we don't have the  
23 projections yet. Part of it is uncertainty about staffing  
24 and staffing costs, and now that essentially all the staff  
25 is in place, and the July expenses are coming in, so for

1 next time we're really going to focus on projecting where  
2 we're going to be. We have projections, but they were  
3 really based on kind of a rough idea.

4           With the July expenditures and now that everyone  
5 is hired we know what they're going to be paid, we have a  
6 good idea for how long they're going to be on board. We  
7 can project out, you know, where we're going to be through  
8 the end of the fiscal year, but also through the end of our  
9 map drawing time. I think we have a better idea of what  
10 our schedule is.

11           So, I think that covers it. Did I miss anything,  
12 Alicia -- I mean Commissioner Fernandez?

13           COMMISSIONER FERNANDEZ: That's just fine. Yes,  
14 and I think you did mention -- I just want to make sure --  
15 I want to reemphasize that there is a lag time in reporting  
16 of expenditures with the State system, so I'm excited to  
17 report that although it shows expenditures through June  
18 30th, there will still -- those numbers will increase  
19 because there are still additional invoices that are coming  
20 in, the staff salary, and our per diem, and costs that are  
21 incurred for the last fiscal year are still coming in, so  
22 that's really what we're waiting -- we're waiting for the  
23 July information so that we can update our figures for this  
24 fiscal year.

25           No, I think everything -- and in terms of

1 salaries and wages there was also not only delay in hiring  
2 or going through those positions, but also, some of the  
3 positions early on where we had thought we were going to  
4 fill certain positions and we didn't fill the positions, so  
5 that added additional flexibility, so right now we're  
6 comfortable with the almost 1.4 million in terms of being  
7 flexible to use those funds for -- and what we're thinking  
8 is for outreach, and we wanted to get that information out  
9 to the Commission as soon as possible because, as we've  
10 seen, trying to use those funds can take a while in terms  
11 of going through the process, so we felt the sooner we got  
12 that information to the full Commission and we're able to  
13 use the funds for our outreach, the better.

14 VICE CHAIR FORNACIARI: And, I apologize. I  
15 spent two-and-a-half hours yesterday digesting this  
16 information, and I fed you all from a fire. I'm sorry if  
17 -- I mean, if you have any questions or you need some  
18 clarification, more than happy to provide clarity.

19 I see that Linda had a question, I think.

20 CHAIR AKUTAGAWA: Yeah. I do have a question and  
21 I want to invite anybody else who has it.

22 Just for clarification, this additional 1.4, is  
23 this in addition to the other additional monies that we had  
24 reallocated for outreach? Okay, great.

25 VICE CHAIR FORNACIARI: Yeah. I mean, so, there

1 were -- we talked about, you know, again there were some  
2 ideas that they had that we just didn't have the funding to  
3 do, and I thought we could just invite them to think about  
4 other opportunities that we might have that have a bigger  
5 impact. I mean, I think -- you know, I think it's easily  
6 justifiable based on, you know, the challenges that we've  
7 had reaching out to some of the zones, and, you know, the  
8 need for alternative ways to get ahold of or reach out to  
9 folks, you know, so --

10           COMMISSIONER FERNANDEZ: I mean also as we've  
11 seen, especially with Zone B and some of the other zones  
12 that are dealing with some of the fire concerns and other  
13 hazards, we're going to have to rethink and be more  
14 creative in terms of our approach.

15           CHAIR AKUTAGAWA: Yeah, I agree. I was impressed  
16 that we had as many callers as we did yesterday, so it  
17 really speaks to the fact that -- I mean it's important  
18 and, so, thankful for those that did call, but I'm sure  
19 there was a lot who were not able to.

20           Commissioner Sinay, I see you have your hand up.

21           COMMISSIONER SINAY: I'm all for investing in  
22 outreach. My concern is our bureaucracy. You know, we're  
23 now into the second week of August and we still can't do  
24 Facebook ads. We still don't have -- so I feel like we  
25 keep allocating funding, but the real problem is our

1 bureaucracy, and just coming up with ideas is great, but  
2 it's -- you know, the text thanking isn't going to happen  
3 until October, that really doesn't help us because I'm  
4 still a firm believer that communities of interest and  
5 hearing from communities of interest is the most important  
6 piece of the work that we're doing because that will help  
7 us draw better lines. I know that a lot of folks think  
8 that once the lines are drawn we'll get more input, and I'm  
9 still struggling back and forth with it shouldn't be the  
10 last voice in that influences the work that we do, but it  
11 should be all the little voices that we've heard. And  
12 communities of interest is really the most accessible way  
13 for communities to reach out to us.

14           And I'm really concerned about the bureaucracy  
15 and how much the bureaucracy is stopping us, and I'm not  
16 sure that putting more money, even though I wish I was sure  
17 because I'm a firm believer in outreach and engagement, but  
18 at this point I think tools aren't going to help us, but  
19 it's really human that whatever we can do to go around the  
20 bureaucracy. We can no longer wait for contracts to be  
21 approved and this and that. We need ideas that don't have  
22 to depend on our bureaucracy.

23           CHAIR AKUTAGAWA: Thank you, Commissioner Sinay.  
24 Okay, Commissioner Vasquez.

25           COMMISSIONER VASQUEZ: Just wanted to -- so,

1 Commissioner Sinay, I completely agree. To the extent we  
2 can move around our obstacles to get outreach done sooner  
3 rather than later feels like a priority to me.

4 CHAIR AKUTAGAWA: All right. Okay, thank you,  
5 and I think I'm sure that Director Kaplan and Director Ceja  
6 and Executive Director Hernandez are taking careful notes  
7 of that. I'm sure that they are probably sharing some of  
8 the same frustrations. So, all right. Commissioner  
9 Fornaciari or Fernandez, anything else additional that  
10 you'd like to add to your report before we move on to the  
11 next agenda item.

12 VICE CHAIR FORNACIARI: No.

13 CHAIR AKUTAGAWA: All right, great. Well, thank  
14 you for that in helping us. I think there's still -- I'm  
15 sure if others are like me they're still just kind of  
16 processing everything that you had a two-and-a-half  
17 timeframe to take in, so I'm sure if there are additional  
18 questions, we'll be coming back to you all with additional  
19 questions, too, at the next meeting.

20 All right. Let's go to the next agenda item  
21 which is 4C, the Gantt Chart. Commissioners Kennedy and  
22 Taylor.

23 COMMISSIONER KENNEDY: Thank you, Chair. We do  
24 not have an updated Gantt chart yet, but with the proposed  
25 plan and dates for the first days of line drawing coming

1 from the line drawing subcommittee, and some of the other  
2 information that we now have, we will be able to develop a  
3 revised Gantt chart for the next meeting. Thank you.

4 CHAIR AKUTAGAWA: Wonderful. Thank you. All  
5 right. Agenda Item 4D, which is VRA Compliance. I'm going  
6 to skip over that because they do have an agenda item on  
7 it, number seven, so for the VRA Committee, I just want to  
8 make sure that is okay. We'll -- okay, Commissioner Yee.

9 COMMISSIONER YEE: That's fine. Just want to  
10 alert everyone to the handout for Megan Gall. This is  
11 Racially Polarized Voting Analyst candidate our VRA counsel  
12 is going to recommend. So it's in the handouts if you want  
13 to take a quick glance at her materials before we discuss  
14 her this afternoon. It may be of some help. Thanks.

15 CHAIR AKUTAGAWA: Thank you for giving us that  
16 heads up. I also noticed that there's a website for her as  
17 well, too. So, there is her CV as well as a website.

18 COMMISSIONER YEE: That's right.

19 CHAIR AKUTAGAWA: So, if anybody who has not gone  
20 back on to the handouts on the website yet, after I guess  
21 this morning it has been updated to include that. Thank  
22 you, Commissioner Yee.

23 Let's go on to Agenda Item number 4E, Outreach  
24 and Engagement, Commissioners Sinay and Fornaciari.

25 COMMISSIONER SINAY: I want to thank staff and

1 all the commissioners who have been helping with outreach.  
2 It is -- I'll say it again, but it's really relationships  
3 and people focused so we can get as many tools as we want,  
4 but it's hearing from you all that makes the difference  
5 right now, so please continue to send out emails, call  
6 people, talk to people when you see them. Carry your  
7 business card. I'm learning now that people are seeing  
8 each other again, that handing people business cards is  
9 helpful.

10 I want to thank everyone who called in yesterday  
11 from Zone B. We do know that it was difficult and you all  
12 did give us really good information, and so I did want to  
13 thank folks for that.

14 And I also want to make it public that we really  
15 consider August our month of language access outreach, and  
16 we need a better terminology for it. But we're really  
17 excited to be hearing every single session we're having  
18 will have interpreters, and so we invite the community to  
19 really do outreach even if it's not your zone but it is  
20 your language, please come. Look at these not just as zone  
21 meetings, but as zone plus language meetings. So, we  
22 really are excited to hear from as many Californians as  
23 possible.

24 So, thank you, everybody.

25 CHAIR AKUTAGAWA: Okay. Thank you. All right.

1 And, Commissioner Sinay, thank you to you as well, too, for  
2 a great job-sharing yesterday's meeting.

3 Okay. Let's go on to Item number 4F, Materials  
4 Development, Commissioners Fernandez and Kennedy.

5 COMMISSIONER FERNANDEZ: I do not believe we have  
6 anything to report, correct, Commissioner Kennedy?

7 COMMISSIONER KENNEDY: That's correct.

8 CHAIR AKUTAGAWA: Okay. All right, thank you.  
9 Let's go on to item 4G, Website Committee, Commissioners  
10 Kennedy and Taylor.

11 COMMISSIONER KENNEDY: Sorry. We had provided  
12 our latest set of recommendations to staff a couple weeks  
13 ago and Director Ceja reported at the last meeting that  
14 they were going through those and implementing ones that  
15 they were not able to implement. So, we will continue to  
16 monitor the site and provide further recommendations as  
17 required.

18 The one thing, you know, following up on my  
19 questions earlier, I just -- I really do want to see the  
20 2010 site fully restored to its structure and content. I  
21 mean there is -- there's content that's still there that  
22 can't be reached, but it's still accessible if you know  
23 that you are (indiscernible) for it, or if you do a web  
24 search. And that includes things like the final report  
25 from the 2010 Commission. So it really is important that

1 we get that 2010 site restored to structuring content as of  
2 30 June, 2020.

3 COMMISSIONER TAYLOR: And if I might add, in  
4 total agreement with Commissioner Kennedy, and I think we  
5 do also have to be mindful of the constant clamor for the  
6 transcripts be available on our website. That's an issue  
7 of transparency and just a hurdle that we want to remove as  
8 soon as possible.

9 CHAIR AKUTAGAWA: Okay, thank you, and on those  
10 transcripts, just very briefly, I believe that those are  
11 continuing to be transcribed and will -- I think maybe,  
12 Director Hernandez, you could just briefly comment on that.

13 EXECUTIVE DIRECTOR HERNANDEZ: We're in  
14 communication with the vendor to get those transcripts.  
15 They have provided a number of them for previous meetings.  
16 We're trying to get an agreement to get them a little bit  
17 sooner than what they have been, so we're working on that  
18 as we speak.

19 CHAIR AKUTAGAWA: All right. Thank you. All  
20 right, Commissioners Kennedy and Taylor. If there's  
21 nothing else, and I don't see any other hands or comments,  
22 all right. We'll move on to item 4H, Data Management  
23 Committee, Commissioners Ahmad and Turner.

24 COMMISSIONER TURNER: Thank you. I believe our  
25 Director Hernandez introduced the Data Management team, and

1 I don't believe there are other updates at this time.

2 CHAIR AKUTAGAWA: Great. Thank you. All right.  
3 Let's go on to Item 4I, Communities of Interest Tool.  
4 Commissioner Kennedy and myself, but I'll ask Commissioner  
5 Kennedy.

6 COMMISSIONER KENNEDY: I don't have anything to  
7 report at this point. We had heard from Statewide  
8 Database. They were making some progress towards opening  
9 the walk-in centers. Of course, now with the surge from  
10 the Delta variant we may again be facing a situation where  
11 those centers are not going to be able to open as soon as  
12 we had hoped. So, we'll follow up with the Statewide Data  
13 Base and get an update on the status of that.

14 CHAIR AKUTAGAWA: Commissioner Sinay.

15 COMMISSIONER SINAY: Thanks for that update,  
16 Commissioner. Is it -- I just feel like the walk-in  
17 centers should probably be put on to for 2030, and we need  
18 to think of a new creative way to help the community versus  
19 keep saying, hey, we hope that it gets better, we get  
20 better.

21 Is it possible to meet with the Statewide Data  
22 Base and the outreach committee maybe to brainstorm some  
23 ways to make it work?

24 CHAIR AKUTAGAWA: Commissioner Sinay, my  
25 understanding from what the Statewide Database

1 representatives, Jaime and others who have presented, is  
2 that those who have been hired to staff the walk-in centers  
3 are being used to help provide support to the communities  
4 of interest mapping tool. So, like if people call in or  
5 make requests via their chat function they are providing  
6 support in that way, I think, in lieu of the walk-in  
7 centers not being opened right now.

8 Yes, Commissioner Sinay.

9 COMMISSIONER SINAY: But I do think that that  
10 being reactive or just proactive, and so I would like us to  
11 think through are there was that they can be proactive.  
12 Right now we need to just -- everything needs to be on full  
13 cylinders from now until we submit the map, and I would  
14 hate to see a resource just being reactive when I know that  
15 there are people in the community that could use, you know,  
16 a training or there's a lot of things that could be taking  
17 place that could be more proactive.

18 CHAIR AKUTAGAWA: Okay, thank you very much.  
19 We'll raise it with Statewide Data Base and make the  
20 suggestion, and if they're amenable to it, then we'll  
21 facilitate a meeting between them and the Outreach  
22 Committee then.

23 All right. So, seeing no other hands right now  
24 I'm going to go ahead and move on to 4J, Cybersecurity, and  
25 this is Commissioners Fornaciari and Taylor.

1           COMMISSIONER TAYLOR: Yes, and unless  
2 Commissioner Fornaciari has something else, nothing  
3 significant to report. I like to always say don't answer  
4 unsolicited emails or text message. They're coming in on  
5 our phones now as well. And I think we've all seen in the  
6 news about the recent events of highjacked systems and  
7 ransomware. So, just be mindful. The end user is often  
8 the source of the breach.

9           CHAIR AKUTAGAWA: All right, thank you very much.  
10 Okay. Wow, I just want to say thank you to everybody. We  
11 are just moving right along on our agenda here. Let's see.  
12 I think what I'm going to do is I'm going to take public  
13 comment here, since our next agenda item is going to be  
14 closed session, followed by Lessons Learned. So, let's  
15 take public comment on all of the committee reports. Katy,  
16 I'm going to ask you to read off the instructions.

17           PUBLIC COMMENT MODERATOR: Yes, Chair. The  
18 Commission will now take public comment on Agenda item 4 --  
19 Agenda Item 4 committee and subcommittee updates and  
20 reports.

21           To give comment, please call 877-853-5247 and  
22 enter the meeting I.D. 87487440379 for this meeting.

23           Once you have dialed in, please press star nine  
24 to enter the comment queue.

25           The full call-in instructions have been read

1 previously in this meeting and are provided in full on the  
2 livestream landing page.

3           And at this time, Chair, we do not have any  
4 callers in the queue, and we will let you guys know when  
5 instructions are complete.

6           CHAIR AKUTAGAWA: All right, thank you. And I  
7 also want to just check and see, we're supposed to go  
8 closed session next. Is Fred Woocher here yet?

9           MR. MANOFF: Chair, we invited Fred to the closed  
10 session as well.

11           CHAIR AKUTAGAWA: Okay, thank you.

12           PUBLIC COMMENT MODERATOR: The instructions are  
13 complete on the stream, Chair, and we do not have any  
14 callers at this time.

15           CHAIR AKUTAGAWA: Okay. All right. All right,  
16 then. I just want to thank everyone for keeping it  
17 succinct. We are -- oh, no, I see a caller just popped in.

18           PUBLIC COMMENT MODERATOR: For those who have  
19 just called in, please press star nine to raise your hand  
20 indicating you wish to give comment. And we do have that  
21 raised hand. If you would please follow the prompt to  
22 unmute yourself. And go ahead, the floor is yours.

23           MS. WESTA-LUSK: Yeah. This is Renee Westa-Lusk.  
24 I have questions regarding when and how will the hard copy  
25 letters, the emails and the COI tool data be posted on the

1 website, and how will members that have participated,  
2 people researching, be able to access this data on the  
3 website? Will they -- will it be organized by region if  
4 they want to look at COI tool information or emails sent  
5 from a certain region, or letters from a certain region.

6           And then my other question has to do with what is  
7 holding up the video restoration of the 2011 CRC Public  
8 Hearings? There were some public hearings I wanted to look  
9 at and I cannot get to them. And there's only like three  
10 or four that have been restored on that website, the 2010  
11 Commission website.

12           Those are my questions. Thank you.

13           CHAIR AKUTAGAWA: Thank you, Ms. Westa-Lusk. I  
14 do believe, and we share the same question that you have  
15 around the communities of interest inputs that we've  
16 received on the COI mapping tool, as well as other methods  
17 in which we've received input. My understanding is that  
18 once the Airtable, which is going to be the method in which  
19 all of the data can be easily organized, and I'll ask  
20 Director Hernandez to speak about the organization of it,  
21 but we're anticipating that that should be ready fairly  
22 soon. That's what we've been told, but as with anything  
23 technology related I think we are trying to err on the side  
24 of not making any promises about a specific date, but we've  
25 been told it is coming soon, very soon, we hope sooner

1 rather than later.

2 Director Hernandez, perhaps you could also speak  
3 about how it will be organized and addressing Ms. Westa-  
4 Lusk's other questions about organization.

5 EXECUTIVE DIRECTOR HERNANDEZ: Yes, thank you,  
6 Chair.

7 So, one of the things that we have done, Fredy,  
8 our Communications Director, has changed our website a  
9 little bit to really show the different input that we're  
10 receiving. Right now we have two tabs, a public input and  
11 a public comment tab. We've separated it out so it's a  
12 little bit easier to find the information. So the public  
13 input tab now contains the information of letters and  
14 emails that have been received by the Commission, and we'll  
15 continue to post those there. That information will  
16 ultimately be entered into the data base. We're still  
17 working out how we're going to do that, and we'll be  
18 working with our line drawers to come up with a plan to  
19 extrapolate the information that's included in these  
20 letters and make sure that we are creating -- drawing from  
21 those letters the information that's needed for the line  
22 drawers.

23 So, that is part one that we're working on.  
24 There's also going to be another part that we will work on,  
25 and we have yet to decide how that's going to be done, but

1 taking information from the Airtable that has been entered  
2 through the COI tool to display it on our website as well,  
3 whether it's on the public input page or elsewhere, we have  
4 not decided on how or where it will be displayed, but that  
5 is the plan as well that we'll be working with. The Data  
6 Management Team will be working on that part of it as well.

7           Hopefully that answers your questions for now.  
8 Obviously we don't have the data and we are working on  
9 that.

10           CHAIR AKUTAGAWA: Commissioner Kennedy.

11           COMMISSIONER KENNEDY: Commissioner Sinay was  
12 first.

13           CHAIR AKUTAGAWA: Oh, I'm sorry, Commissioner  
14 Sinay.

15           COMMISSIONER SINAY: I'm glad the question came  
16 up from the public because it was a question I wanted to  
17 follow up with.

18           When you're saying it will be on the website, is  
19 that the -- kind of the map that we've been looking for  
20 where it will so that people can easily find it versus  
21 having to scroll through a bunch of comments. You know,  
22 we've had a vision from the beginning of what that might  
23 look like.

24           EXECUTIVE DIRECTOR HERNANDEZ: If I may respond,  
25 Chair/

1 CHAIR AKUTAGAWA: Yes.

2 EXECUTIVE DIRECTOR HERNANDEZ: So, at this point  
3 I don't know. I can't give you a definitive answer on how  
4 that information will be displayed. I think we will take  
5 that information or that thought to have sorted with a map  
6 or somehow so that people can easily find that information,  
7 and I think there was also a comment earlier about making  
8 it regional, maybe by county. We don't know yet. Once we  
9 get the data we'll be able to work out those details on how  
10 to best display the information to share with not just you,  
11 the Commission, but also with the public.

12 CHAIR AKUTAGAWA: Thank you. Commissioner  
13 Kennedy.

14 COMMISSIONER KENNEDY: Thank you, Chair. I just  
15 wanted to get from this left to left the dates of the 2011  
16 hearings that she's trying to access and having  
17 difficulties with so that we can look into prioritizing  
18 those. Thank you.

19 CHAIR AKUTAGAWA: She's being --

20 PUBLIC COMMENT MODERATOR: Chair, would you like  
21 to unmute.

22 CHAIR AKUTAGAWA: Yes, let's go ahead and have  
23 her audio on.

24 PUBLIC COMMENT MODERATOR: There you go.

25 MS. WESTA-LUSK: Yeah. The dates I'm interested

1 in, there's actually three, but I don't know the third  
2 date, but I know it was later on. But the first day I'm  
3 interested in is April 14th, the other one is May 1st, and  
4 then there was a later date. And all I know is it was  
5 about Riverside County and Coachella Valley. But that was  
6 the third, and I don't know what date it is on the  
7 Riverside County and Coachella Valley.

8 COMMISSIONER KENNEDY: That was like May 11th. I  
9 was at that hearing in Palm Springs.

10 MS. WESTA-LUSK: Oh, okay.

11 COMMISSIONER KENNEDY: Thank you.

12 MS. WESTA-LUSK: April 14th, May 1st. Okay.

13 CHAIR AKUTAGAWA: All right. Thank you very  
14 much. Thank you, Commissioner Kennedy, for addressing that  
15 question, and I believe then you will be working with  
16 Director Ceja or staff to figure out what to -- where those  
17 are and how to get them up as quickly as possible.

18 All right. Commissioner Andersen.

19 COMMISSIONER ANDERSEN: According, you know, how  
20 things are going to be viewed it has always been the intent  
21 to have a sort of a map available for the public, before  
22 the Commission that has general where the COIs are, where  
23 they're coming from. That is still going on. It's just  
24 the methods of how that's being put forward are also being  
25 worked out through the Airtable. The whole bottleneck here

1 is that Airtable, but as soon as that comes on, there will,  
2 indeed be a map for you as well. So, I just wanted to  
3 bring that forward.

4 CHAIR AKUTAGAWA: Commissioner Andersen, is that  
5 similar to the heat map that you had mentioned previously?

6 COMMISSIONER ANDERSEN: Well, I'm trying to avoid  
7 the term "heat map." It's a pin map, because we're using  
8 heat map when we're talking about the Voting Rights Act and  
9 the Racially Polarized Voting.

10 CHAIR AKUTAGAWA: Okay, so that's --

11 COMMISSIONER ANDERSEN: The pin map is the COI's,  
12 our map, the COI information, the pin map.

13 CHAIR AKUTAGAWA: Okay. Thank you very much.  
14 That's helpful to know. I do see that we have another  
15 caller.

16 PUBLIC COMMENT MODERATOR: We do, Chair. Caller  
17 with the last four 5882, if you will follow the prompts to  
18 unmute at this time by pressing star six. The floor is  
19 yours.

20 UNIDENTIFIED: Hi, thank you, Commissioners, all  
21 of you. I've been following on and off through the last  
22 year plus with you, and I did see -- my question is about  
23 the Airtable and the COI tools. I did see the marvelous  
24 Airtable presentation now maybe, I don't know, eight weeks  
25 ago. And so I guess I would like more information on what

1 the holdup is. Is it cybersecurity? Is it what because I  
2 think from the presentation the public and I were led to  
3 believe that we would be able to download the data securely  
4 and look at it ourselves, not just in a necessarily sort of  
5 prepackaged heat map or pins? So, what is the way that the  
6 public will be able to gain access to this, not just in --  
7 and not to make it sound horrible, but sort of  
8 preformulated way so that they can look at their own views  
9 and make assessments and then give comment on that? I  
10 think that will be very important. And so I see that maybe  
11 staff, Marcy, has access to it from the COI tool updates.  
12 But some sort of sense of why can't -- what's the timeline  
13 for the COI tool. Someone has access to it. I hope you  
14 guys all have access to it. And I think the public should  
15 get that very, very quickly. Thank you so much.

16 CHAIR AKUTAGAWA: Thank you for your question,  
17 and I see that Commissioner Ahmad, who is on the Data  
18 Management Committee, has stepped in to help provide an  
19 answer. So, thank you Commissioner Ahmad.

20 COMMISSIONER AHMAD: Thank you, Chair Akutagawa.  
21 I just wanted to clarify. One, no commissioners have  
22 access to any of that raw data as of yet, so we are all  
23 anticipating that data as much as everyone else.

24 In terms of the holdup and Marcy's access to the  
25 numbers of the COI tool submissions, she only gets the

1 numbers. She doesn't get access to the actual comments.  
2 That is something that is being transmitted from the  
3 Statewide Database to the Commission. And as you heard in  
4 Alvaro's report out earlier, we have an agreement in place  
5 that's being reviewed by counsel between Statewide Data  
6 Base and the Commission so that Statewide Data Base can  
7 actually transmit that data over to us.

8           And then in terms of the way the data will be  
9 presented, it will be presented in its raw format. So, we  
10 won't be aggregating up in any way and presenting it that  
11 way, so each person would be able to go in and look at each  
12 individual input, whether that be just narrative comments  
13 or submitted with a map.

14           I totally understand the drawbacks of aggregating  
15 up data and presenting it that way, but in this particular  
16 situation with the Commission all of our data is public, so  
17 the submissions won't need to be aggregated up for any  
18 privacy reasons. So, I hope that helps provide some  
19 clarity.

20           I, too, am waiting to take a dive into Airtable  
21 and look at all of that data, but now that we have our Data  
22 Management Team on-boarded, they're working diligently to  
23 help streamline the process, so as that data continuously  
24 flows in, everyone, including the commissioners, have  
25 access to that information.

1 CHAIR AKUTAGAWA: Thank you very much,  
2 Commissioner Ahmad for that thorough answer, and I think  
3 that was very helpful for all of us, commissioners and the  
4 members of the public, and thank you to the caller who  
5 called in to ask that question.

6 All right. I am not seeing any other additional  
7 hands. Perfect timing. We're going to, then, go to closed  
8 session and the full Commission, and we expect that we  
9 should be able to return in about 30 minutes, Kristian, and  
10 so we will be back at 11:30, and at which time then we will  
11 restart up with the Agenda Item Number 5 which is Lessons  
12 Learned, and that will be a conversation led by  
13 Commissioners Ahmad and Kennedy.

14 Oh, okay. Look like the commissioners -- oh, we  
15 just go in another public comment. All right. Let's just  
16 go ahead. Let's just take it and then what we'll do is  
17 we'll take a brief break before the commissioners go into  
18 closed session. But let's go ahead and let's take that  
19 public comment real quick.

20 PUBLIC COMMENT MODERATOR: Caller 2829. Go  
21 ahead, the floor is yours.

22 MS. WESTA-LUSK: Yes. This is Renee Westa-Lusk  
23 again. I have a question for Commissioner Ahmad about she  
24 was talking about the COI tool information only because if  
25 everybody has to scroll through thousands of COI tool

1 things how will they find what was submitted from their  
2 area? Last time I remember the Commission divided it up  
3 according to the cities, that they put all the data, you  
4 could find it from wherever the hearings were, as I  
5 remember. I didn't have to scroll through hundreds or  
6 thousands of inputs from all over the state. You could  
7 just zone in on your own area to find what was said about  
8 the cities that were closest to you, what was given, and  
9 then the emails were also put in because there were a lot  
10 of people that sent in emails that didn't go to the  
11 hearings, and you could easily find it by a location where  
12 they were from. Thank you.

13 CHAIR AKUTAGAWA: Commissioner Turner.

14 COMMISSIONER TURNER: Yes. I'd like to thank you  
15 for the comment and just say that you'll be really pleased,  
16 I believe, with the tool. There is search functionality  
17 there so you won't have to scroll through all of the  
18 comments, and I think you'll be able to find what area  
19 you're looking for, and searching that particular way that  
20 will really narrow it down and allow you to see what you're  
21 looking for.

22 CHAIR AKUTAGAWA: Thank you, Commissioner Turner,  
23 for responding.

24 All right. Let's do this. We will go to closed  
25 session, and it will be a closed session under the Penn

1 Bean Litigation Exception. For the Commissioners, let's  
2 just take a -- can we just keep it quick and maybe like  
3 take it five minutes before we all log on. Is that okay?  
4 And we will see you in the closed session room at 11:10,  
5 let's make it 11:10. That will give you six minutes. All  
6 right.

7 And for the public, we'll be back 30 minutes from  
8 this time, 11:40.

9 (Off the record 11:04 a.m.)

10 CHAIR AKUTAGAWA: All right, thank you, and thank  
11 you for everyone, your patience, and welcome back to the  
12 members of the public. Thank you for sticking in there  
13 with us.

14 I just want to briefly just report out, we did  
15 have a closed session to discuss pending litigation issues,  
16 and we did receive a report out from our counsel from  
17 Strumwasser and Woocher, and specifically regarding the  
18 deadline of our maps. So, just want to share that brief  
19 piece, and we'll go ahead and we'll continue with our  
20 agenda.

21 We had planned for this next session we would  
22 move on to Agenda Item Number 5, which is the Lessons  
23 Learned Committee, Commissioners Ahmad and Kennedy. And I  
24 do want to point out that there is a handout that they have  
25 that was included on the website, and I am going to turn

1 this over to the two commissioners.

2 Commissioner Kennedy, are you going to start this  
3 off or Commissioner Ahmad?

4 COMMISSIONER KENNEDY: Commissioner Ahmad is  
5 going to start.

6 COMMISSIONER AHMAD: Yes, I am actually going to  
7 start the conversation off. So, as Chair Akutagawa  
8 mentioned, we do have a handout posted on the website under  
9 our Agenda Item Number 5. And we had discussed previously  
10 about an interim check in of Lessons Learned.

11 So, we just wanted to take this time to do a  
12 brief check in, and we have posted some guiding questions  
13 for our conversation. And the idea for today is not to,  
14 you know, come up with a comprehensive list of, you know,  
15 potential improvements and solutions, but rather to just  
16 reflect on the past year and really focus in on how we  
17 would like to see things in the future.

18 So, with that, I just wanted to highlight the  
19 seven questions that we have listed out. And Commissioner  
20 Kennedy and I will be jumping back and forth to go over all  
21 of those seven questions and taking diligent notes so that  
22 we have something to build off of during our final review.  
23 And so we're hoping to take some time today to do that.

24 Before I have Commissioner Kennedy start off with  
25 the first question, I just wanted to make sure that I

1 haven't missed anything in the introduction. Commissioner  
2 Kennedy.

3           COMMISSIONER KENNEDY: Thank you, Commissioner  
4 Ahmad. This is intended, as we said in our earlier  
5 submission, to be both practical but also an exercise to  
6 help people just have in mind kind of the sort of things  
7 that we're going to be discussing next year during what we  
8 anticipate will be a much more extensive, in-depth lessons  
9 learned exercise. We thought that if kicked off this  
10 process now, you know, a year after the Commission was  
11 formed that people would have a better idea in mind of what  
12 to be looking for as we go forward and the kinds of  
13 discussions that we hope to have next year.

14           So, thank you, Commissioner Ahmad, for the intro,  
15 and so in the interest of time I'll go ahead and put out  
16 the first question, which is what do you wish you had known  
17 about the redistricting process a year ago. Commissioner  
18 Sinay.

19           COMMISSIONER SINAY: As mentioned before, and  
20 I've mentioned it with the community groups as well as  
21 others, but it's really the time commitment. I don't think  
22 any of us really knew what the time commitment was, and  
23 everyone kind of said, well, it only is a lot during the  
24 drawing of the maps. And the response I usually get is,  
25 well, we don't want to put out there how much time you all

1 spend because then we won't recruit people like you all.

2 But I do think that there are ways that we can be  
3 more, you know, just share with people how -- what the time  
4 commitment is and not knowing that there's staff, so, you  
5 know, you serve a role as, you know, a lot of those pieces  
6 that just take up a lot of your time. I don't think I  
7 clearly understood.

8 COMMISSIONER KENNEDY: Great, thank you.  
9 Commissioner Turner.

10 COMMISSIONER TURNER: Thank you, and to stay  
11 right there with the time, adding into that specifically  
12 the amount of reading that is required outside of meetings,  
13 the pre- and post-reading. I think so when you say time,  
14 you're thinking about maybe on subcommittees or actually  
15 swing time for the Commission, but there is an inordinate  
16 amount of things to read which takes up an immense amount  
17 of time as well, so I wanted to add that in.

18 COMMISSIONER KENNEDY: Thank you. Commissioner  
19 Vasquez.

20 COMMISSIONER VASQUEZ: I think clearly  
21 communicating the stipend as well, that there may be,  
22 particularly younger professionals, who may be more  
23 interested or feel like they're more capable of being able  
24 to take on such a huge list if they felt like they could  
25 either reduce their hours or leave their full-time

1 professional gig to do this. So, being up front and clear  
2 about the stipend.

3 COMMISSIONER KENNEDY: Very good. Commissioner  
4 Sadhwani.

5 COMMISSIONER SADHWANI: One of the things -- this  
6 is building off Commissioner Sinay and other points that  
7 have been made about the time commitment. And I think one  
8 of the pieces of the time commitment, I also didn't realize  
9 the amount of time it would require. But I think built  
10 into that is as a Commission we have to develop an entire  
11 state agency, which is extraordinarily time intensive. And  
12 I don't think that we're necessarily -- I think we're all  
13 very competent people, but we don't know each other. You  
14 know, we're kind of thrown in to make all these hires,  
15 build up this entire -- entire, you know, bureaucratic  
16 agency, and it's kind of a catch 22, right, because we want  
17 to be independent of the Commission and, yet, the  
18 challenges and time commitment of building that bureaucracy  
19 are really difficult. And how we are guided from the  
20 beginning matters so much, right. Like the kind of  
21 guidance that we received and/or did not receive from the  
22 State Auditor's Office, perhaps some of the lack of  
23 guidance is really -- was really kind of shocking to me. I  
24 don't know what I expected necessarily, but I was ill  
25 prepared. I thought a lot about like, okay, let's draw

1 some maps. But the building out of the full infrastructure  
2 of our staff was something that I wasn't aware that we  
3 really needed to do, and I think that's a part of that time  
4 commitment as well.

5 COMMISSIONER KENNEDY: Right. Thank you.

6 Commissioner Fernandez and then Commissioner Vasquez.

7 COMMISSIONER FERNANDEZ: I agree with everything  
8 everyone said. I'm not going to repeat it, I'm just going  
9 to add. How's that?

10 I think one of my frustrations early on were the  
11 limitations of Bagley Keene and how limited we could  
12 actually get done outside of a meeting. That was very  
13 frustrating, almost like we're not being trusted to do  
14 anything. I get that to a certain extent.

15 And then the other limitation, it's interesting  
16 that the language says that we're exempt from hiring, all  
17 of the hiring restrictions and all of that, which is great,  
18 so we can move through that process quicker. But they  
19 don't give us the same ability when it comes to procurement  
20 in contracts, and especially because we are having to build  
21 a state agency from scratch and we have limited -- you  
22 know, we have a deadline. That was -- that's been  
23 frustrating as well in terms of removing that requirement  
24 of having to still go through the state process of  
25 procurement and contracting. That's been frustrating.

1           COMMISSIONER KENNEDY: Great. Commissioner  
2 Vasquez.

3           COMMISSIONER VASQUEZ: Yeah. In terms of  
4 staffing up, agree. It was a huge list. I think -- I  
5 personally think if we frame it for future commissions as a  
6 really essential commission-building exercise to develop  
7 those job descriptions, I know the community that was one  
8 of their first recommendations to us, that we did not take  
9 them up on, and so I think future -- however, I think if we  
10 in the future frame those -- that development of our  
11 staffing and what it looks like from the beginning like as  
12 an exercise in team building for the Commission, I learned  
13 a lot about what folks expected out of this process, where  
14 their priorities were for, you know, for our mission, I  
15 think we would leave the next iteration better served so  
16 that they see the staffing as an essential first step and  
17 invest that time into doing that from the start.

18           COMMISSIONER KENNEDY: Great, thank you.  
19 Commissioner Akutagawa.

20           CHAIR AKUTAGAWA: Yeah. I think I agree a lot  
21 with what Commissioner Vasquez said. I think -- and in  
22 some ways this is kind of a combination of all that's been  
23 said. I think it would be helpful I think in terms of  
24 guidance having a clear understanding that staffing up is  
25 probably one of the more important things to get done

1 versus some of the other kinds of things that we thought we  
2 needed to do at the beginning. I think having that help  
3 and having people to help move things along is helpful.

4 I also agree with what Commissioner Fernandez  
5 said. The bureaucracy, I don't think we fully understood  
6 how -- I mean we knew that there was a bureaucracy, but to  
7 be honest, I think until we really got into the weeds of it  
8 when it came to all the contracting, we didn't -- I feel  
9 like I didn't really understand it until, you know, we were  
10 really in the thick of it, and as quickly as we wanted to  
11 move, we're just left to say, okay, it's going to take this  
12 long. And, so, knowing -- and I think it's important that  
13 we help the next commissions understand that the  
14 bureaucracies do take a long time, and even if it seems a  
15 little early to start certain conversations, you almost  
16 have to because by the time they're ready, that's hopefully  
17 when they'll be able to do some of the things because it  
18 takes the contracting and the procurement that long, if, as  
19 Commissioner Fernandez has suggested, that we're not going  
20 to be exempted from the procurement rules or regulations.  
21 Look at the Airtable as an example.

22 COMMISSIONER KENNEDY: Right. Thanks.  
23 Commissioner Fornaciari and then Commissioner Fernandez.

24 VICE CHAIR FORNACIARI: Yeah. So, I agree with a  
25 lot of what's been said so far.

1           My frustration with Bagley Keene in the beginning  
2 was, and our direction was no talking basically. Do not  
3 talk to each other. I think they took the easy way out  
4 instead of really helping us understand the nuances of  
5 Bagley Keene and what we could do legally. And I think  
6 that would have been really helpful to have a better, clear  
7 understanding of how we can interact as commissioners  
8 without violating Bagley Keene.

9           And I think with regard to staffing, that's  
10 really tough because you don't know what you don't know  
11 until you're down the road a little ways when you really  
12 realize what kind of design of the staff that you really  
13 need is. And, so, I think that we need to really capture  
14 our learnings on that and provide that forward to the next  
15 Commission to help guide them in what the structure might  
16 look like.

17           COMMISSIONER KENNEDY: Great. Anyone else on  
18 this question? Commissioner Fernandez. Sorry, yes, I had  
19 you down.

20           COMMISSIONER FERNANDEZ: That's okay.

21           COMMISSIONER KENNEDY: I didn't look at my list.

22           COMMISSIONER LE MONS: And Le Mons.

23           COMMISSIONER FERNANDEZ: I think that something  
24 that a huge lessons learned was the whole outreach piece  
25 that we had to do versus the 2010 Commission. That adds to

1 the time commitment. And I enjoyed doing the  
2 presentations, but it does add -- if we're responsible for  
3 doing all of the outreach for the entire state, it just --  
4 it's just a lot for either people that are not used to  
5 doing it, or even if you're used to doing it, it's still  
6 quite a bit to put on 14 strangers who get together and now  
7 we're trying to figure it out. So, that was a little bit  
8 frustrating, and, of course, that goes along with the  
9 grants and the inability for us to issue grants to have --  
10 to obtain help, which led to down the line we realized we  
11 needed more outreach staff because we just couldn't issue  
12 out the grant funding, so it was just kind of like the  
13 domino effect of it somebody else could do that piece of  
14 it, and, you know, I've talked to a few people. I wish  
15 that, you know, whoever did it for census would just stay  
16 on with us to do that outreach portion because why recreate  
17 the wheel, right. They've already done it. And then we  
18 can be the face that goes out there and does the  
19 presentation. So, that was kind of a -- I didn't realize  
20 we had to do that piece.

21 COMMISSIONER KENNEDY: Great. Commissioner Le  
22 Mons and then Commissioner Sadhwani.

23 COMMISSIONER LE MONS: Yes. I wanted to echo  
24 much of what's already been said, but I don't know if it's  
25 possible. It seems like there should have been a

1 distinction between the implementation of Bagley Keene. It  
2 makes sense to me as it relates to the public testimony,  
3 and the maps, and all of that.

4           But I wonder if it's really necessary for the  
5 infrastructure portion where you're building teams, and  
6 hiring, and all of that. You know, when I think about the  
7 amount of input that really was received from the public on  
8 that particular portion, it didn't seem particularly  
9 significant, nor was there really a real mechanism for them  
10 to be involved in that process. A lot of that was done  
11 even in closed session with key hires, so I don't know if  
12 that would have helped to be able to have a little bit more  
13 -- what I mean by Bagley Keene is I think that our building  
14 the schedule, what we could say to each other, like all of  
15 that was really, really cumbersome in trying to even put a  
16 staff together in the first place. So, that's just a  
17 thought. I don't know. There may be no way around that.

18           The other thing, I think the outreach piece  
19 hopefully we can leave 2030 in a better position. I don't  
20 know that we really solved the outreach hurdle, if you  
21 will, but clearly it was something that we inherited as a  
22 new piece based upon the resources made available, et  
23 cetera. But basically resources were made available, but  
24 no guidance, no real thoughts about why that was so  
25 important, how it might look that we could have maybe had a

1 different kind of a blueprint to start. I think we were  
2 very creative and innovative in our thought around how to  
3 get there, and as you all know, we, you know, stumbled  
4 around navigating the bureaucracy and everything else to --  
5 and I don't know that we came up with something that we  
6 could just plug and play and pass a law. So, I think  
7 really understanding how important that piece is and coming  
8 up with a mechanism that's really going to have it be  
9 impactful. I think Commissioner Vasquez's recommendation  
10 about maybe extending census. You know, when we started  
11 early on we were talking about the comparison in resources  
12 and the millions and millions of dollars that was made  
13 available through the census process with regard to  
14 outreach. And we had pennies in comparison. And, so, what  
15 was really the vision? And is it our responsibility to set  
16 the vision for 2030? Like how does that vision for  
17 outreach really get set? So, those are some of the things  
18 that are just coming to mind as we're having this  
19 discussion, and I'll stop there. Thank you.

20 COMMISSIONER KENNEDY: Fantastic. Thanks.  
21 Commissioner Sadhwani.

22 COMMISSIONER SADHWANI: Yeah. I completely agree  
23 with everything Commissioner Le Mons just said.

24 And also thinking about Commissioner Fornaciari's  
25 comment around Bagley Keene. I agree. There were just so

1 many pieces that we didn't know that were legal in nature.  
2 And I think Marian did a great job assisting us early on,  
3 but she's one person, and I think what I've come to learn  
4 throughout this last year is like everything we do is, you  
5 know, how we speak to one another, all of this, right.  
6 We're bound by two very important laws, right, and I think  
7 having additional support to better understand that early  
8 on would be really helpful. And I do also wonder, just as  
9 a suggestion, and again, it kind of goes back to this piece  
10 of like we need to be independent, so probably want to be  
11 independent from the Census Bureau, or the Census outreach.  
12 Probably we want to be independent from the State Auditor's  
13 office. We would certainly want to be independent from the  
14 Attorney General's office, and, yet, at the same time, the  
15 Attorney General's office is a place that can potentially  
16 provide us a whole lot of legal resources for navigating  
17 contracting, hiring, understanding Bagley Keene, right, and  
18 so to what extent might it have been helpful for the  
19 Commission to have received at least a contact person  
20 within the Attorney General's office that can provide  
21 additional legal support for us as we need it on any range  
22 of potential issues. I don't know the answer to that, if  
23 they're the right entity or not, but it seems like you need  
24 like an access to greater amounts of guidance, at least  
25 when you get started.

1 COMMISSIONER KENNEDY: Great. Marcy.

2 OUTREACH DIRECTOR KAPLAN: The State Census  
3 Office did have a procurement exemption, and I can send  
4 that language to Commissioner Kennedy if that's helpful for  
5 recommendations for 2030.

6 COMMISSIONER KENNEDY: Yeah, that would be great.  
7 Thank you.

8 Okay. Let's move on to number two. What  
9 additional training, and we've touched on this to some  
10 extent, but what additional training, if any, do you wish  
11 you had had before the mapping phase begins? Commissioner  
12 Andersen.

13 COMMISSIONER ANDERSEN: Everything that we just  
14 talked about, you needed a training session on. We had a  
15 training session on how to line draw. We had a training  
16 session on the VRA. We had a training session on Bagley  
17 Keene. We had a couple of different Bagley Keene ones. We  
18 need one on management, and specifically what are the State  
19 procedures. Many of us are not state employed. Actually,  
20 thank God for Commissioner Fernandez who understood a lot  
21 of the different, even just what the positions were. We  
22 didn't get that. A lot of things we have assumptions, but  
23 we don't realize that the same words have different  
24 meanings in the State bureaucracy. So, in that -- under  
25 the management I would say on the business side,

1 contracting, staffing, state procedures, and including are  
2 we going to have the connection to the Census Bureau in  
3 that. But from our perspective, giving to the next  
4 commission, I would say like maybe a tree of how we decided  
5 to staff things would be a very good idea, and, you know,  
6 how are we actually -- essentially, what was our hierarchy.  
7 And in this training session, though, on the management, a  
8 timeframe of this all would really, really be helpful, a  
9 view of the timeframe.

10 Now, I understand even if we got this training  
11 early, (indiscernible) would blow that right out of the  
12 water, so that was a very hard thing, and there will be  
13 things that come up, but management business training  
14 should be a big one. Thank you.

15 COMMISSIONER KENNEDY: Great. Thank you. Anyone  
16 else on question two? Commissioner Turner.

17 COMMISSIONER TURNER: Thank you, Commissioner  
18 Kennedy.

19 I'm in total agreement with what Commissioner  
20 Andersen just shared, so I'll try not to repeat a lot of  
21 it. But in addition to the training, and yes, most  
22 grateful to Commissioner Fernandez, but we are encouraging  
23 all Californians to participate in this process, and so,  
24 therefore, it is not expected that we will have someone  
25 that has the background in information that she does. So,

1 I think the training -- not only the training needs to take  
2 place in all of those, the procurement, again, at each  
3 piece that she named, I think it's important that when we  
4 receive training, we receive training with an expected --  
5 to an expected audience that does not have that background.  
6 And I think that's the truth not just of the state offices  
7 of every training that we've received of the line drawing,  
8 of the VRA, of everything else. I think there is a mistake  
9 that could be considered, or at least a learning that when  
10 we have those that are expert in the part that they're  
11 asking for training in, they have the preliminary  
12 discussions about what's needed, and they already have a  
13 sense of expertise. So, by the time the training comes on,  
14 they're training from the level of the individual they  
15 spoke with, which leaves a lot of us out of the loop and  
16 trying to catch up to what's going on.

17           And the other part, since there's not another  
18 space for training, I think our trainings have not truly  
19 been trained. They been reading of material.

20           I'm looking also in the Lessons Learned for our  
21 training to include more of practice, role play situational  
22 learning for varied learning styles as opposed to assuming  
23 if you read what's already on the paper that there will be  
24 an understanding of what's being taught, so I'd like for  
25 there to be varied types of training on the subject that

1 would appeal to different learning styles. And I want to  
2 make sure that the training that we're getting is trained  
3 at a level of expectation that the audience perhaps don't  
4 have the same background.

5 COMMISSIONER KENNEDY: Great, thank you.  
6 Commissioner Akutagawa, then Commissioner Fernandez, then  
7 Commissioner Yee.

8 CHAIR AKUTAGAWA: Yeah. I appreciate what  
9 Commissioner Turner just said. I was just thinking about  
10 this question. I felt like, you know, when we -- at least  
11 when I first came on I mean we were basically just  
12 bombarded with all this information, and to her point it  
13 was a presentation of information read off of PowerPoint  
14 charts. And not that the information wasn't important, but  
15 it was a lot in a very, very short period of time.

16 And I think what would be helpful would be one of  
17 two things. One is you do it, but I do believe that it  
18 would serve us all well to have, and actually serve any  
19 commissioner for the future, it would serve anyone well to  
20 perhaps do a refresh of some of those trainings because  
21 after a period of time after we've had several meetings and  
22 we've had more of an immersion in the work, some of it made  
23 sense, but it would have been helpful to have a refresher  
24 just to make sure that we're all, you know, continuing to  
25 be on the same page.

1           And I would echo actually what Commissioner  
2 Turner said about, you know, keeping in mind that people  
3 learn and take in information in different ways and being  
4 mindful of those different ways in which information gets  
5 processed and the ways in which people learn so that we  
6 can, you know, ensure that everybody is always working from  
7 at least as close to the same place as possible.

8           COMMISSIONER KENNEDY: Great. Thank you.  
9 Commissioner Fernandez.

10           COMMISSIONER FERNANDEZ: Yes. I just wanted to  
11 piggyback on what Commissioner Akutagawa just said. For  
12 me, well, first of all I didn't realize we had a meeting  
13 you all remember because all of my mail kept going to the  
14 junk. So, it was seven days of just too much. And, so,  
15 the training would have been fine, but it was just too much  
16 training, and again, if they prioritized the training on  
17 staffing and what that looked like.

18           Instead of trying to frontload everything and  
19 then hopefully you remember what we talked about VRA, you  
20 know, eight months later, but fortunately Commissioner  
21 Sadhwani did bring that training back, so I appreciate  
22 that. But it was just -- it was just too much and again,  
23 and I completely understand how frustrating and  
24 overwhelming it can be if you're not familiar with the  
25 State bureaucracy. I mean, I've lived it for 30 years and

1 it's still frustrating to me, so I can only imagine that  
2 you've all done wonderfully, so, thank you so much. But  
3 again, we need to -- there are simpler ways to provide that  
4 training so that everyone understands instead of just  
5 copying from what the language says. It's more of a  
6 practical-type approach.

7           COMMISSIONER KENNEDY: Great, thank you.  
8 Commissioner Yee, and then I have Commissioner Taylor, and  
9 I'm also seeing Commissioner Le Mons's hand and  
10 Commissioner Sinay.

11           COMMISSIONER YEE: Thanks to everyone for all  
12 these good comments. I'm just going to agree with  
13 everything.

14           One thing I think I could have used a little bit  
15 more, is just team building experiences or exercises,  
16 especially since we had enough on Zoom, a hundred percent  
17 at the beginning.

18           And maybe in earlier discussion, and this was on  
19 us, we could have, of course, brought -- chosen to do such  
20 things, really. Something specifically on landing on a  
21 decision-making process. You know, we got sent the Roberts  
22 Rules, handy guides, and I think we adopted them at some  
23 point. Even just group process, you know, I know there's  
24 like colored flash card approaches and different thing that  
25 we might have considered and could have expedited our

1 decision making in discussions at quite a few points.

2 But it's

3 22:47:14) attention because on one hand the auditor's  
4 office is, you know, required to help us get started, and,  
5 you know, we're doing something that's been done before,  
6 and it's got a clear statutory structure deadlines and  
7 steps, and, yet, we are, you know, inventing everything  
8 from scratch, and it's really on it.

9 You know, it was clear from the 2010 reports and  
10 stuff what it all took, but I think I could have pushed  
11 myself or been pushed to really embrace more early on just  
12 how initiative we had to take, you know, and not just wait  
13 for State Auditor's Staff to put the next thing in front of  
14 us, you know. And, thankfully, you know, they were there  
15 to at least help us in the way that they did, but in the  
16 end it was on us to initiate and to decide what we really  
17 needed.

18 COMMISSIONER KENNEDY: Great. Commissioner  
19 Taylor.

20 COMMISSIONER TAYLOR: Thank you, Commissioner  
21 Kennedy. As it relates to training specifically, and maybe  
22 a few other topics in general, I think Commissioner Ahmad  
23 might have touched on it a little bit, all of this is done  
24 in the public eye, and it relates to Bagley Keene we have  
25 to be mindful of these conversations amongst us, that they

1 don't violate that issue.

2           However, some of these trainings that can  
3 increase team building that perhaps can change some of  
4 biases, it's tough to do in the public. So, I think we  
5 have to see if we can explore avenues to where some of this  
6 training can be done outside of the public purview in that  
7 -- so we can be afforded some sense of security to fail and  
8 learn and then grow from those, from those issues. I mean  
9 I wouldn't want to take a geometry class today in front of  
10 40,000,000 Californians, so I think it's tough to ask for  
11 us to be vulnerable and then grow to be effective if every,  
12 single one of our flaws is exposed. So, I think in light  
13 of Bagley Keene is there an avenue to have some training  
14 done outside of the public purview? I think that's an  
15 issue to explore.

16           COMMISSIONER KENNEDY: Great. Thank you.  
17 Commissioner Le Mons.

18           COMMISSIONER LE MONS: I would agree with  
19 Commissioner Taylor's points definitely. It kind of, I  
20 think, bolsters my earlier point about the infrastructure  
21 bill being the Commission development versus the work.  
22 Those are different things, and I certainly understand the  
23 need for the work to be done in public as it relates to  
24 transparency, et cetera.

25           But my point was as it relates to the training.

1 For me, I felt like what would be helpful if the training  
2 is contextualized. It was a lot of information to some of  
3 the previous commissioners. I think Commissioner Turner  
4 said that it was a series of presentations, so a lot of  
5 information sharing.

6 But I don't feel like the dots were connected  
7 often, and how this affects the work we're going to do  
8 specifically, like how we should take it in and how we  
9 should use it as commissioners, not just in the map  
10 drawing, but through the whole process. So, I think we  
11 were left to kind of figure that part out, like okay,  
12 here's the content, and as you go through your process, it  
13 will make more sense when you get there, like whatever the  
14 there is, right. And some of those places we haven't even  
15 gotten there yet, and we've been together for what, 13  
16 months, some of us the whole year if you follow us.

17 So, I think that that part of it was just a more  
18 I guess contextualization is the best word I can come up  
19 with in terms of how the training or information can be  
20 more meaningful, and I think usually some of the processes  
21 that previous commissioners have already suggested other  
22 than just the PowerPoint presentation model.

23 And then finally, I'll just say, you know, we did  
24 this in an unprecedented (indiscernible), and we did do it  
25 in the middle of a pandemic since day one. So, that has

1 had a profound impact on everything, training, being  
2 vulnerable, like getting together, like all of that, right.  
3 So, it will be interesting for the Lessons Learned  
4 Committee to figure out how to frame this pandemic that was  
5 the backdrop for this process and not have it tainted, like  
6 be able to pull out the feedback that there may be no  
7 intent to make it 2030, so that the feedback is there both  
8 within the limits of the pandemic and out, if that makes  
9 sense. So, yeah.

10 COMMISSIONER KENNEDY: Yeah, thank you. It does  
11 make sense, and that's part of the purpose of question  
12 number four which we'll get to shortly.

13 Commissioner Sinay and then Commissioner  
14 Andersen.

15 COMMISSIONER SINAY: Actually, Commissioner Yee  
16 and Commissioner Taylor both brought up the two points. We  
17 had talked about doing team building and discussing how we  
18 wanted to work together and stuff, and some commissioners  
19 were on board and others said we don't need to do that.  
20 But I would really strongly encourage that that is part of  
21 that first meeting is spend more time getting to know each  
22 other before throwing information at us. Just that piece  
23 was really critical, and what Commissioner Taylor said, you  
24 know, we did look into bringing bias training to all of us,  
25 but it has to be done in open session, and so we couldn't

1 bring it forward.

2           So, we do need to figure out how do we make  
3 ourselves the best commissioners, you know, how do we build  
4 not just our knowledge base but our expertise and our  
5 skills to be the best commissioners for all 40,000,000  
6 Californians.

7           COMMISSIONER KENNEDY: Very good. Commissioner  
8 Andersen, and the Commissioner Le Mons, I don't know  
9 whether your hand is still up, or if it's up again, so I  
10 have you on the list after Commissioner Andersen.

11           COMMISSIONER ANDERSEN: I completely agree with  
12 the team building would have been nice, particularly for  
13 the first eight. We were just thrown in, okay, you're the  
14 next six now, go. And, you know, we were all behind masks,  
15 couldn't meet anybody. You talk about hard. That was  
16 really hard, and that was pandemic driven. That was very  
17 unusual.

18           But the one point I wanted to add in here is in  
19 the training, the 2010 reports. We didn't actually get or  
20 know about except for those who had the look. The 2010  
21 reports were never presented to the whole Commission until  
22 we were like four months in or something. It was like, oh,  
23 by the way, there's this report. That would have been nice  
24 to know. So, like the 2020 reports, and actually even the  
25 2010 should be available as far as training materials.

1           Now, whether it could be a quick overview of them  
2 and then you can read it later. Sorry, it's more  
3 information because a lot of it you don't necessarily need  
4 to know, but to have it available and be able to refer to,  
5 is a good idea.

6           Also, in all of the training Commissioner  
7 Fernandez said a reference for that, so you could kind of  
8 go, oh, this is coming up next, and an easy way to  
9 reference like where was that PowerPoint, you know, where  
10 -- we did get good training on what day was that, so it  
11 would be easily accessible for any commissioners coming on  
12 board.

13           COMMISSIONER KENNEDY: Great, thank you.  
14 Commissioner Le Mons, did you have your hand up again?  
15 Commissioner Le Mons. Maybe not. Commissioner Vasquez.

16           COMMISSIONER VASQUEZ: Before I forget it, I know  
17 we had looked into it but continued to think that something  
18 to help us organize our materials would be relevant to  
19 training and other things, so looking into an online board  
20 doc. management system at the front end so that we can  
21 continue to have archives of our materials and be able --  
22 we can access them and the public can access them readily.

23           And then -- I had another point and I should have  
24 written it down. Maybe I'll come back to it.

25           COMMISSIONER KENNEDY: Okay. Scanning, no hands.

1 Okay. Commissioner Ahmad, over to you for questions three  
2 and four.

3 COMMISSIONER AHMAD: Thank you, Commissioner  
4 Kennedy and thank you everyone for your participation so  
5 far.

6 So, the next two questions will be focusing on  
7 looking forward, and these are very aspirational questions  
8 and really trying to dig deeper into visioning for the  
9 future.

10 I am on my phone so I'm going to swipe through  
11 and make sure I catch everyone whose hand is up, but please  
12 do interrupt if I miss your hand.

13 So, question number three is what would you want  
14 to say to anyone interested in being on the 2030 Commission  
15 or serving on the 2030 Commission?

16 COMMISSIONER KENNEDY: Commissioner Andersen, and  
17 then Commissioner Yee and Commissioner Vasquez.

18 COMMISSIONER AHMAD: Thank you.

19 COMMISSIONER ANDERSEN: Give people more time to  
20 talk. I'll say go for it. That's what I would tell anyone  
21 who is considering it, go for it. It's a great thing to  
22 do. We need more people to apply, more people to get  
23 involved. No matter what your walk of life, you have  
24 something to contribute.

25 COMMISSIONER AHMAD: Great, thank you.

1 Commissioner Yee.

2           COMMISSIONER YEE: I was going to say the same  
3 thing, go for it and encourage people to apply.

4           Also, as was mentioned before, make sure you have  
5 the time, lots of time available.

6           Also, just to know that per diems don't  
7 necessarily start coming in the first week, first month,  
8 first several months, so make sure you're financially able  
9 to tide that over.

10           COMMISSIONER AHMAD: Commissioner Vasquez.

11           COMMISSIONER VASQUEZ: Yeah. I would say  
12 consider it your full-time job if you can. And I think  
13 again there's some stuff there around financial privilege  
14 and career privilege that folks need to consider and that  
15 may be also for visioning. We can think through how we  
16 might mitigate some of that.

17           COMMISSIONER AHMAD: Great. Thank you. Any  
18 other thoughts that we would like to share with the 2030?

19           COMMISSIONER KENNEDY: Commissioner Fernandez.

20           COMMISSIONER FERNANDEZ: Yes. I mean definitely  
21 go for it but I would also like to just encourage them to  
22 be open because, you know, oftentimes we're stuck in our  
23 own little world, our own vision, our own focus, and we  
24 think we know it, but there are 13 other wonderful  
25 commissioners that have 13 other opinions, and just go in

1 open, open-minded to receive new information and give  
2 input. So, if you're going to do it, go in full, right.  
3 Go in full and then realize that you're going to get so  
4 much back.

5 COMMISSIONER AHMAD: Great. Thank you. Flipping  
6 through.

7 COMMISSIONER KENNEDY: Commissioner Sinay.

8 COMMISSIONER SINAY: I think this builds on some  
9 of the stuff before, but I don't think that the report -- I  
10 mean I do believe that we all should have had access to the  
11 reports on the 2010 Commission. I did Google searches and  
12 I had it during my whole application process. And so that  
13 -- there should be a library of all of that so that when  
14 people are going through the process they can look up  
15 things and have a good feel.

16 And I think what's important is that one person  
17 doesn't have to have all the skill sets. So, when you're  
18 answering the five questions and you're sitting there  
19 going, wow, analytics really isn't my thing, that's okay,  
20 because something else may be your thing. And, so, not to  
21 be intimidated about applying if you don't have everything  
22 that's there at that one -- you know, if you don't feel  
23 like you're a hundred percent on all five categories.

24 And I also feel that the -- I know that the 20 --  
25 what was helpful for me I did get the presentations where

1 the 2010 Commissioners spoke and shared their experience,  
2 and I would hope that there would be more opportunity to  
3 really speak with the public, for us to speak to potential  
4 commissioners in 2030, and use I would think the 2020  
5 commissioners throughout the process. To me I feel not  
6 having commissioners on the selection process was a missed  
7 opportunity, and so just how can we support the process and  
8 help people understand that -- I love it when people say,  
9 oh wow, you guys are really just regular people, and I  
10 think that would be great.

11 COMMISSIONER AHMAD: Yes, Commissioner Yee.

12 COMMISSIONER YEE: Another thought. I think it  
13 would be important to let the 2030 folks, to really impress  
14 on them just how unusual this cycle was, I mean really  
15 unusual, you know, with the timeline stretched out to  
16 double or more, the pandemic, the Zooming. And, so, to  
17 look at our experience, of course, and try to learn from  
18 our experience, but really take it with a grain of salt  
19 because who knows what the world is going to look like  
20 then, and hopefully they will not encounter some of the  
21 obstacles we did. They'll have their own obstacles for  
22 sure. Just really not take us as a pattern in some of the  
23 ways that will not apply to them.

24 COMMISSIONER AHMAD: Great. Thank you. Any  
25 other hands on this question? We do have several more

1 questions to get through and we also have an open-ended  
2 question. So, if there's thoughts you all have that don't  
3 fit nicely into any of these questions, there is an  
4 opportunity to make sure that you have a chance to share  
5 those thoughts.

6 All right. And just a heads up. I did hear from  
7 Chair Akutagawa that we would like to take a lunch break at  
8 some point, so let's see how many more questions we can get  
9 through before the estimated 1:00 to 1:15-ish time frame  
10 that I have to get us to lunch, that myself and  
11 Commissioner Kennedy have.

12 So moving right along, question number four is  
13 how is the 2030 redistricting process likely to differ from  
14 the 2020 process? And this question really is very  
15 aspirational, and it is asking us to kind of predict the  
16 future, but it really does highlight to Commissioner Yee's  
17 last point. Some of the things that we want to make sure  
18 that were very specific to our experience that may or may  
19 not be relevant to the 2030 experience.

20 So, if folks have thoughts on that, now is your  
21 chance to start sharing.

22 COMMISSIONER KENNEDY: Commissioner Andersen.

23 COMMISSIONER ANDERSEN: Feels like I'm jumping in  
24 right away.

25 Clearly, I believe they will be back on the

1 regular timeframe, so the extensions, the time we've had to  
2 negotiate around and working with other red star voters,  
3 these issues of how can we extend, hopefully, those items  
4 they don't have to deal with at all. So, that's a huge  
5 difference.

6 But then technology-wise I don't think we can  
7 imagine what will happen in 10 years. I hope that there's  
8 still -- it isn't all Zoom because I think in person as  
9 well as Zoom as a hybrid model would be really good. And  
10 that's something I believe we should definitely say this  
11 was a huge advantage. Don't give it up. Just because we  
12 were all basically Zoom, don't give up the idea of also  
13 doing some in-person. The hybrid thing I think would be  
14 the most effective.

15 COMMISSIONER AHMAD: Great. Thank you.  
16 Commissioner Fernandez.

17 COMMISSIONER FERNANDEZ: I was actually going to  
18 say that it will be hybrid and it might be all Zoom because  
19 in 10 years, I mean, there's so many people who are now  
20 used to Zoom and working from home that that may be the  
21 future. We will have to be creative on how to get out  
22 there and get your public input.

23 COMMISSIONER KENNEDY: Commissioner Fornaciari.

24 VICE CHAIR FORNACIARI: Well, let's see. If we  
25 were not in the middle of a pandemic our maps would be due

1 in five days, and so, and we're just part way through  
2 finishing up getting input. So, that commission would have  
3 had to have done all the public outreach and all the input,  
4 preCensus input, and then hit the ground drawing maps. And  
5 I mean, you know, it's something for us all to think about  
6 is how would we have been able to do that and how  
7 successful would we have been, you know, as we come back to  
8 this Lessons Learned and, you know, ideas for the 2030  
9 commission moving forward.

10 COMMISSIONER AHMAD: Great. Thank you. Any  
11 other thoughts?

12 CHAIR AKUTAGAWA: Alvaro, Director Hernandez.

13 COMMISSIONER AHMAD: Yes, Alvaro.

14 EXECUTIVE DIRECTOR HERNANDEZ: Yes, thank you. I  
15 try not to blend into my background here, so I raise my  
16 hand.

17 The two things that I wanted to uplift that will  
18 be different in the next commission, and it's a resource  
19 that they may or may not have. How many of the folks that  
20 are currently on the commission will return for the 2030  
21 commission? This particular commission had the advantage  
22 of having both Marian and Raul, who had participated in the  
23 previous commission, available to help with, you know, a  
24 lot of the setup and, you know, guidance to a certain  
25 extent in preparing for moving forward and doing hiring and

1 so forth and so forth, getting the infrastructure together.  
2 You know, I think that is going to be something that the  
3 next commission may or may not have. I mean things can  
4 change obviously, but those type of resources I think are  
5 invaluable -- have been invaluable to this Commission, and  
6 also having that frame of reference to what happened at the  
7 last commission.

8 COMMISSIONER AHMAD: Great point. Any other  
9 thoughts for this question before we jump into the next  
10 section.

11 All right. Commissioner Kennedy, back to you.

12 COMMISSIONER KENNEDY: Okay. Question five. Do  
13 you have any recommendations for increasing our efficiency?  
14 As we said, we are about to move into a period of very  
15 intense activity, and I think it's going to be easiest on  
16 us if we are as efficient as possible in this next phase.  
17 So, looking for your recommendations on increasing our  
18 efficiency. Commissioner Sinay.

19 COMMISSIONER SINAY: I hear what you're saying  
20 going into the next phase, but I always fear when people  
21 talk about efficiency that that ends up shutting down  
22 process and conversations that may need to take place.  
23 And, so, I would always look to balance the two because,  
24 especially with Zoom and everything else, that piece is  
25 really critical that people feel that they do have an

1 opportunity to be heard and take the time that's needed for  
2 them to get their thoughts out.

3 COMMISSIONER KENNEDY: Great. Thank you.  
4 Commissioner Fornaciari.

5 VICE CHAIR FORNACIARI: So, this might be a crazy  
6 thought, but, you know, I'm wondering if there might be and  
7 opportunity for us to set the next commission up in a  
8 better place. You know, and it goes back to Director  
9 Hernandez's comment, you know, likely we're not going to  
10 have Marian and Raul. But can we, you know, put some  
11 staffing in place, you know, at the end of term, you know,  
12 some basic infrastructure staffing in place for the future  
13 commission when they come in that they'll have like  
14 somebody to do their timecards and pay them, and somebody  
15 to keep, you know, at least initially have the commission  
16 running in a way that it's affected instead of it  
17 essentially taking, you know, two or three months, you  
18 know, to get the commission up and running. You know, I  
19 don't know if we can do that or not, but I think we ought  
20 to at least think about, you know, what we can leave behind  
21 for them to at least get some of the infrastructure in  
22 place.

23 COMMISSIONER KENNEDY: Very good. Marian.

24 MS. JOHNSTON: That would take some coordination  
25 with the Auditor's Office, because I was working for the

1 2010 Commission, I was not even allowed to address you all  
2 until there was the full commission, all 14 of you were in  
3 place. I was kept on the outside. Because Raul had not  
4 continued working for the 2010 Commission, he was able to  
5 participate in the formation of your Commission. So, that  
6 would be the changing attitude from the State Auditor about  
7 what would be permitted.

8           And just an added thought about that, I have no  
9 idea if anyone would be interested in serving again, but  
10 the auditor took the position that the 2010 commissioners  
11 weren't eligible to serve on the 2020 Commission. We  
12 polled the 2010 commissioners to see if anyone was  
13 interested. They said no, so we didn't pursue that  
14 interpretation by the State Auditor. But at the moment the  
15 State Auditor's position is that they are totally in  
16 control of getting you all set up with no input from the  
17 2010 Commission. There was no input from your Commission  
18 to the 2030 Commission.

19           COMMISSIONER KENNEDY: Thank you, Marian.  
20 Commissioner Taylor.

21           COMMISSIONER TAYLOR: I couldn't agree with Neal  
22 and those that are thinking in that (indiscernible) more.  
23 I almost believe it's our duty to set up the 2030  
24 Commission in a better position. And, again, we think  
25 about some of the interpretations of the directives.

1 Having someone, as a payroll clerk for lack of a better  
2 term, has nothing to do with line drawing and can set the  
3 next commission up in a much better position. It alleviates  
4 some of the apprehensions and anxieties that is created  
5 just in that moment. I mean God knows how much time is  
6 spent on that topic alone from staff and commissioners.  
7 So, again, I think that's something that needs to be  
8 explored to leave them with a better framework  
9 infrastructure from commission to commission. We all want  
10 to fight the whole thought that this is not a bureaucracy,  
11 but it is a small bureaucracy from period to period. And  
12 so dealing with that doesn't affect the independence of a  
13 decision making of the body. So, let's leave them in a  
14 better position than we were. Thank you.

15 COMMISSIONER KENNEDY: Great. Thank you.  
16 Commissioner Andersen and then Commissioner Sadhwani.

17 COMMISSIONER ANDERSEN: Yeah. I totally agree.  
18 Thank you, Marian, for speaking up about that. The  
19 auditors did try to, you know, for contracting purposes it  
20 did try to put out, you know, line drawing and also legal,  
21 and it was basically to get us going. Hey, we put this  
22 out, you people might apply, then you can look at them when  
23 you get your -- at your leisure. And that was just  
24 completely shot down by the public. So, it is a very dicey  
25 thing in terms of what we can do or can't do, but if

1 clearly the state auditor basically has said, okay, here  
2 you go, and they can't -- they need to staff until we have  
3 replaced the staff is how I was going to put it. And in  
4 terms of getting some of the 2020 expertise on board would  
5 really be valuable because Marian and Raul brought so much  
6 knowledge with them. But we were sort of told like, well,  
7 you really can't talk to the 2010, which I feel is a  
8 mistake, huge mistake. Now, yes, we can't have private  
9 conversations, but we certainly could have had big public  
10 conversations which really would have helped.

11 I would say we have to press -- even if we need  
12 to do, you know, some legislation or something like that,  
13 but work with the State Auditors. Their role needs to be  
14 not completely cut and dry at a certain point. It needs to  
15 extend over or we would have some of their, as Commissioner  
16 Taylor said, basic staffing in place.

17 COMMISSIONER KENNEDY: Very good. Commissioner  
18 Sadhwani and then Commissioner Vasquez.

19 COMMISSIONER SADHWANI: I was just going to add  
20 on to this piece, just kind of asterisk that's temporary  
21 staffing, right ultimately the 2030 Commission would need  
22 to hire their own folks and have a decision-making process  
23 over who they want. But I certainly agree, leaving them  
24 temporary staffing or even, for example, one of the things  
25 we had talked about was, well, it would have been nice if

1 there had just been a communications firm contracted to  
2 help promote the Commission from the beginning, right.  
3 There was all this like negative press about us, and we had  
4 never even met. You know, so is it possible for us, the  
5 2020 Commission, to sign off on a contract using whatever  
6 funds we might have left that could cover the commission  
7 until they're kind of up and running, you know, for 2030?  
8 And that they can, you know, at that point in time they  
9 could then figure out who they want and all of those things  
10 so that they continue to have that, you know, ability to  
11 make those decisions for themselves. I just wanted to  
12 highlight the temporary nature that I think any staffing  
13 that we would leave or suggest should take on.

14 COMMISSIONER KENNEDY: Great. Thank you.  
15 Commissioner Vasquez.

16 COMMISSIONER VASQUEZ: Yeah. I think in terms of  
17 efficiency to the extent that the commission could be  
18 seated sooner to give the commission more time at the front  
19 end when all of this activity needs to happen would be  
20 super-efficient in my mind, especially because once we're  
21 done with the maps, and particularly, once we've wrapped  
22 litigation, we're sort of just chilling for several years,  
23 so I understand there also may be a -- you know, need for  
24 legislation or amendments to our -- to the Voters First  
25 Act, but I think we would be wise to think about seating --

1 have the full commission seated as soon as possible in  
2 order for them to begin this work and have more time.

3 COMMISSIONER KENNEDY: Very good. Anyone else on  
4 question five. Commissioner Fernandez.

5 COMMISSIONER FERNANDEZ: I'm just kind of going  
6 back and forth on this. I think maybe as a commission --  
7 for our commission, if we come together with like a list of  
8 things that we had to do and then maybe try to prioritize  
9 it for the 2030 Commission, I think that would be really  
10 helpful for them in terms of trying to -- because, you  
11 know, we're driving -- going from meeting to meeting and  
12 then we realize, oh, we've got to come up with incarcerated  
13 population decision, oh, we've got to do language access.  
14 And if all of that had been done up front, it really, in my  
15 opinion, would have made our lives easier in terms of our  
16 outreach or whatever we need to concentrate on the time --  
17 at the time.

18 And I also think that we need to establish, make  
19 sure that the commissioner positions are established before  
20 we actually have commissioners, because you can establish  
21 positions without having people in there. To think how  
22 long it took just to establish our positions so we could  
23 get paid, or travel could be processed, right. So, I think  
24 some of that stuff can be done ahead of time. And then  
25 also if we go through the process of obtaining an exemption

1 for contracting and procurement. That will make their  
2 lives so much easier.

3 So, I think if we can come up with a list of  
4 everything that needs to be done, including line drawing,  
5 and then maybe prioritize it, I think that would be very  
6 helpful and that could also help them focus on what should  
7 be dealt with initially.

8 COMMISSIONER KENNEDY: Great. Question 6: Do  
9 colleagues have any further recommendations for increasing  
10 our reach? Commissioner Sinay.

11 COMMISSIONER SINAY: I feel like we hired the  
12 Outreach Team late. It would have been good to kind of --  
13 not late, but it would have been helpful to have more of a  
14 focus on the outreach staffing part earlier on in the  
15 process.

16 COMMISSIONER KENNEDY: Yeah, and that has a lot  
17 to do with better defining in the government code the  
18 provision about California State Auditors supporting the  
19 Commission until it's fully functional. And, you know, my  
20 sense has always been, as Commissioner Sadhwani was saying,  
21 you know, there's a need for a complete temporary staff to  
22 be in place from day one that the new commission can then,  
23 you know, decide to keep or replace as time permits. But  
24 it is important to have all functions functioning from the  
25 very beginning.

1           Anyone else? Commissioner Yee, and then  
2 Commissioner Taylor.

3           COMMISSIONER YEE: I'm thinking making our  
4 outreach just in general more fun stuff that gets out on  
5 videos, viral, maybe even corny events. That's a  
6 (indiscernible) that we stage. You know, that's how the  
7 buzz develops, right. All the informational stuff is all  
8 good and, you know, this is serious work, but on the other  
9 hand, you get people's attention if you increase the fun  
10 factor in our outreach.

11           COMMISSIONER KENNEDY: Great. Commissioner  
12 Taylor.

13           COMMISSIONER TAYLOR: No, I agree with Russell.  
14 Some of the easy stuff, you know, I'm looking forward to  
15 just driving down the street one day and just seeing a  
16 hijack poster of a sign up for a COI meeting on some  
17 miscellaneous (indiscernible) just walking into City Hall  
18 and perhaps seeing just a pinup poster. So, just something  
19 easy. I know the staff works hard. And I'm waiting. I'm  
20 waiting for my text message. I want a text message saying  
21 something to do with redistricting just out of the blue. I  
22 get a text message made (audio cuts out).

23           COMMISSIONER KENNEDY: Great.

24           CHAIR AKUTAGAWA: I see Angela again,  
25 Commissioner Vasquez.

1           COMMISSIONER KENNEDY: Okay. Commissioner  
2 Vasquez. Commissioner Vasquez. Commissioner Vasquez, are  
3 you there? Oh, it's not working, okay. We'll skip you.  
4 Okay.

5           Then basically we have 10 minutes before we  
6 really have to break for lunch. We've question number  
7 seven: Do we have everything and everyone we need to  
8 complete the task at hand? Commissioner Sinay is laughing.

9           COMMISSIONER SINAY: You don't know who's missing  
10 until you're there. That's why I'm laughing, sorry.

11          COMMISSIONER KENNEDY: Yeah. Commissioner Yee.

12          COMMISSIONER YEE: Exactly. We don't have a full  
13 COI functional data set, you know, Airtable already to go.  
14 We haven't even started drawing our first visualizations.  
15 So, who knows?

16          On the other hand, what we do have and what I've  
17 counted on for all this time is the example of  
18 (indiscernible). They've completed their maps under, you  
19 know, extreme time pressure with so many things that could  
20 have led to failure, and with a lot of opposition, possibly  
21 more than we may face, you know. But this is , you know,  
22 and that inspires me to no end, and that is something  
23 essential that I hang onto.

24          COMMISSIONER KENNEDY: Yeah, and I think the  
25 inspiration of that example is something that we all need

1 to carry with us. Commissioner Sinay.

2 COMMISSIONER SINAY: I think one of my  
3 frustrations, and maybe one of the ways to deal with it in  
4 2030 is there seemed to be -- I always wonder why something  
5 didn't get done already. It feels like a lot of times  
6 things aren't addressed until we have to address it, and I  
7 don't think that that is the best way to do a process like  
8 this.

9 And, so, I think my biggest recommendation for  
10 2030, and I might be going back in a question, but it's  
11 giving them -- if we can leave something that's kind of the  
12 timeline but explaining why you need to do things so far in  
13 advance, and not to have that fear of, oh, but we need so  
14 and so's input, or, oh, we need that person's input because  
15 that has left us in a lot of messes and we're lucky we have  
16 extra time. But there's a lot times that I'm like, wait,  
17 why haven't we done that already? Why are we still waiting  
18 for this approval or whatever? And, so, I think we really  
19 need to leave a message behind of how important it is to  
20 get things done sooner, not later, that the more you can do  
21 on the back end, the better on the front end, whatever is  
22 that way, the better.

23 COMMISSIONER KENNEDY: Yeah, yeah, and, you know,  
24 frankly the Gantt Chart is intended both as a tool for us  
25 as well as an aid for the 2030 Commission to understand the

1 full task list and the sequencing of everything. And, so,  
2 you know, my hope is that, you know, once we get into next  
3 year's, you know, very deep lessons learned exercise that  
4 we can also build out some detail in the Gantt Chart that  
5 may currently be missing, but in order to leave that as a  
6 better resource for 2030.

7 Okay. Commissioner Le Mons.

8 COMMISSIONER LE MONS: I think defining the scope  
9 is important. I agree that, you know, 2010 for all intents  
10 and purposes was successful, right. So, whatever measure  
11 was used to come to that determination, right, that measure  
12 is not the same, I think, for us and probably won't be the  
13 same for 2030. So, we took a process that happened once  
14 and there was some lessons learned from that that need to  
15 be built upon.

16 I think our scope was a little bit different. It  
17 certainly was additional. There was a very, very strong  
18 commitment among this group of 14 to reach farther and  
19 deeper than was possible before, for whatever reasons, time  
20 -- you know, I'm not even going to try and define. It just  
21 wasn't possible.

22 So, that changed the game, and I think there will  
23 be some things that may change it again, and so there might  
24 be worth exploring in some of our subsequent discussions  
25 what might be game changers between now and 2030, because

1 we're only talking about sort of a hindsight 2020  
2 perspective is what we're doing. But I think it would give  
3 us some -- it would be valuable to 2030 to try to move not  
4 just from hindsight but projection, to the degree that we  
5 can, you know, nine years before.

6 I just wanted to put that out there as a  
7 perspective for us to bring to some subsequent discussions  
8 about these lessons learned and scope is the theme.

9 COMMISSIONER KENNEDY: Yeah. I think that is --  
10 yeah, I think that the concept that the measure of success  
11 isn't necessarily static, it really is something that you  
12 need to keep in mind, so thank you for that.

13 Commissioner Akutagawa.

14 CHAIR AKUTAGAWA: Yeah. I appreciate what  
15 Commissioner Le Mons said, and I'm wondering if it would be  
16 worthwhile for all of us to think about this since we're  
17 going to be in place for, you know, the remaining nine  
18 years that perhaps closer to 2030 maybe, you know, a year  
19 or two before, that we do do the hindsight look forward  
20 kind of conversation again. So, there would be a Lessons  
21 Learned conversation next year while it's fresh, but, you  
22 know, maybe a year or two before 2030 we come back together  
23 to have this conversation again as we think about what has  
24 changed. I think a lot is going to change in the next  
25 several years, and so given that, given our experience, how

1 do we also then impart some additional Lessons Learned with  
2 the context of knowing what 2028, 2029 is going to look  
3 like, what technologies are going to be available, what  
4 other tools and other things might be available, so that  
5 might also give some additional layers of perhaps  
6 information that will help the 2030 Commission, you know,  
7 be even more successful in terms of their start and ability  
8 to really do the work in the timeframe they'll have.

9           COMMISSIONER KENNEDY: Right. And I would argue  
10 for 2028, because we know that legislative changes can't be  
11 made in years ending in nine, zero or one, so a Lessons  
12 Learned exercise in 2028, particularly early enough in the  
13 year, that would leave enough time for any last-minute  
14 legislative changes before that embargo goes into place is  
15 a great idea. So, thank you for that.

16           We're at 12 minutes after. Commissioner Le Mons,  
17 is your hand up, or is that from last time?

18           COMMISSIONER LE MONS: No. I'm sorry, I forgot  
19 to lower it.

20           COMMISSIONER KENNEDY: Okay. That's all right.  
21 That's all right. So, you know, this has been a bit of a  
22 lightening round. I think it -- I've enjoyed. I look  
23 forward to writing this up with Commissioner Ahmad. Thank  
24 you all for participating in this exercise, and hopefully  
25 this has given you a taste of what you can look forward to

1 next year for our main production. So, unless Commissioner  
2 Ahmad has anything else, I'll turn it back over to the  
3 Chair.

4 CHAIR AKUTAGAWA: All right. Thank you,  
5 Commissioner Kennedy, and thank you, Commissioner Ahmad.  
6 That was really interesting and glad we had this chance to  
7 do this, and I appreciate your, you know, engaging us in  
8 this conversation.

9 I am aware that we are standing between you and  
10 lunch. However, we do have one more thing we need to do,  
11 which is to take public comment on this particular agenda  
12 item. So, Katy, I am going to turn this over to you to  
13 read off the instructions.

14 PUBLIC COMMENT MODERATOR: The Commission will  
15 now take public comment on the -- is it just the --

16 CHAIR AKUTAGAWA: Agenda Item Number 5.

17 PUBLIC COMMENT MODERATOR: Thank you. Agenda  
18 Item Number 5. To give comment, please call 877-853-5247  
19 and enter the meeting I.D. number, 87487440379.

20 Once you have dialed in, please press star nine  
21 to enter the comment queue.

22 The full call-in instructions have been read  
23 previously in this session and are provided in full on the  
24 livestream landing page.

25 We do have a caller. Caller 5882, if you'll

1 please follow the prompts to unmute at this time by  
2 pressing star six. And the floor is yours.

3 UNIDENTIFIED: Thank you. Thank you,  
4 Commissioners, for ultimately a very interesting session  
5 here. I did have to step away for my own lunch, so I might  
6 have missed a few things.

7 I'm interested particularly in the relationship  
8 to 2010. As I was watching last year there was -- I would  
9 characterize some of the relationship you had to 2010  
10 Lessons Learned and commissioners that would call in, for  
11 example, sometimes of defensiveness. And, so, I'm  
12 wondering what lessons you did feel you were able to take  
13 from 2010 and what allowed you to take those  
14 recommendations. And similarly, what were some things that  
15 prevented you from taking the recommendations, because  
16 there were the handbooks. I think some of you said that  
17 you didn't get them for quite some time, and that's not how  
18 I remember it, but that's fine.

19 But, for example, in the line drawings job  
20 description, right, there was a lot of back and forth  
21 between their recommendations for you and what you guys  
22 wanted to do. Anyway, so I was wondering if your  
23 reflection on how to format and think through your  
24 recommendations could be informed by your defensivenesses  
25 and acceptances as the recommendations you received.

1 CHAIR AKUTAGAWA: Thank you, caller for that  
2 question, and I will ask if anyone from the Commission  
3 would like to address that question. I don't recall  
4 personally receiving the 2010 handbook until later, so I  
5 guess I can't speak to that. Commissioner Sinay, do you  
6 have a different perspective?

7 COMMISSIONER SINAY: Well, I wasn't going to talk  
8 to that perspective. I don't know, I think it was left to  
9 us to find it, and at some point I shared all the different  
10 reports that were out there on 2010. But I think it's  
11 healthy to have that tug, that tension between, you know,  
12 it will be healthy to have that tension between we are 2030  
13 and we're going to do it our way, and, okay, what can we  
14 learn from 2020 and 2010.

15 We've had that tension of we're different, we're  
16 the 2020 Commission, and the 2030 Commission will feel the  
17 same way, and the best we can do is be clear, not legalese.  
18 Sometimes I think that report that was written was written  
19 too legalese and it wasn't very clear.

20 Let's be very clear on what we've learned in our  
21 recommendations but know that that tension is going to  
22 exist, and have faith in the process and those who are  
23 going to move forward.

24 CHAIR AKUTAGAWA: Thank you, Commissioner Sinay.  
25 That was a wonderful response.

1 All right. So, with that I will call this  
2 section to a close and we are going to move on to our lunch  
3 break, and we will reconvene back here at 2:17 p.m. at  
4 which point we will start with, I believe, the line drawer.  
5 We're expecting one of our counsels, David Becker, to be  
6 joining us at that time. If he is able to be on at that  
7 time we will start with the RPV analyst's recommendation;  
8 otherwise, if he is not with us, we will start with the  
9 line drawer discussion.

10 All right. See you at 2:17.

11 (Off the record at 1:18 p.m.)

12 (On the record at 2:18 p.m.)

13 CHAIR AKUTAGAWA: All right. All right, welcome  
14 back everybody. I hope you all had either a nice break or  
15 a nice lunch, and are moving right along on our agenda.  
16 We're going to be having next up on our agenda -- we're  
17 going to go a little out of order. On our agenda VRA  
18 Compliance is Agenda Item Number 7. We're going to take  
19 that next, and I'm going to turn this over to Commissioners  
20 Sadhwani and Yee, and I believe we are joined by our line  
21 drawing team and also our counsel, legal counsel. Thank  
22 you.

23 COMMISSIONER YEE: Yes, indeed. So, we are  
24 favored with our line drawing team with Karin and Jaime  
25 here, as well as from Strumwasser Woocher, David Becker and

1 we have three items I believe. One is a candidate for our  
2 Racially Polarized Voting analyst. The second is some  
3 thoughts on how the heat maps will be developed to focus  
4 down on natural geography for potential VRA districts. And  
5 the third is to discuss briefly the question of population  
6 deviation and how we're going to possibly move forward on  
7 our consideration of that.

8           So, I believe -- Commissioner Sadhwani, should we  
9 go ahead with the RPV proposal and just move ahead with  
10 that?

11           COMMISSIONER SADHWANI: Sure, I think that's  
12 fine. However, you know, Mr. Becker might want to proceed  
13 in which order makes perfect sense to me. I know we have  
14 Karin and Jaime present, so I don't know if you all have  
15 discussed which one of you --

16           COMMISSIONER YEE: Any order is fine.

17           COMMISSIONER SADHWANI: Any order is fine.

18           MR. BECKER: Yeah, I think it might make sense to  
19 start with the presentation of our selection and request  
20 for approval of Racially Polarized Voting consultant,  
21 because then we're going to get into some of the examples  
22 of what this person might do immediately after.

23           We put out a request for applications. We go  
24 several all very good applications. And we are  
25 recommending that pursuant to the contract the Commission

1 has with Strumwasser Woocher that we hire, we being the law  
2 firm, hire Megan Gall of Blockwell Consulting. She has  
3 extensive experience doing Racially Polarized Voting  
4 analysis, including looking at multiple racial groups  
5 living in various areas around the country, Georgia,  
6 elsewhere, California. She's worked with the Lawyers'  
7 Committee for Civil Rights Under Law. She's worked with  
8 the NAACP, Legal Defense Fund, and others as well. And, in  
9 general, we think she has the right experience and was the  
10 best fit for this particular consultation.

11 I believe the link to the website, which includes  
12 her CV, has been circulated amongst the Commission.

13 And I think I'll leave it at that. I believe  
14 where we stood was that the Commission has the right --  
15 will vote thumbs up or thumbs down on our selection. What  
16 we're hoping is we'll be able to bring Megan on, if she's  
17 approved, very shortly, and that will enable us to do the  
18 kind of work that we're about to show you for the relevant  
19 areas of the State of California. So, we'll use this time  
20 over the next month or so particularly well until the final  
21 census data is ready to use for equal population purposes.

22 COMMISSIONER YEE: I'm wondering if you could say  
23 just a little bit more about how she stood out and why the  
24 firm decided to recommend her.

25 MR. BECKER: Yeah. She seemed to have a really

1 strong understanding of the various different methodologies  
2 that can be used, their strengths and weaknesses to the  
3 degree in which they had been used in previous litigation.  
4 I think that's really important.

5 She had a lot of experience in looking at  
6 multiple racial groups and how the methodologies can be  
7 used to look at multiple racial groups. Now, when I say  
8 multiple racial groups, areas that are not -- it's a little  
9 bit of a simpler analysis when you're just looking at Black  
10 and White voters or White and Hispanic voters. But when  
11 you're looking at White, Hispanic, Black and Asian voters  
12 that all may be living in close proximity, it may get a  
13 little trickier. And, so, there are different  
14 methodologies that can be used to assess that, and she had  
15 a particularly strong understanding of that.

16 We also, I'll tell you, did some due diligence  
17 and talked to some of the folks that she had worked with  
18 before in putting some of my formers colleagues at the  
19 Justice Department who were now at places like Lawyers'  
20 Committee for Civil Rights and they spoke very, very highly  
21 of her and her collaborative way of working with people.

22 One other great strength of hers, and this is  
23 something that I think could be particularly useful, is she  
24 has a way of explaining some of these things which can be  
25 wonky and kind of academic for lack of a good word. No

1 offense, Commissioner Sadhwani. But she has a way of  
2 explaining these things to layman, including lawyers, in a  
3 way that's really helpful. I'm not a statistician. I  
4 won't be running the analysis. Having people who can  
5 really explain what the numbers show, what the data shows  
6 in a way that's understandable and you don't need a  
7 statistics degree for can be really helpful, and I think  
8 she was a very strong candidate from that perspective. So,  
9 those are some other reasons we selected Megan.

10 I think also, you know, the fact that she's with  
11 her own consulting outfit means that we'll be very, very  
12 likely to get her under contract very soon, which means  
13 that we will get as much of a head start as possible to get  
14 this work started and done so we can have as much of it  
15 done, if not all of it done, by the time we're starting --  
16 we get that final census data available to draw the lines  
17 for some of these populations.

18 I think Commissioner Toledo has a question.

19 COMMISSIONER TOLEDO: Just a quick question. I'm  
20 just curious in terms of whether the consultant that helped  
21 us back in -- that helped the Commission back in 2010 was  
22 available, or if they submitted an application, or that  
23 firm submitted an application and whether it was  
24 considered.

25 MR. BECKER: One of the things I will tell, I

1 don't feel comfortable talking about all of the different  
2 applicants. I don't know that that's appropriate to do so  
3 because it was not because, you know, the applicants we  
4 had, so much had weaknesses, but one application stood out.

5 I will say that all of the applicants were  
6 considered fully and all of the applicants were  
7 interviewed.

8 COMMISSIONER YEE: For members of the public,  
9 just to repeat the link to Megan Gall's consulting firm,  
10 Blockwell Consulting, is in the handouts for today as well  
11 as a link to her CV.

12 Does she have any experience in California in the  
13 past? I know she's based in D.C.

14 MR. BECKER: Yeah, she has some experience in  
15 California. She is familiar with the Statewide Database.  
16 She's done work around the elections and voting world in  
17 California. She has not done specifically, certainly  
18 statewide redistricting in California before, but the kind  
19 of analysis that we're looking for she's done extensively,  
20 not just in California, but in other places around the  
21 country.

22 CHAIR AKUTAGAWA: It looks like Commissioner  
23 Fernandez. Commissioner Yee, do you want to just manage  
24 the comments?

25 COMMISSIONER YEE: Sure.

1 CHAIR AKUTAGAWA: Okay.

2 COMMISSIONER YEE: Commissioner Fernandez.

3 COMMISSIONER FERNANDEZ: You know, I'm just  
4 wondering at this point, are we looking for a motion or is  
5 it just, you know, just informing us of who the candidate  
6 is?

7 COMMISSIONER YEE: We're looking for a motion,  
8 yes.

9 COMMISSIONER FERNANDEZ: Okay. So I'll -- I move  
10 that we move forward with Megan Gall, as our Racial  
11 Polarized Voting consultant.

12 COMMISSIONER YEE: I'll second that. Further  
13 discussion.

14 UNKNOWN SPEAKER: Just a -- just a point of  
15 clarification on the motion. I just wanted to make sure  
16 that everyone's aware that this is, again, a Strumwasser  
17 Woocher hire, but pursuant to the contract, the Commission  
18 provides approval for that particular hire as well.

19 COMMISSIONER YEE: Commissioner Fernandez.

20 COMMISSIONER FERNANDEZ: Anthony, do you want me  
21 to reword it somehow then?

22 CHIEF COUNSEL PANE: Oh no. I think that's fine.  
23 It's just as long as everyone's --

24 COMMISSIONER FERNANDEZ: Okay.

25 CHIEF COUNSEL PANE: -- understanding that this

1 is technically a Strumwasser Woocher hire.

2 COMMISSIONER: Okay.

3 CHIEF COUNSEL PANE: And just to be clear, so  
4 pursuant to the contract, as Anthony said, Strumwasser  
5 Woocher makes the hire, we need approval from the  
6 Commission, but after that, then we, assuming approval is  
7 given, we will have authority, I believe, to then contract  
8 with this person as soon as possible.

9 COMMISSIONER YEE: I believe that's correct,  
10 yeah.

11 Commissioner Sadhwani.

12 COMMISSIONER SADHWANI: Yeah. I just wanted to  
13 remind the Commissioner or public that we had specifically  
14 set up the Strumwasser Woocher contract in such a way so  
15 that they could have the authority to move forward with  
16 that contracting so that we as the Commission don't get  
17 bogged down in it, but that we still have this opportunity  
18 that we're discussing right now to just give a stamp of  
19 approval of their selection. Commissioner Yee and I met  
20 yesterday with Mr. Becker and Anthony and had a chance to  
21 hear a little bit more about the candidate, and very  
22 similar to the process that I believe the finance and  
23 administration subcommittee typically uses for staff hires  
24 and I believe, Russell, you and I support the  
25 recommendation. I don't want to speak for you, but I

1 believe that is to be the case.

2 COMMISSIONER YEE: That's right. Yeah.

3 Commissioner Toledo.

4 COMMISSIONER TOLEDO: Just curious. This is a  
5 question for Anthony. Do we need a supermajority for this  
6 vote?

7 CHIEF COUNSEL PANE: So this is -- this would  
8 fall under the broader definitional term of a contracting  
9 decision. The Commission is making a contracting decision.  
10 The decision is to approve Strumwasser's hire. So, yes.

11 COMMISSIONER TOLEDO: Thank you.

12 COMMISSIONER YEE: Anything else? If not, then  
13 Chair, back to you for a vote.

14 CHAIR AKUTAGAWA: All right. Thank you. Looks  
15 like [indiscernible] Commissioner Fernandez.

16 COMMISSIONER YEE: I'm sorry. Commissioner  
17 Fernandez.

18 CHAIR AKUTAGAWA: Oh.

19 COMMISSIONER YEE: Yeah. Sorry.

20 COMMISSIONER FERNANDEZ: I'm sorry, Anthony. You  
21 said yes, it's a supermajority.

22 CHIEF COUNSEL PANE: Yes.

23 COMMISSIONER FERNANDEZ: I'm just wondering if  
24 you have Commissioners for that at this point. I don't  
25 know if Commissioner Taylor, and Turner, and Le Mons,

1 if -- oh, he's there. Okay. I just wanted to make sure  
2 before we move forward. Okay.

3 CHIEF COUNSEL PANE: Thank you for checking.  
4 Yeah.

5 COMMISSIONER YEE: Commissioner Turner's here as  
6 well.

7 CHAIR AKUTAGAWA: Okay. Executive Director  
8 Hernandez, can you share or show the document?

9 MS. JOHNSTON: Public comment, Chair.

10 CHAIR AKUTAGAWA: Oh. I'm sorry. That's right.  
11 See, I knew I was going to forget something. All right.  
12 Let's go to public comment first. And Director Hernandez,  
13 perhaps you could -- I don't know if we need to keep  
14 showing it. But Katy, could you start reading? Oh, sorry,

15 COMMISSIONER FERNANDEZ: Megan is spelled wrong,  
16 Alvaro. Thank you for putting that in there because you  
17 know I always like something like that.

18 PUBLIC COMMENT MODERATOR: The Commission will  
19 now take public comment on the motion to approve the  
20 RVP -- RPV --

21 CHAIR AKUTAGAWA: RPV.

22 PUBLIC COMMENT MODERATOR: RPV Consultant through  
23 Strumwasser Woocher. To give comment, please call  
24 877-853-5247 and enter the meeting ID number 87487440379.  
25 Once you have dialed in, please press \*9 to enter the

1 comment queue. The full call-in instructions have been  
2 read previously in this meeting and are provided in full on  
3 the livestream landing page. And at this time, we do not  
4 have any callers, and we will let you know when the  
5 instructions are complete.

6 CHAIR AKUTAGAWA: Commissioner Yee.

7 COMMISSIONER YEE: Yes. I don't know if it  
8 matters, but are we -- should the motion be to approve  
9 Megan Gall, or to approve her consulting firm? I don't  
10 know if that matters.

11 CHAIR AKUTAGAWA: Is that a question for Mr.  
12 Becker or Strumwasser Woocher to distinguish?

13 CHIEF COUNSEL PANE: Not exactly because we  
14 haven't started contract discussions with them, obviously,  
15 because we needed approval from you all first. Maybe you  
16 could just leave it flexible to say Blockwell Consulting  
17 and or Megan Gall to allow us for -- I don't know if  
18 there's some contractual issues that would, that they'd  
19 prefer us to contract with Blockwell or prefer us to  
20 contract with Megan directly. She has another member of  
21 her team that she put on the application. So my guess is  
22 it would be with Blockwell, but I want to make sure that we  
23 don't have to come back to you for another approval vote.

24 COMMISSIONER YEE: Very good.

25 PUBLIC COMMENT MODERATOR: The instructions are

1 complete, Chair, and there is still nobody calling in the  
2 queue.

3 CHAIR AKUTAGAWA: All right, thank you. All  
4 right. Director Hernandez, can we go to the vote.

5 EXECUTIVE DIRECTOR HERNANDEZ: Just for  
6 clarification, did we want to include Blockwell Consultant  
7 or leave it as is. As was, I should say, without.

8 CHAIR AKUTAGAWA: I believe Mr. Becker  
9 recommended putting Megan A. Gall and or Blockwell  
10 Consulting, I thought. Or is it Consultant? Thought it  
11 was Consulting.

12 COMMISSIONER YEE: It's Consulting. Yeah.

13 CHAIR AKUTAGAWA: It's Consulting.

14 UNKNOWN SPEAKER: It's Consulting. Yes.

15 CHAIR AKUTAGAWA: Yes.

16 EXECUTIVE DIRECTOR HERNANDEZ: Thank you. Okay.  
17 That does require the -- Commissioner Fernandez to accept  
18 the change.

19 CHAIR AKUTAGAWA: Commissioner Fernandez, do you  
20 accept the friendly amendment or change to your motion?

21 COMMISSIONER FERNANDEZ: I do. I was just  
22 checking the spelling.

23 CHAIR AKUTAGAWA: All right. And --

24 EXECUTIVE DIRECTOR HERNANDEZ: Hopefully  
25 everything is spelled correctly now.

1 CHAIR AKUTAGAWA: And Commissioner Yee, are you  
2 also accepting of the amendment? Does you -- does your  
3 second still stand?

4 COMMISSIONER YEE: Yes. Happily.

5 CHAIR AKUTAGAWA: All right. Thank you. I think  
6 we're ready.

7 EXECUTIVE DIRECTOR HERNANDEZ: Very well. We'll  
8 begin to vote.

9 Commissioner Ahmad.

10 COMMISSIONER AHMAD: Yes.

11 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
12 Akutagawa.

13 CHAIR AKUTAGAWA: Yes.

14 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
15 Andersen?

16 COMMISSIONER ANDERSEN: Yes.

17 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
18 Fernandez?

19 COMMISSIONER FERNANDEZ: Yes.

20 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
21 Fornaciari.

22 VICE CHAIR FORNACIARI: Yes.

23 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
24 Kennedy.

25 COMMISSIONER KENNEDY: Yes.

1 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le  
2 Mons.  
3 Commissioner Sadhwani.  
4 COMMISSIONER SADHWANI: Yes.  
5 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
6 Sinay.  
7 COMMISSIONER SINAY: Yes.  
8 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
9 Taylor.  
10 COMMISSIONER TAYLOR: Yes.  
11 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
12 Toledo.  
13 COMMISSIONER TOLEDO: Abstain.  
14 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
15 Turner.  
16 COMMISSIONER TURNER: Yes.  
17 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
18 Vazquez.  
19 COMMISSIONER VAZQUEZ: Abstain.  
20 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.  
21 COMMISSIONER YEE: Yes.  
22 EXECUTIVE DIRECTOR HERNANDEZ: We do not have the  
23 votes.  
24 UNKNOWN SPEAKER: Executive Director Hernandez,  
25 do you want to see I didn't hear whether Commissioner Le

1 Mons actually made an abstention or not.

2 EXECUTIVE DIRECTOR HERNANDEZ: He did not  
3 respond. Commissioner Le Mons, are you available? So we  
4 would either have to wait or how would -- how do you wish  
5 to proceed, Chair?

6 CHAIR AKUTAGAWA: Okay. Just Commissioner Le  
7 Mons did not notify me as to whether or not he will be  
8 returning. What we could do is we could wait until the end  
9 and hopefully by then he will have returned. I do see that  
10 Commissioner Vasquez also has her hand up. So if that is  
11 acceptable, what we could do is we can visit this towards  
12 the end of this portion of the conversation or discussion.  
13 And then hopefully by then we will be joined by  
14 Commissioner Le Mons, at which time then we could retake  
15 the vote again. Commissioner Vazquez?

16 COMMISSIONER VAZQUEZ: Yeah. I just wanted to  
17 clarify my abstention. I just joined the conversation  
18 maybe four minutes ago, so I didn't actually hear any of  
19 the conversation. And I don't feel comfortable voting on a  
20 motion where I missed the entire conversation. So, you  
21 know, I'm happy to hear a quick summary or be pointed to a  
22 quick summary somewhere else so that I can make a vote that  
23 feels authentic.

24 CHAIR AKUTAGAWA: Commissioner Yee, do you --

25 COMMISSIONER LEE: Be happy to do that? I'm

1 wondering if we might wait until if and when Commissioner  
2 Le Mons returns and then --

3 CHAIR AKUTAGAWA: Then do it together.

4 COMMISSIONER LEE: -- because he would need to  
5 hear that too. Yeah.

6 CHAIR AKUTAGAWA: Yeah. That sounds good.

7 COMMISSIONER LEE: Or he'd want to hear that too,  
8 so.

9 CHAIR AKUTAGAWA: Yes. Let's do that. All  
10 right. Thank you. All right. So Commissioner Yee, we're  
11 putting it back to you and Commissioner Sadhwani for the  
12 remainder of your VRA Compliance items.

13 COMMISSIONER LEE: Okay. I think we can have Mr.  
14 Beckham move on then, to the consideration of heat maps and  
15 how the plan will go forward, in terms of starting to focus  
16 on geography for VRA districts.

17 CHIEF COUNSEL PANE: Hopefully the plan can go  
18 forward because a lot of this depends upon getting a way  
19 forward, voting consultants hired relatively soon. But  
20 what I'm going to show you and I think I, hopefully I'll do  
21 better than the last time. I'm going to show you a series  
22 of maps that we owe a great deal of credit to Jamie for  
23 creating. And I want -- I want to just preface this by  
24 saying these are static maps right now. This is not  
25 intended to indicate where we think Section 2 districts

1 might likely need to be drawn. It doesn't reach any final  
2 conclusions about whether any of the Gingles preconditions  
3 are met for a Section 2 district.

4           What we're really trying to show you here is how  
5 the process will unfold, what kind of data that Karin and  
6 Jaime and their team will have access to, what kind of maps  
7 we'll have access to, how these maps will be used to focus  
8 the efforts of the Racially Polarized Voting Consultant to  
9 look at particular areas of the -- of the state to see if  
10 the second and third Gingles preconditions may be met,  
11 specifically whether the minority group that we're looking  
12 at is voting cohesively in such a way that they could elect  
13 candidates of their choice and that white voters are voting  
14 in a way that is contrary to that. And so hopefully  
15 that's -- that'll give you an idea of what the kind of work  
16 that we can do over the next month plus until the census  
17 data comes in.

18           So with that, I will keep my fingers crossed and  
19 see if this works. Can you all see this? Oh, wow, that  
20 works so much better this time.

21           COMMISSIONER YEE: Looks good.

22           CHIEF COUNSEL PANE: Okay. Excellent. So what  
23 you're looking at is a map Jaime prepared. This is -- the  
24 districts you see are assembly districts. We  
25 are -- we -- these are the existing assembly districts.

1 We're just using those for illustration. There's no  
2 particular reason we're using them. They are, if there's  
3 any reason we're using them, they -- it's because they are  
4 the smallest of the -- of the districts that we're looking  
5 at, even though in California, they're quite large.  
6 They're going to be somewhere around, you know, just  
7 probably a shade under 500,000 people. So what this is  
8 showing you is use -- looking at existing assembly  
9 districts with the 2019 census estimates for Latino citizen  
10 voting age population overlaid into them. You see the  
11 legend to your right. Dark orange is 55% and higher,  
12 middle orange is 45 to 50%. Now, what these maps can't  
13 show you is where the populations reside within those  
14 districts. This is just an initial, kind of to get a sense  
15 of where populations are, but one of the things that we can  
16 do, again thanks to Jaime and Karin and their team, let me  
17 see if I can get this. There we go. This is taking the  
18 assembly districts off and just looking at census blocks.  
19 Now, one of the things to note is don't get too focused on  
20 large, dark orange boxes, blocks rather, because the blocks  
21 might -- are not of -- all of equal size. So it could be a  
22 very small census block that happens to have a few Latinos  
23 in it because, and there might be other census blocks. You  
24 can see some are almost just a point where there might be  
25 more concentrated populations, but it gives you a sense, if

1 we're looking at Latino populations, not surprisingly,  
2 you'll see concentrations in the Central Valley, in Los  
3 Angeles County, in the Inland Empire.

4           Then going further. Here's an example we just  
5 pulled out. To give you an idea, this is Inyo and Tulare  
6 Counties. You can see the -- there is a district, District  
7 26 there, that has much of those counties in it, and it is  
8 in the 45 to 55% range, to give you an idea, but that  
9 doesn't mean that that population is spread out throughout  
10 those counties. So what we're really going to look at is  
11 this next map. Which I think is really instructive to the  
12 kind of things that we can get -- we can get down into the  
13 maps.

14           You'll see here, when we overlay the census  
15 blocks and the percentages there, we can see almost all of  
16 the Latino population in this district is in the western  
17 edge of Tulare County. And that helps us because when  
18 we're talking to the -- to the Racially Polarized Voting  
19 consultant, what we're going to focus on are elections in  
20 those areas where the population appears to be concentrated  
21 enough that it may satisfy the first Gingles precondition.  
22 In other words, that the population, the minority  
23 population, is large enough to constitute a majority in a  
24 district by itself.

25           So we'll look at those, at those kinds of things.

1 This is probably an area, again, I don't want to say for  
2 sure, but this is one of those areas we would take a closer  
3 look at, along with other areas that were similar, where we  
4 saw a lot of -- a lot of concentrations of minority  
5 populations, where then we can start saying, well, there  
6 might be districts, and there might be elections in these  
7 areas where we can identify whether or not Racially  
8 Polarized Voting exists. And this will be -- this will all  
9 be done in a way to give you all information that you can  
10 then use to determine where you want to draw the lines,  
11 given what we're finding.

12           Similarly, here is -- here's the same map,  
13 statewide map for the Asian population. Again, this is the  
14 20, the existing districts for the last 10 years in the  
15 assembly, with the 29 census estimates for Asian citizen  
16 voting age population overlaid. And those census  
17 estimates, by the way, come to the American Community  
18 Survey, if I'm not mistaken. Karin will correct me if I'm  
19 wrong, and they represent a five year rolling average. So  
20 it's an average that culminates in the -- in 2019. And  
21 it's our best -- it's our best data on citizen voting age  
22 population, which will, of course, indicate which is the  
23 most relevant measure for Section 2 and opportunity to  
24 elect. Here you can see concentrations are strongest,  
25 probably not surprising, in the south of the Bay Area, down

1 the peninsula and in Los Angeles County and into Orange  
2 County.

3           Similarly, same map, Asian population is smaller  
4 than the Latino population. This is percentage by CVAP by  
5 block. And again, we see several blue dots. There might  
6 be blue dots that appear unusual, like on the eastern edge  
7 of California. That might be a very, very small census  
8 block with not many people in it, and it might just happen  
9 to have a few, or a dozen, or maybe a few more Asian  
10 individuals living there.

11           And to zoom in a little bit here, here we're  
12 looking at the Bay Area, San Jose, Milpitas, Santa Clara  
13 County area. And you can see that, for instance, District  
14 25 represents over 45% Asians CVAP, but it doesn't -- just  
15 looking at that doesn't tell you where the Asian population  
16 is actually residing based on current census estimates. So  
17 we do the same thing again and we look at the census block  
18 overlays. And here we can see that it's highly  
19 concentrated, again, in the western part of that district.  
20 The eastern part of that district is really underpopulated  
21 overall, and we see that the concentrations exist in places  
22 like Milpitas, Santa Clara, Fremont.

23           And again, that tells us then, these are  
24 pointers. This is not telling us that's where we have to  
25 draw Section 2 districts by any means, and we're not ready

1 to make that determination at all. But what the process  
2 will be is, this is where we start saying the  
3 concentrations are large enough that we might be able to  
4 meet the first Gingles precondition. So it would be very  
5 helpful to have the Racially Polarized Voting consultant  
6 look at elections in those areas to determine whether the  
7 consultant can determine that there, Racially Polarized  
8 Voting exists.

9           Finally, just to give you an idea, this is the  
10 same map for black percentage. As you can see, the  
11 existing assembly districts, very few concentrated in the  
12 Los Angeles County that have high percentages of black CVAP  
13 based on the current estimates. And here is the block  
14 analysis, same kind of map. Again, the fact that there  
15 might be dark green blocks on the eastern edge of  
16 California doesn't necessarily mean those are large  
17 numbers, just they might be very small census blocks with  
18 some percentage of black population within them. And then  
19 here's a -- here's a heat map of this -- of that area where  
20 the -- where the three assembly districts were. And you  
21 can see, again, where the concentrations of black  
22 populations are. This is very, very helpful to determine  
23 what elections we might want to look at to determine what  
24 types of Section 2 districts, or whether Section 2  
25 districts might be advisable, and to give you information

1 that will inform your efforts to that regard.

2           So over the course, what we'd say is, over the  
3 course of the next -- I think that might be the one. Oh,  
4 nope. Here's a little better zoom-in of the block -- of  
5 the blocks of black population in kind of the southwestern  
6 portion of Los Angeles County. So you can all see that.

7           So I'm going to stop the share. So what  
8 we'll -- what we'd advise is that, you know, over the next  
9 month plus, until the census data is fully ready and you're  
10 all ready to sit down and start the work that you're  
11 charged with doing, we'll use that time with the Racially  
12 Polarized Voting consultant, assuming we can get one, get  
13 approval for one and get them on board, to start assessing  
14 areas where the concentrations appear large enough, based  
15 on that 2019 census estimates that -- to determine whether  
16 Racially Polarized Voting exists. So that way we'll have  
17 very good analysis to provide to you all on whether all  
18 three Gingles preconditions exist in certain places,  
19 because all three Gingles preconditions need to exist. The  
20 population needs to be large enough to constitute a  
21 majority in a district. And then there needs to be the  
22 second and third preconditions. Are the -- is the minority  
23 group cohesive in their voting patterns, and do whites tend  
24 to vote in ways to defeat their candidates of choice?

25           I'm happy to take any questions, and I'm also

1 very grateful that Karin and Jaime are on. So if there are  
2 any questions about kind of the data capabilities, they  
3 might be a little better equipped to answer those.

4 CHAIR AKUTAGAWA: Okay. I see Commissioner  
5 Sinay, followed by Commissioner Yee.

6 COMMISSIONER SINAY: I'm going to ask a very  
7 basic question. I understand why we need to look at the  
8 voting age because of RPV, but in a lot of areas, the  
9 minority population is actually quite young, and this  
10 is -- we're drawing districts for the next 10 years. So we  
11 just kind of ignore that because they haven't voted yet?

12 CHIEF COUNSEL PANE: So what we can't -- we can't  
13 predict the future. And how the courts have looked at this  
14 because those people -- we're doing the best we can with  
15 the data we have. And with all of this data, all of this  
16 data is taken as a snapshot, right. These are people, when  
17 we get the census data, that census data for equal  
18 population will be based on where those people were in  
19 April of 2020. Similarly, these are estimates based on  
20 what we could get -- what we could get over a five year  
21 period of time. And of course, most importantly, people  
22 move, and people move a lot in California, in particular.  
23 So what the courts have said is you do the best with the  
24 data you have, and the data indicates what it does at the  
25 time.

1           We also, you know, their -- those -- some of  
2 those people aren't yet 18 might move out and some of, and  
3 there are going to be many people who are 18 who move in.  
4 And we just can't predict what those population shifts are.  
5 So we do the best we can, given the data we have at this  
6 point in time. And that's all you can really -- all you  
7 can really do. I think it's that it, hopefully, that's  
8 perceived as a blessing because it'd be very, very  
9 difficult to try to predict what mobility patterns might be  
10 over the next decade, particularly in California and  
11 particularly in sections of California, which are among the  
12 most highly mobile populations in the country.

13           COMMISSIONER YEE: So another basic question. So  
14 the RPV analysis, it's done once, based on the 2019 ECS  
15 data. Is it done again then, actually the 2020 census data  
16 or no?

17           CHIEF COUNSEL PANE: So the RPV analysis is  
18 not -- is not based on the census data. What the census  
19 data tells us is what elections we might want to look at.  
20 So if we looked at, I'm not going to call the map up again,  
21 but I think if you -- I think you could recall the map of  
22 Latino population, if you drew basically a line from San  
23 Francisco to Lake Tahoe, north of that line there's not  
24 much minority population to speak of. So it would probably  
25 not be a high priority to run Racially Polarized Voting

1 analyses there because it's extremely unlikely, almost  
2 impossible given where we're seeing the populations, that  
3 the numbers will be sufficient to comprise a majority in a  
4 district, even an assembly district in those areas.

5           So what the census data, the 2019 Census Estimate  
6 Data is going to help us with is to prioritize those areas  
7 where we might start looking at Racially Polarized Voting.  
8 And what the Racially Polarized Voting analysts will do is  
9 they will use the statewide voting -- Statewide Database to  
10 start collecting election results, primaries and general  
11 elections and others from those areas that may be relevant,  
12 and using their methodologies, which is usually looking at  
13 precincts, which might be overwhelmingly minority or  
14 overwhelmingly white, and looking at the different kinds of  
15 elections and whether there's different voting patterns.  
16 In other words, the minority, the heavily minority  
17 precincts tend to prefer a particular candidate, but the  
18 white precincts a little ways away, tend to prefer a  
19 different candidate. That would be very relevant  
20 information to you all as you're -- as you're drawing the  
21 lines and may indicate a necessity to draw a Section 2  
22 compliant district.

23           So really what these maps are doing, they're  
24 pointers. They're telling us where to prioritize the work  
25 of the Racially Polarized Voting consultant so that they

1 can start assessing whether Racially Polarized Voting  
2 exists. You know, as I said, it's very unlikely that if we  
3 were to look at the northern part of California, above  
4 Sacramento, that there is going to be a likelihood that the  
5 first Gingles precondition could be met. So we wouldn't  
6 need to look at Racially Polarized Voting there.

7 COMMISSIONER LEE: So then if a region qualifies  
8 under the Gingles preconditions, the numbers behind that  
9 qualification are 2019 ACS data and then election data, and  
10 not the 2020 census data.

11 CHIEF COUNSEL PANE: So the 2020 census data will  
12 be relevant to determining whether or not they can comprise  
13 a majority of a district, but when we're looking at voting  
14 power, the census estimates, the CVAP data is going to be  
15 most relevant.

16 COMMISSIONER LEE: Right. Right. Right.

17 CHIEF COUNSEL PANE: So they're both going to be  
18 relevant. And I think that's actually a really, neither of  
19 these questions is rudimentary in any way. This  
20 is -- these are -- these are really -- this is really  
21 getting into a very esoteric area. We're going to be  
22 looking at both. I mean, if the 2020 census indicates a  
23 really large population, and the 2019 estimates, you know,  
24 indicate that, you know, it's close to 50%, maybe it's, you  
25 know, we're going to try to figure that all out and

1 determine whether or not and give you the best information  
2 you have to make. You're going to ultimately make the  
3 determination and we will advise you on that. But whether  
4 or not that first Gingles precondition is likely to be met  
5 and similarly, the Racially Polarized Voting analysis, I  
6 wish I could give you a better answer than this. Racially  
7 Polarized Voting analysis sometimes is very clear.  
8 Sometimes it's just really clear. Minority voters prefer  
9 these candidates and white voters prefer these candidates,  
10 and it's a very stark difference. And sometimes it's not  
11 as clear or sometimes you don't have as many elections that  
12 are contested that really tell you a good answer, and so  
13 you might need to look at different methodologies.

14           So we're going to do the best we can to give you  
15 clear information. But I also want to prepare you, there  
16 might be times when we have to -- we have to give you the  
17 best information for you all to make a judgment based upon  
18 our advice.

19           COMMISSIONER YEE: Okay. Thank you.

20           CHAIR AKUTAGAWA: Any other questions? Okay.  
21 Commissioner Sinay.

22           COMMISSIONER SINAY: I know you said this before,  
23 so I apologize, but a lot of times because of different  
24 reasons, minority communities may not register to vote or  
25 may not go -- come out to vote. And so how do we take that

1 into account if we're -- when we're looking at this  
2 information?

3 CHIEF COUNSEL PANE: Yeah. I think -- I think  
4 what we'll see is as we compare the citizen voting age  
5 population, which doesn't take into account registration  
6 status, and then look at the Racially Polarized Voting  
7 results, what we'll see is, we'll get a sense of that to  
8 some degree. Whether there -- whether there is a disparity  
9 between a population and registration and participation.  
10 And again, that might lead us to give you some advice that  
11 you're going to have to apply your best judgment to, based  
12 upon what we know the law is. It might, you know, one of  
13 the things that's -- that is I think, my recollection of  
14 California data, and Karin you might have something to say  
15 on this, is that California has done a pretty darn good job  
16 with voter registration and that the disparities are not as  
17 great as we might find in other states, which makes it a  
18 little bit easier, honestly. If there were huge  
19 disparities, that would be something we'd want to take into  
20 account, in terms of ability to elect. Ability to elect is  
21 the measure here. So we're going to be looking at a  
22 variety of different things.

23 But I think what we'll find, at least with regard  
24 to registration, is that the disparities probably are not  
25 overwhelmingly large in California. I hope I'm not wrong

1 about that, because obviously that's the goal, right, is to  
2 have as much equal opportunity and, as evidenced through  
3 relatively equal registration rates.

4 MS. MACDONALD: Do you -- do you want me to weigh  
5 in, David?

6 CHIEF COUNSEL PANE: Only if you agree with me,  
7 otherwise you can just [indiscernible] later.

8 MS. MACDONALD: Completely agree with you. I  
9 completely agree with you. I suppose just one thing,  
10 Commissioner Sinay, that you might find interesting about  
11 this dataset is that, and going back to what David said, we  
12 have to work with the data that are available, right. So  
13 there's really no perfect in this space. We take the best  
14 data that we can get and then that's what we use. This  
15 particular dataset from the American Community Survey, it's  
16 an estimate dataset and it's collected over five years.  
17 And I think maybe what you were getting at is that when  
18 people are surveyed in the first year of that particular  
19 data set, right, and they may not be citizens, for example.  
20 Let's just use that, right. Then when these data are  
21 reported five years later, they're still not citizens, even  
22 though they may have been naturalized. Right. And you've  
23 also heard me say that the ACS is the only place where you  
24 don't age. Right. So you know whether or not you are of  
25 voting age is also something that is somewhat questionable,

1 because again, if you were surveyed when you were not of  
2 voting age, you're still the same age when this is later  
3 reported.

4           And California, of course we know, you know, we  
5 are -- we're a pretty exciting place. Lots of things  
6 happen. People move, you know. People move in, they move  
7 out. This is what we all love about California, and that,  
8 of course, affects this dataset. Having said that, what  
9 David says is correct that I think we're also doing pretty  
10 good with respect to voter registration and so forth. But  
11 you may see some gaps because you could, for example, see  
12 an incredible push at voter registration and then you might  
13 see just some numbers, you know, jumping up, for example,  
14 and then that may not compare as well. This is why people  
15 say redistricting is a little bit of an art and a little  
16 bit of a science. You have to weigh all of these different  
17 factors. You have to look at all these datasets. You have  
18 to contextualize them, and then you have to talk about it.  
19 And luckily, we're in a process where we can all talk about  
20 it. So. That's, I think, what I would have to add.

21           CHAIR AKUTAGAWA: Okay. Mr. Becker, I'm not sure  
22 you want to go with this. I do need to step away for a  
23 meeting. Commissioner Fornaciari's going to take over, but  
24 I have put instructions as to how to reach me if we're  
25 going to take the vote at some point before 4:00.

1 CHIEF COUNSEL PANE: Thanks, and Commissioner Yee  
2 and Commissioner Sadhwani, I believe we're not looking for  
3 any action here. We're just -- I just wanted to provide  
4 this background briefing for all of you. And obviously,  
5 this will be an ongoing iterative process. We'll be happy  
6 to keep you up to date on this during the course of  
7 meetings over -- until, and certainly through the time  
8 where we get the census -- the census data is usable.

9 COMMISSIONER YEE: That's right. This was simply  
10 an orientation, and nothing is prepared for what's to come.  
11 In which case, perhaps we can move on to the Population  
12 Deviation Discussion.

13 CHIEF COUNSEL PANE: Did you want me to start on  
14 that, or if, I don't know if you wanted to start with any  
15 questions or introduction?

16 COMMISSIONER YEE: We did not -- I do not prepare  
17 anything.

18 CHIEF COUNSEL PANE: Right. But so my  
19 understanding is that -- so I'm going to tell you a little  
20 bit about what the law requires, with regard to population  
21 deviation, and then I'll make, and again I don't think this  
22 is -- there's any action required unless you want to take  
23 some. I'm happy to give a recommendation about how I think  
24 the best way to approach this is.

25 When we talk about population deviation, we're

1 talking about what's the legally allowable deviation  
2 difference in population between districts from the lowest  
3 populated district to the highest populated district. And  
4 with regard to Congress, the answer for that is pretty  
5 easy. It's zero or pretty darn close to zero people.  
6 There might be a little leeway here or there. Certainly  
7 there's leeway of one person because very unlikely that  
8 there's going to be the population divisible by 52, but  
9 there's some leeway there, but there's not much. And  
10 really to obtain safe harbor, with regard to equal  
11 population in congressional districts, the Commission  
12 should do everything it can to get as close to zero  
13 deviation or at most one person, maybe a little more if you  
14 need to. But there's not much gain from going higher than  
15 that, even if you're even if it were legally allowable,  
16 because we're talking about a very small number of people  
17 that are very unlikely to change the legality of the plan  
18 overall with the -- from the perspective of the Voting  
19 Rights Act or something like that.

20           With regard to the legislative districts, the  
21 safe harbor for decades has been overall 10% deviation,  
22 plus or minus 5% deviation between the highest population,  
23 the largest populated district, and the least populated  
24 district. And it has repeatedly been upheld that districts  
25 that fall within that plus and minus 5% has satisfied the

1 equal population requirements of the Constitution. Now,  
2 that doesn't mean -- there have been times when districts  
3 that fall within that have been found to be illegal for  
4 other reasons, but not for equal population. And so you  
5 have the legal ability to deviate as much as plus and minus  
6 5% between the legislative districts.

7           I do want to note that it's a noble goal to try  
8 to get as close to equal population as possible, but I also  
9 think it is probably unnecessarily restrictive and makes  
10 your lives much more difficult to set artificial barriers  
11 around equal population before we get the data and start  
12 drawing the lines. Once we -- it is absolutely appropriate  
13 to keep equal population as a factor, as a criteria for you  
14 all as you're drawing the line and trying to get as close  
15 to equal population as possible, but that plus and minus 5%  
16 gives you a lot of leeway to do things that might otherwise  
17 make the -- make the plan overall more compliant with other  
18 aspects of the law, particularly the Voting Rights Act.

19           So my strong recommendation is that, absolutely,  
20 noble goal to try to get to as close as equal population as  
21 possible, but don't set artificial limits at this point  
22 without seeing where -- what the data is and what  
23 the -- how difficult it might be to balance the variety of  
24 factors that you need to balance as you're drawing the  
25 lines. And so I would suggest just, you know, take into

1 account the legal limits and let's see where the data takes  
2 us and use whatever criteria that are laid out in the law,  
3 and as well as equal population as we're drawing the lines  
4 and as you're trying to achieve all of those goals and  
5 balance in all those factors.

6 COMMISSIONER SADHWANI: I'll just jump in, and I  
7 think perhaps we could have done a little bit more to frame  
8 this conversation. I just wanted to remind Commissioners,  
9 and we talked about this not too long -- just earlier today  
10 about how we received this training on all of these really  
11 important pieces back in August and September of last year,  
12 and that that's a problem. So this conversation is really  
13 meant to kind of refresh our memories on that first  
14 criterion, as Mr. Becker has laid out here. I just wanted  
15 to remind folks that that presentation occurred. That  
16 Justin Leavitt had given us this, like more like a fairly  
17 detailed training and on his redistricting basics. That is  
18 in the handouts for the August 26th, 2020, meeting. So  
19 almost one year ago. In particular, in that that, the  
20 PowerPoint presentation slides 11 through, I believe 17  
21 specifically, kind of laid out some more of this. So just  
22 so that folks have that handy if they need it.

23 We have received -- we have received some of this  
24 information before, but of course, it's been quite a long  
25 time. And so it's been really important to bring this

1 conversation back and start rethinking about these issues  
2 as we continue to move towards actual line drawings. Thank  
3 you so much, Mr. Becker. And that's [indiscernible].

4 CHIEF COUNSEL PANE: Yes. Thanks. Thanks for  
5 sharing that, too. And again, you know, the overall 10%  
6 deviation is a possible flexibility of up to, you know, in  
7 an assembly district, which is the smallest of the  
8 district, you know, around 45,000 or 50,000 people. So  
9 there -- that kind of flexibility, I'd advise, is highly  
10 desirable for you to keep and maintain, even as you're  
11 balancing out all of the factors once the census data comes  
12 in and you try to measure that, but that that flexibility  
13 may allow you to better comply with the Voting Rights Act,  
14 to create opportunity districts, ability to elect  
15 districts, that might be difficult to create if you've made  
16 your standards too rigid and gone beyond what the law  
17 requires. Commissioner Sinay.

18 COMMISSIONER SINAY: Thank you. Is there any  
19 concern, you know, it was kind of brought up, you know, as  
20 I was looking through the slides, it was, you know,  
21 Professor Leavitt brought it up, or Director Leavitt now,  
22 whatever his right title is, it was brought up by him, but  
23 now we know a little bit more and so I was curious, Karin,  
24 is there any concerns on the deviation numbers based on  
25 what we know about the census data, and its privacy stuff.

1 MS. MACDONALD: Yeah. Thank you for that  
2 question. I wish I could tell you what exactly the concern  
3 is, you know, or which way the concern goes, because, you  
4 know, I -- we just know that they are applying a different  
5 privacy algorithm to the census for the first time. None  
6 of us have seen the data. So you know, we're going to be  
7 working with data that we'll find out whether they reflect  
8 what we know is true on the ground. But irrespective of  
9 that, from a line drawing perspective, it's just  
10 Very -- you're basically introducing an additional  
11 constraint. That's the way I think about it. When you're  
12 keeping deviations artificially low. It just makes it a  
13 lot more difficult to comply with the other criteria. And  
14 you know, with my line drawing hat on, I have to say that  
15 our team, we will always try to strive to get the smallest  
16 deviations possible, but there may be situations where  
17 we'll have to come to you and say, okay, we just  
18 constructed this particular district and it's within 1%.  
19 Looks great, but we have split two communities of interest  
20 and, or one community of interest, and if you'd like to  
21 keep that community of interest together, then we will go  
22 up to say 3% or so. And that could happen with a city. It  
23 could happen with a community of interest. Could happen  
24 with a neighborhood. It could happen really with anything,  
25 right.

1           So then we would come back and just say, what do  
2 you want to do about that? And, you know, not saying, you  
3 know, we want to keep these deviations artificially very,  
4 very small from the get-go without you actually seeing what  
5 that does. We'll give you that opportunity to actually  
6 look at the maps and make those decisions on a case by case  
7 basis. Because when you -- if you come in and you say,  
8 well, you know, we just want to keep it very narrow, then  
9 that automatically precludes you, basically, from making  
10 those decisions. And I can pretty much guarantee you your  
11 city county splits and all of that will go up.

12           CHIEF COUNSEL PANE: That's a great illustration.  
13 That's exactly right for those of us who have actually sat  
14 and drawn maps and included census blocks in and out and  
15 done that kind of thing. I can tell you those exactly.  
16 That is the balancing of interests that takes part. I also  
17 just want to point out, and this relates to the -- to the  
18 earlier conversation we were having about equal population.  
19 Because -- all of this is based on a snapshot in time. So  
20 before you artificially set boundaries on yourself that  
21 restrict you overly, you should realize that you're -- the  
22 census data, which you are legally required to use for  
23 equal population and is good to use, is already a year and  
24 a half old when you get it. There's mobility and churn in  
25 the population that's constantly happening. So in some

1 ways, equal population is an illusion, but it is a  
2 necessary legal illusion because we -- it is the only -- we  
3 can only measure population based on a moment in time, and  
4 we've defined that legally as to what it is. So before you  
5 put too much pressure on yourself to trash this, you know,  
6 some kind of artificial number of equal population, take  
7 advantage of the legal variation, the deviations that  
8 you're allowed to use, because they, you know, there's  
9 just -- you're using equal population based on data that at  
10 the time you're getting it, is already a year and a half  
11 old.

12 COMMISSIONER SADHWANI: If I may.

13 COMMISSIONER LEE: Commissioner Sinay.

14 [Indiscernible] I'm presiding. Commissioner Sadhwani.

15 COMMISSIONER SADHWANI: Thank you. I just wanted  
16 to follow up with Commissioner Sinay to see if she felt  
17 like her answer was -- her question was answered. What I  
18 heard in that question was like, what is the impact of  
19 differential privacy in terms of population equality,  
20 right. And my sense, and please correct me if I'm wrong  
21 Karin, because I don't know enough about differential  
22 privacy, but my sense is that regardless of what's  
23 happening within the census block, with differential  
24 privacy, the population is static. Right. The population  
25 of the census block wouldn't change based on -- is that not

1 correct, Karin? It could change.

2 MS. MACDONALD: Yes. Sadly, sadly, it does  
3 change. They're not keeping that invariant. They're  
4 keeping the households, the number of households, for  
5 example. They're keeping those invariant, but not the  
6 people that are in those households. So yeah. But you  
7 know, honestly, I'm going to try to put my positive hat on  
8 so my not nit-picky census, I don't like what you're doing  
9 hat. You know that rule of statistics as you aggregate up,  
10 usually your arrow goes down. And so hopefully in our  
11 process, we will not encounter too many problems because of  
12 this particular privacy algorithm. I think people on the  
13 local level may have different conversations because they  
14 don't have that luxury to aggregate up to almost 500,000  
15 people, for example. And I know it's not a perfect answer,  
16 but this is how I understand it at this point.

17 COMMISSIONER SADHWANI: Well, so that is a  
18 problem. And just from a process standpoint, I think also  
19 what I'm hearing, Karin, is after this conversation, we  
20 still are going to talk a little bit more in this meeting  
21 about the plan for line drawing. And one of the plans that  
22 we've talked about, and we have discussed previously for  
23 the Commission, is using an iterative approach in which we  
24 will have visualizations from week to week. And just to  
25 clarify, my assumption then is when we're looking at those

1 kind of visualizations, that will also include where we're  
2 at, in terms of population deviation. Is that correct?

3 Yeah.

4           So as we go forth and have those kinds of  
5 considerations that you laid out, right, here it is with  
6 this population deviation, but we're splitting these  
7 communities of interest, we'll be able to weigh, you know,  
8 the pros and cons of keeping it artificially low or adding  
9 in a little bit more of that deviation as we go through.  
10 And because we're doing that week by week approach, we  
11 would have a couple opportunities to think about -- think  
12 about the impact of that before we actually have to get to  
13 our draft maps.

14           MS. MACDONALD: Exactly.

15           COMMISSIONER YEE: What feels like a basic  
16 question, so for congressional districts, trying to get the  
17 deviation down to zero, how do you do that when the census  
18 blocks are the smallest units? You know, they vary in size  
19 so how do you get to zero when they're all different sizes?

20           CHIEF COUNSEL PANE: Very carefully.

21           MS. MACDONALD: And it became an interactive  
22 process with the public last time. I think there were  
23 laser pointers, a very large map in a hearing room  
24 involved, and people were looking for the right population  
25 of certain census blocks. So it's tedious. It takes a

1 long time to do that. So AND that actually is a great  
2 question that illustrates why you don't want to  
3 artificially constrain yourself to, you know, just some  
4 number in terms of deviations, just you know, keep it open  
5 so you can do the best job possible for all the criteria,  
6 would be my advice.

7 CHIEF COUNSEL PANE: Yeah. For exactly that  
8 reason. I mean, especially when you're in highly populated  
9 areas where, you know, tiny little geographical areas have  
10 a lot of people in them. You're going to -- you all are  
11 just going to do your best and we're going to advise you as  
12 well as we can. And you know, a few -- a few people here  
13 or there deviation is probably not going to raise the  
14 eyebrows of a court. You know, you'll -- what we'll do is  
15 we'll make sure we advise you on the various alternatives  
16 and things that you can consider, but that's -- that  
17 gets -- that can get tricky. And we'll just, you know, we  
18 not knowing what the census data shows us, we're, you know,  
19 we'll do the best we can.

20 I think Commissioner Anderson has her hand up.

21 COMMISSIONER ANDERSON: Yeah. Thank you. I'm  
22 just wondering, you know, this particularly to the  
23 congressional level with one person who, plus or minus, the  
24 impact with differential privacy. We don't know  
25 that -- you know we just said, what each census block that

1 may or may not be the same, you know, that the number in  
2 there is not necessarily correct. I wonder if that might  
3 be a, given this differential privacy, if that might allow  
4 for a slightly variation. Like it might be plus or minus  
5 two people instead of plus or minus one person. If that  
6 might be an acceptable, given this new, you know it's -- if  
7 keeping the number of the households the same, but not the  
8 number of the people for census block that's a -- that's an  
9 issue. That's a serious issue. If you want to come down  
10 to one person.

11 I don't know how, you know, that's something that  
12 someone else will have to try as far as legislate, take to  
13 the courts. I don't necessarily suggest we do that, but I  
14 think we might want to consider just a little slight  
15 variation more than we would going to zero. Nope, it has  
16 to be exactly the same, exactly the same. We might, maybe  
17 in our iterations, give ourselves just a little more  
18 flexibility than we would otherwise. What I'd like to say,  
19 what do you think about that, please?

20 CHIEF COUNSEL PANE: I think that's fair.  
21 Certainly in the iterations. I mean, we're going to, you  
22 know, the data is going to be what the data is, right. I  
23 mean, there's not much we can do about that. Karin, you  
24 might have some thoughts about that, but I think -- I think  
25 it's entirely appropriate in iterations, or illustrations,

1 as we might call them. The illustrations don't need to  
2 comply with the law. They are not the map. They  
3 are -- they are you working through to the point where  
4 you're going to get to the maps. And it is, you know, that  
5 you're going to refine this process as you go, and it would  
6 be nearly impossible to get -- to get this perfect the  
7 first try. I mean, it's just not realistic.

8           So I think -- I think you're quite right. I  
9 think flexibility, giving -- I advise allowing yourselves  
10 to feel the flexibility that you have, knowing where the  
11 final product needs to get to. I say zero or one. I mean,  
12 there is some flexibility there. It's more than that, I  
13 mean, if there's -- if the census blocks don't really  
14 account for that. I think, you know, you're plus or minus  
15 1,000 people, that's going to raise a lot of eyebrows. I  
16 don't know what the magic number is. I don't know what the  
17 magic line is. But you know, with congressional  
18 districts, you're supposed to shoot for as close to zero  
19 deviation as possible. With the legislative districts,  
20 that is not an issue. You have a lot more leeway to  
21 balance out the other factors, and in particular, take into  
22 account, as Karin mentioned, the communities of interest.

23           COMMISSIONER YEE: Okay. Anything else on  
24 population deviation? If not, then Chair, we can go back  
25 to the RPV analyst discussion and vote.

1 VICE CHAIR FORNACIARI: Yeah.

2 COMMISSIONER YEE: It's not clear to me if we  
3 need a whole new motion or whether we can just continue  
4 with the vote.

5 UNKNOWN SPEAKER: Well I could perhaps we need to  
6 see if Commissioner Le Mons is available, since the vote  
7 was held open for him and if not --

8 COMMISSIONER LE MONS: I am.

9 UNKNOWN SPEAKER: Oh, there he is. Okay. So  
10 maybe because we did have a first, a second. We did public  
11 comment. We are in the process of the vote. I don't know,  
12 Commissioner Yee, if for both Commissioner Vazquez and  
13 Commissioner Le Mons, if you, but prior to that vote, if  
14 you want to give a summary. That way, Executive Director  
15 Hernandez can make any adjustments to the vote one time.  
16 Just a thought.

17 COMMISSIONER LEE: I'd be happy to. Looks like  
18 Commissioner Kennedy has a thought.

19 UNKNOWN SPEAKER: Yeah.

20 COMMISSIONER KENNEDY: Thank you, Chair. You  
21 know, there's even an open question as to whether as a full  
22 Commission we ever officially adopted Roberts Rules of  
23 Order. But be that as it may, my understanding of Roberts  
24 is that once the result is announced and it has been, that  
25 the motion that would be appropriate at this point is a

1 motion to reconsider. So it would be a separate vote. We  
2 haven't held this vote open because we have announced the  
3 results. Commissioners can change their votes before the  
4 results are announced, but once they're announced, that's  
5 it. And the only thing that we can do is move to  
6 reconsider.

7 VICE CHAIR FORNACIARI: So are you -- are you  
8 making such a motion, Commissioner Kennedy?

9 COMMISSIONER KENNEDY: I'm happy to make the  
10 motion to reconsider. Yes.

11 VICE CHAIR FORNACIARI: Okay. Commissioner  
12 Fernandez.

13 COMMISSIONER FERNANDEZ: I will second that.

14 VICE CHAIR FORNACIARI: Okay. Then I will turn  
15 it over to Commissioner Yee and David Becker to give a  
16 brief briefing to Commissioner Le Mons and Commissioner  
17 Vazquez.

18 COMMISSIONER YEE: David, you're welcome to.

19 CHIEF COUNSEL PANE: Sure. I'll do my -- I  
20 hope -- I hope I remember everything I said before. So we  
21 had several strong applications. We are recommending that  
22 we hire Meghan Gall of Blockwell Consulting as our Racially  
23 Polarized Voting Consultant. She has experience working  
24 around the country, including in California with the  
25 Statewide Database. She has extensive experience working

1 with multiple racial groups that might live in close  
2 proximity to each other with regard to Racially Polarized  
3 Voting analysis. And she has experience working with groups  
4 such as Lawyers' Committee for Civil Rights Under Law,  
5 NAACP, Legal Defense Fund, and others that -- and a -- and  
6 a reputation for working extremely collaboratively and  
7 being able to explain this complex world of Racially  
8 Polarized Voting analysis, which can be statistically very  
9 wonky in a way that is very understandable even to people  
10 like me, who's just a simple country lawyer.

11           The -- I'll also say she has -- she had a very  
12 comprehensive application and demonstrated remarkable  
13 knowledge of all of the different methodologies that could  
14 be used and their strengths and weaknesses, including that  
15 some of the methodologies which may be used and could be  
16 useful, and we may want to utilize in some ways, are still  
17 untested in court. And so having a really good sense of how  
18 those might play out in court and whether they might be  
19 weaker or stronger as evidence, I think is a particular  
20 strength of hers.

21           We spoke with people, for instance, some of my  
22 former colleagues at DOJ who now work at Lawyers' Committee  
23 and confirmed that she is very good to work with, very  
24 collaborative. And so we felt her application was  
25 particularly strong in a pool of applications that was

1 strong. So that's -- I will also say, briefly, one of the  
2 other advantages is that she doesn't have, and I don't know  
3 if I mentioned this before, she doesn't have anything close  
4 to an apparent conflict, having not worked on redistricting  
5 issues in California before or currently. And she has been  
6 very active, working with, for instance, the LGBT community  
7 as well.

8           And she has her own consulting business, which  
9 means that it would be very easy to contract with her very  
10 quickly, which means we can get her up and running and use  
11 this month prior to the month and a half, prior to the  
12 census data coming out and being usable, to the greatest  
13 effect. All of these were strengths in her application.  
14 This is not a comment on any other applications that we had  
15 in any way. We just found her application to be  
16 particularly strong.

17           COMMISSIONER YEE: Commissioner Sadhwani, I don't  
18 know if you want to chime in, as someone else in the field,  
19 an expert in the field, as well, and as someone who's I  
20 think met her at least once.

21           COMMISSIONER SADHWANI: Yes. Sure. You know,  
22 I'll just also remind, and I mentioned this earlier, but  
23 I'll say again, you know, that we had structured the  
24 contract in such a way that we really wanted the  
25 Strumwasser Woocher team to identify who they wanted to

1 work with, right. That who what it was that they felt was  
2 the best fit for this -- for this position. And also, you  
3 know, part of that was not only ensuring that we get an  
4 excellent candidate, I think we would have gotten that  
5 regardless, but to ensure, you know, that connectivity,  
6 that connective tissue, if you will, between the legal team  
7 and the RPV analyst, which was similar to what was done in  
8 2010. You know, Gibson Dunn had made the selection of  
9 their RPV analyst. And you know, I think also the other  
10 key component was so that there wouldn't be that hang up of  
11 the contracting that we have seen with so many other  
12 contracts that we have, you know, engaged.

13           To that end, you know, Commissioner Yee and I  
14 weren't involved in the selection process of the candidate.  
15 I can say I don't, I certainly don't know Megan Gall well.  
16 I've never met her. I've only seen her speak once at a  
17 presentation on behalf of an organization -- an  
18 organization called NARF, which is a Native American  
19 organization. And in that, she appeared to me to be really  
20 excellent at breaking down what the methodology is and  
21 really speaking in layman's terms, which I thought was  
22 extraordinarily helpful. So I could certainly see, from  
23 what I know of her, you know, her being able to give really  
24 great presentations to us to make sure that we're  
25 understanding the process, that other Californians that are

1 tuning in can continue to further understand the process as  
2 well.

3 CHIEF COUNSEL PANE: Yeah. And I just want to  
4 stress something that I, kind of reiterate something that  
5 Commissioner Sadhwani just said. The recommendation is  
6 coming from the Strumwasser team and myself. We considered  
7 all the applicants. We interviewed all the applicants.  
8 Again, it was a very strong pool. So this is -- this is  
9 our recommendation to the Commission, and there was no  
10 other -- no other involvement.

11 COMMISSIONER YEE: Okay. So back to you, Chair  
12 for discussion and vote.

13 VICE CHAIR FORNACIARI: Sure. So Commissioner  
14 Le Mons, just to kind of let you know what happened with  
15 the last vote. We -- it's a special vote, so it requires  
16 three from each group. In the -- in the no party  
17 preference group there were two yes votes and one  
18 abstention. So we weren't able to move forward. So we  
19 wanted to revisit this when you returned. And there was  
20 also -- and Commissioner Vazquez also abstained because she  
21 didn't hear the conversation. So we wanted to give her a  
22 chance to hear the explanation, too. So I just want to  
23 make sure you had the background as to how we got to where  
24 we are. So do you have any questions, or does anyone else  
25 have any questions at this point?

1 COMMISSIONER LE MONS: I do not, Commissioner  
2 Fornaciari. Thank you for that.

3 VICE CHIAR FORNACIARI: Okay. Commission Toledo.

4 COMMISSIONER TOLEDO: I just want to explain my  
5 abstention. I didn't have a really -- I hadn't had an  
6 opportunity to review the -- I saw the resume, I just  
7 didn't realize it was -- I didn't connect the dots that it  
8 was the same person, so I hadn't thought about it from that  
9 lens. And so I didn't feel comfortable weighing in a yes  
10 or no in my -- in -- at that time.

11 I mean, my only concern at this point is that the  
12 person doesn't have California experience, that the firm is  
13 recommending the person and they've weighed the person  
14 against all other candidates, and if their recommendation  
15 is to move forward, I'm comfortable with that. But that  
16 was the reason for my abstention. I hadn't connected the  
17 dots between the resumé that was on, posted on  
18 the -- posted and the fact that it -- they were being  
19 considered for the RPV analysis. And that was --

20 CHIEF COUNSEL PANE: And I -- and I appreciate --

21 COMMISSIONER TOLEDO: -- so I didn't have enough  
22 time to really think about it, but now that I've heard and  
23 had an opportunity to take a look at them. I mean,  
24 obviously, she has a lot of experience. I was just -- my  
25 only hesitancy at this point is that the California

1 background, although because I don't think a conflict of  
2 interest in having California redistricting issue is a  
3 disqualifying concern and I don't think that's what you  
4 meant, Mr. Becker. But --

5 CHIEF COUNSEL PANE: No. That's not it.

6 COMMISSIONER TOLEDO: -- that's just my -- that's  
7 just my thinking. And especially as we look at, we've  
8 tried to prioritize vendors that are from California and  
9 so, or at least, we've at least considered that in the  
10 past. So that was another thing that was something that was  
11 weighing in my mind, but I'm sure that's been weighed, and  
12 you've come up with your recommendation and I'm happy to  
13 support it if that's the recommendations [indiscernible].

14 CHIEF COUNSEL PANE: I really appreciate that.  
15 And I'll just say briefly, just she doesn't have  
16 specifically California redistricting experience in the  
17 past, but she is -- she does have experience working with  
18 the California Statewide Database and other California  
19 experience, knowledge of the populations within California.  
20 So hopefully that that helps to some degree. And I  
21 appreciate everything you just said. I mean, there  
22 is -- there were a lot of things we were balancing out  
23 there, and again, it was -- there were many -- there were  
24 several strong candidates that we were balancing at, and we  
25 thought her application was particularly strong.

1 VICE CHAIR FORNACIARI: Okay. Well thank you,  
2 Commissioner Toledo and Mr. Becker. If there are no other  
3 discussion points from the Commission, I believe we need to  
4 go to public comment at this point. So Katy.

5 PUBLIC COMMENT MODERATOR: We are taking public  
6 comment on the Motion of Reconsider.

7 COMMISSIONER FORNACIARI: Yes.

8 PUBLIC COMMENT MODERATOR: Yes. Okay. The  
9 Commission will now take public comment on the Motion to  
10 Reconsider on the floor. To give comment, please call  
11 877-853-5247 and enter the meeting ID number 87487440379.  
12 Once you've dialed in, please press \*9 to enter the comment  
13 queue. The full call-in instructions have been read at the  
14 beginning of the meeting and are provided in full on the  
15 livestream landing page. And at this time, we do not have  
16 anyone in the queue, Chair. And we will let you know when  
17 the instructions are complete.

18 VICE CHAIR FORNACIARI: Thank you, Katy.

19 COMMISSIONER YEE: Actually, Director Hernandez,  
20 can we redisplay the motion?

21 COMMISSIONER SADHWANI: You know, Chair, just  
22 before we go into that, I know Commissioner Akutagawa had  
23 mentioned wanting to be brought back in for the vote.  
24 Should we attempt to do that?

25 COMMISSIONER SINAY: She's right there.

1 VICE CHAIR FORNACIARI: Oh. She's back.

2 CHAIR AKUTAGAWA: Yeah. I'm just here for the  
3 vote.

4 EXECUTIVE DIRECTOR HERNANDEZ: Chair, are you  
5 ready for the vote?

6 VICE CHAIR FORNACIARI: Did we hear from Katy?  
7 Is the livestream up?

8 PUBLIC COMMENT MODERATOR: The instructions are  
9 complete, Chair.

10 VICE CHAIR FORNACIARI: Instructions are  
11 complete?

12 PUBLIC COMMENT MODERATOR: Yes.

13 VICE CHAIR FORNACIARI: Okay. Very good. Yes.  
14 Rick Hernandez.

15 EXECUTIVE DIRECTOR HERNANDEZ: Thank you. And  
16 this is the motion to reconsider the RPV Consultant vote.  
17 Commissioner Ahmad.

18 COMMISSIONER AHMAD: Yes.

19 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
20 Akutagawa.

21 CHAIR AKUTAGAWA: Yes.

22 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
23 Andersen?

24 COMMISSIONER ANDERSEN: Yes.

25 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner

1 Fernandez?  
2                   COMMISSIONER FERNANDEZ: Yes.  
3                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
4 Fornaciari.  
5                   VICE CHAIR FORNACIARI: Yes.  
6                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
7 Kennedy.  
8                   COMMISSIONER KENNEDY: Yes.  
9                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le  
10 Mons.  
11                   COMMISSIONER LE MONS: Yes.  
12                   EXECUTIVE DIRECTOR HERNANDEZ: Thank you.  
13 Commissioner Sadhwani.  
14                   COMMISSIONER SADHWANI: Yes.  
15                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
16 Sinay.  
17                   COMMISSIONER SINAY: Yes.  
18                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
19 Taylor.  
20                   COMMISSIONER TAYLOR: Yes.  
21                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
22 Toledo.  
23                   COMMISSIONER TOLEDO: Yes.  
24                   EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
25 Turner.

1 COMMISSIONER TURNER: Yes.

2 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
3 Vazquez.

4 COMMISSIONER VAZQUEZ: Yes.

5 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.

6 COMMISSIONER YEE: Yes.

7 EXECUTIVE DIRECTOR HERNANDEZ: The motion has  
8 passed.

9 VICE CHAIR FORNACIARI: Very good. Commissioner  
10 Yee, are we -- are we done with this part of it, or is  
11 there anything else from the VRA Compliance portion?

12 COMMISSIONER YEE: I believe that's all.  
13 Commissioners? Anyone else? Thank you all for the vote.  
14 I -- and I appreciate and respect the integrity behind the  
15 votes.

16 VICE CHAIR FORNACIARI: Yeah. Thank you all.  
17 And yeah, great conversation. And I think I can speak for  
18 the whole Commission that we're glad we can begin to move  
19 this forward. It is going to be immensely helpful for us  
20 to begin to understand what this looks like, how we can  
21 sort of contextualize this along with the public input  
22 we're getting and begin to consider how we're going to move  
23 forward in drawing lines. So thank you all for your hard  
24 work in bringing this forward for us. We really appreciate  
25 it.

1           Let's see, the next topic is the Line Drawer  
2 topic. Or wait. We have to take public comment on VRA  
3 Compliance. Is that's right, Anthony.

4           CHIEF COUNSEL PANE: I'm sorry, Chair. I  
5 thought -- I thought, weren't we on the Line  
6 Drawing Piece or --

7           VICE CHAIR FORNACIARI: No. We're on the VRA.

8           CHIEF COUNSEL PANE: We're on the VRA and  
9 Compliance.

10          VICE CHAIR FORNACIARI: We just finished the VRA  
11 Compliance.

12          CHIEF COUNSEL PANE: Okay, but we took -- okay,  
13 but we took public -- we took public comment on the -- on  
14 the motion.

15          VICE CHAIR FORNACIARI: On the vote.

16          CHIEF COUNSEL PANE: On the vote. You did  
17 take -- you can open it up for public comment if  
18 you want, for the -- for the agenda item itself. Is that  
19 your question?

20          VICE CHAIR FORNACIARI: Well, I guess my question  
21 is, do I need to?

22          CHIEF COUNSEL PANE: Yes.

23          VICE CHAIR FORNACIARI: Okay. Then we will open  
24 it up for public comment on the topic of VRA Compliance.

25          PUBLIC COMMENT MODERATOR: The commission will

1 now take public comment on the -- on the RA Compliance  
2 agenda item. To give comment, please call 877-853-5247 and  
3 enter the meeting at number 87487440379. Once you have  
4 dialed in, please press \*9 to enter the comment queue. The  
5 full call-in instructions have been read previously in the  
6 meeting and are provided in full on the livestream landing  
7 page. We do not have anyone in the queue at this time, and  
8 I will let you know when the instructions are complete  
9 momentarily.

10 VICE CHAIR FORNACIARI: Okay. So while we're  
11 waiting to see if we get a caller, we have a break due at  
12 3:47 and -- but we're going to start a new topic. So I  
13 think what I'm going to propose to do is take our break a,  
14 start our break a few minutes early, take a 15 minute break  
15 so that we don't have to interrupt the Line Drawer  
16 conversation. So, plus I like round numbers, and we'll  
17 start at 3:40.

18 PUBLIC COMMENT MODERATOR: The inspections are  
19 complete, Chair. And we do not have any one in the queue  
20 at this time.

21 COMMISSIONER TURNER: It will start at what time,  
22 Chair?

23 VICE CHAIR FORNACIARI: Just a sec. We're going  
24 to give it one more minute to -- if anybody's trying to  
25 call it. Oh, we have a caller.

1 PUBLIC COMMENT MODERATOR: Yes. We have caller,  
2 2829. And go ahead, the floor is yours.

3 MS. WESTA-LUSK: Yes. This is Renee Westa-Lusk.  
4 I am just asking for a little education on how the VRA  
5 districts have to be drawn differently on different  
6 criteria than in 2011 because they had Section 5,  
7 was -- that was active and then it got struck down by the  
8 Supreme Court, I guess in 2013. If you could elaborate how  
9 the VRA is going to be different this time as opposed to  
10 the 2011 Districting that had to be done using the VRA law  
11 back then.

12 VICE CHAIR FORNACIARI: Okay. I would like to  
13 defer to Mr. Becker on that question. If you would be  
14 willing to feel that.

15 MR. BECKER: Sure. So yes, under the Shelby  
16 County decision by the Supreme Court, Section 5 no longer  
17 applies to California and Section 5 and Section 2 were two  
18 different sections of the Voting Rights Act that applied  
19 different criteria to districts. Section 5 applied to  
20 districts under, in the counties that Section 5 applied to.  
21 It did not apply statewide to the state of California and  
22 required that there could be no what was called  
23 retrogression. In other words, the degree to which  
24 minority voters in those counties were able to elect  
25 candidates of choice, the new plan could not put them in a

1 worse position than they were before. That no longer  
2 applies.

3           But Section 2, which requires that where a  
4 minority group is large enough to form a majority in a  
5 district and where it votes cohesively to elect candidates  
6 that differ from the white population, that they be -- that  
7 they -- that districts are created to afford them, to  
8 afford them an opportunity to elect candidates of their  
9 choice. That is a different set of criteria that applied  
10 the same in the 2010 cycle as it will in the 2020 cycle.  
11 Section 5 will not be a consideration during this  
12 redistricting round. But section 2 will be, and we will,  
13 the Commission will be, get advice from me, as well as the  
14 other lawyers, on how to ensure that minority populations  
15 that meet all of the criteria under Section 2 of the Voting  
16 Rights Act, whether a district existed before or not.

17           Section 2 is an objective criteria. It just  
18 looks at does the minority population now, would they have  
19 an ability to elect a candidate of their choice in a  
20 district in which they comprise a majority? Whereas  
21 Section 5 was a relative measure which said, is the  
22 position of the minority population within a district that  
23 touches on a covered county, has that been worsened  
24 compared to the previous district? And that relative  
25 measure no longer applies as a result of the Shelby County

1 case.

2 MS. JOHNSTON: If I could add one more  
3 difference. Last time around, there was preclearance  
4 requirements from the Department of Justice, so that the  
5 Commission had to submit proposals for the four counties  
6 that were subject to Section 5 before it could go ahead  
7 with the rest of its mapping proposals. So that's another  
8 areas this commission is now facing.

9 MS. WESTA-LUSK: I just have one other  
10 clarification.

11 VICE CHAIR FORNACIARI: Okay.

12 MS. WESTA-LUSK: So what you're saying, the four  
13 counties that existed that had to go through preclearance  
14 under Section 5 in 2011, no -- that no longer applies.

15 VICE CHAIR FORNACIARI: Correct.

16 CHIEF COUNSEL PANE: That's correct. And the  
17 plan will not need to be sent to the Justice Department for  
18 preclearance under Section 5 of the Voting Rights Act.

19 MS. WESTA-LUSK: Okay. Thank you very much for  
20 that education. I greatly appreciate it.

21 VICE CHAIR FORNACIARI: Thank you for calling in.  
22 Okay, with that we, unless there are other questions, we  
23 will break. How about we come back at 4:00 and reconvene.  
24 We'll come back with the Line Drawer at 4:00.

25 (Off the record at 3:44 p.m.)

1 (On the record at 4:00 p.m.)

2 VICE CHAIR FORNACIARI: Welcome back, California.  
3 We are going to jump into agenda Item 6 on this point, Line  
4 Drawer. And that would be Commissioner Andersen,  
5 Commissioners Andersen and Sadhwani. So I will turn it  
6 over to them.

7 COMMISSIONER ANDERSEN: Thank you, Chair.  
8 Basically, you know, we only have one item to actually  
9 bring up now. We've sort of done everything. It was  
10 essentially a joint presentation with the Line drawers and  
11 David Becker. The only thing we're going to actually talk  
12 about is it's the posted agenda item, the postage handout,  
13 which was the Proposed Plan and Dates for First Phase of  
14 Line Drawing. It's a -- it's been revised. And so if  
15 everyone, actually, I can pull that up on the screen if  
16 that's kind of the easiest thing, and then if we can just  
17 walk through it.

18 Basically, all the changes are in red. And it  
19 just, it, this is kind of what we're proposing. Not much  
20 has seriously changed. A couple of dates have possibly  
21 changed. Oh and, should I pull it for people, and people  
22 can talk about it?

23 COMMISSIONER TURNER: We have it.

24 COMMISSIONER ANDERSEN: All right. Was that a  
25 yes?

1 VICE CHAIR FORNACIARI: Yes.

2 COMMISSIONER ANDERSEN: Okay. Let me see if I  
3 can do that here. Share screen. Where do I want to go?  
4 That. Share. And then go. Yeah. That's. Well. That  
5 didn't quite work.

6 VICE CHAIR FORNACIARI: You're sharing. I think  
7 if you just hit cancel on that. You're sharing now.

8 COMMISSIONER ANDERSEN: Okay. Is it good enough?  
9 Can you -- can you see that?

10 VICE CHAIR FORNACIARI: Yeah. Just hit cancel  
11 and I think you'll be good.

12 COMMISSIONER ANDERSEN: All right. Okay. If  
13 that's big enough. I don't know if everyone can see that.

14 VICE CHAIR FORNACIARI: It works for me. I don't  
15 know. If anyone can't see it, let us know.

16 COMMISSIONER ANDERSEN: Is that --

17 COMMISSIONER SADHWANI: Can you --

18 COMMISSIONER ANDERSEN: I'm not hearing any  
19 serious complaint. Basically, you'll -- I'm just going to  
20 quickly go through the changes here. The -- we added  
21 another, the other date, in terms of trying to review our  
22 COI submissions once our[indiscernible] is on. Obviously  
23 we were hoping to have that earlier, but we've already  
24 talked about, we don't have the data, so we can't look at  
25 the data, until we get the data. The next one mapped that

1 may or may not. We don't know exactly when the  
2 redistricting registry database will be available. I just  
3 kind of guessed. This is based on the census data moving  
4 up. But we don't know that particular data, the September  
5 15, 17, 18 meetings are, this is after we have done all our  
6 COI input. And so here those meetings are to get together  
7 with the Line Drawing Team prior to the release of the  
8 redistricting database and go over what we've seen,  
9 actually try to give them some direction.

10           The first of the August meetings are just for us  
11 to go over. Have a look at it, the public can see what  
12 we -- what we do have and what we don't have. So they can  
13 add in, give more information here, because again, the  
14 September -- the August 19, 31, and even the 7th -- the  
15 7th, those are the -- those are, well public input, the COI  
16 Public Input Meetings are still going on.

17           Then we move into the -- we have the -- we have a  
18 database, and this is what we're proposing. And  
19 Commissioner Sadhwani had already sort of talked about  
20 this. This is, again, we brought this up last meeting,  
21 it's an iterative approach. We're -- the Line Drawing team  
22 will be posting visualizations. We will be working through  
23 those, drawing those on a, essentially a three-day, each  
24 week of October. The one thing that is different here,  
25 we've tried -- we've added a few business meetings in, of

1 the 7th of October, the 18th of October.

2           Going on to page two. This particular week,  
3 we've added one more day, so it is over the weekend. This  
4 is for while we're -- while we're still working on our  
5 visualizations, what are we trying to do? We can actually  
6 get district maps being presented. This is, so this is the  
7 public input for district maps. This is just a time we  
8 have not worked out what that means, how we do that, but we  
9 do, we've all talked about the value of getting district  
10 maps, as for -- before we actually sort of, while we're,  
11 before we draw our first maps. This is sort of during the  
12 process. And now, if you'll notice here, this is open to  
13 anyone. This is not individual, just groups, it's anyone  
14 who will sign up. The details of that, we still have to  
15 discuss at great length, and that we can bring that forward  
16 of another meeting because, again, this is where we do have  
17 a time through here for that while we are doing our  
18 first -- this is -- this is -- this phase is to get us to  
19 draft maps.

20           So again, the October 25th, that may or may not  
21 work for a business meeting. We have the last week of  
22 October. We did add one more week of the 4th and 5th, the  
23 first -- the first week of November because we originally  
24 had four weeks to do visualizations and we, halfway  
25 through, we gave a week, that's the October the third week

1 of October 21, 22, 23, to getting input from the public  
2 during this process. So that's what's changed.

3           Then I just spun this a little bit. Well, this  
4 is, actually, Commissioner Sadhwani did this originally. I  
5 just modified a little bit, based on looking at calendars  
6 and trying to exclude, we can't actually post on the  
7 weekends or holidays. So case number one is indeed, based  
8 on here, these are all, these are guesses, they're educated  
9 guesses, but based on the census Legacy Data release being  
10 August 12, then, according to just the rules from the  
11 Padilla case, I believe it is, is the extension that we got  
12 from going from August, you know July and August to July  
13 1st and December 15. That's -- that shift is what would  
14 have us doing the draft maps no later than November 13 and  
15 the map adoption date of December 27.

16           Now, so what we tried to do here is, Case 1 is,  
17 going back a little bit, we've had to use these dates, are  
18 attempted, you know, we're asking for the final map date to  
19 be January 14th, assuming the Supreme Court says tough.  
20 That's Case 1. And we were sort of thinking that we should  
21 probably stick with that idea, proceed as though we should  
22 get our first draft map out by that dates so in case, we  
23 don't know how litigation will go. So that's what that is.  
24 And then each of these others or scenarios, it all depends  
25 on what the Supreme Court says.

1           So nothing really that's, again, the only thing  
2 that's slightly shifted is that we've added real, the real  
3 issue that we added in here was putting a week for district  
4 maps to receive those from the public. Now we still have  
5 to work out how we do that, appointment schedules, and  
6 those sort of things. But we, the subcommittee, quite  
7 frankly, has not had a chance to go over this to bring that  
8 forward. And that, since that's in the week of, middle of  
9 October, we thought we didn't have to go over that at this  
10 meeting. So that is the document.

11           And, Commissioner Sadhwani, do you want to add  
12 anything to that?

13           COMMISSIONER SADHWANI: Yeah. No. This is  
14 great. Thank you so much, Commissioner Andersen, for  
15 presenting this. Just a couple of additional notes. In  
16 mentioning the district maps, we do not have a  
17 recommendation yet as to how to, you know, plan that  
18 process, however, we have had some preliminary  
19 conversations with Anthony, just about sort of the legality  
20 of those kinds of meetings, similar to how we consider the  
21 legality of COI meetings. And so certainly we are having  
22 those discussions.

23           I wanted to note also that we had received a  
24 letter, and I think it was posted late, but from Asian  
25 Americans Advancing Justice, and I think a couple others on

1 the topic of district map meetings. And so I just wanted  
2 to alert everyone to that letter. I believe it is posted  
3 now. And then the other piece, Commissioner Andersen, I  
4 just wanted to mention is that I see that we've put, I  
5 think back on November 11th, I think I had originally left  
6 that off because it's technically Veterans Day.

7 COMMISSIONER ANDERSEN: Yes.

8 COMMISSIONER SADHWANI: So I wasn't sure how  
9 folks felt about meeting on Veterans Day. And so I would  
10 keep that one as question mark, but I don't have a problem  
11 with it if we are working that day.

12 COMMISSIONER ANDERSEN: Yeah, that's, thank you,  
13 Commissioner Sadhwani. I did notice that, and I didn't  
14 know if, you know, we want to add the -- go the other way,  
15 8, 9, 10, or what we wanted to do on that. Any thoughts on  
16 any of these dates? If the Commission wants to look at  
17 these and then get back to us. The only thing that we  
18 would really basically like to put on the calendar now is,  
19 because the September, those are absolute. And please mark  
20 off anything if we have any issues. With the September  
21 days, I noticed that they're not on the calendar right now.  
22 And the September 15 is, because the 16th is Yom Kippur.  
23 And so right now, on our, you know, the calendar, I think  
24 is it might say the 16th. But I -- we should go with a 15,  
25 17, and 18 of September, as far as full meetings. And then

1 we also have, right in here, the 23, 29 and 30 is -- we're  
2 still talking about using those.

3           And the October meetings, October dates. I would  
4 like to bring forward. We have a couple of questions on  
5 that the 25th for and for our, since we're doing the 28,  
6 29, 30, I didn't know if we wanted to go -- it was  
7 originally 27, but I thought four days in a row  
8 would -- might be a bit much, so I shifted that. And the  
9 other would be, shall we move the 11th of November to the  
10 8th of November? So if we want to talk about those. I see  
11 Commissioner Fornaciari's hand raised.

12           VICE CHAIR FORNACIARI: I think Commissioner  
13 Fernandez was ahead of me, and Commissioner Sinay had her  
14 hand up also.

15           COMMISSIONER ANDERSEN: Should I stop sharing  
16 this? Okay.

17           VICE CHAIR FORNACIARI: Yeah. It's fine with me  
18 if you stop.

19           COMMISSIONER FERNANDEZ: I was just going to say  
20 that November 11th is a holiday. It's Veterans Day.

21           COMMISSIONER ANDERSEN: Yeah. Should we -- we  
22 can switched that to the 8, 9, 10 instead of 11. If that's  
23 okay. How do I stop sharing?

24           VICE CHAIR FORNACIARI: So I guess -- I guess my  
25 question is, you're proposing to have groups come present

1 their maps to us before we finalize a first set of draft  
2 maps. Because we began to have a conversation about that  
3 before, and I thought we were at a place where we wanted to  
4 get our draft maps out before we got that kind of input  
5 because, you know, I mean, I'll just share my feeling. If  
6 we're an independent redistricting commission, then we draw  
7 maps independently, then we get feedback on those maps.  
8 But it seems to me if groups are presenting draft maps to  
9 us, that kind of makes us not quite as independent as we  
10 should be. Yes, sir, do you want to take that one?

11 COMMISSIONER ANDERSEN: Yeah. Sara, do you want  
12 to take that one?

13 COMMISSIONER SADHWANI: Yeah. I don't -- I don't  
14 recall that conversation or maybe that was in the input  
15 design. I'm not sure, or maybe I wasn't a part of it. You  
16 know, I think in talking through the process, first of all,  
17 it would not just be groups. Right. It's anyone who wants  
18 to present a district map. So thus far, we've been  
19 receiving COI input, communities of interest inputs.  
20 Right. So these might be specific geographic areas, but  
21 not necessarily districts. This would be an opportunity  
22 for folks, groups, or individuals to come and say these are  
23 the districts that we want, whether those are one  
24 congressional district, one assembly district, multiple  
25 assembly districts, a whole state of district maps. And

1 that the idea, I think when we talk about independence,  
2 it's independence of the legislature and of other folks.  
3 Right. That are the traditional carriers of the power to  
4 redistrict. This can, I think the way we were seeing this  
5 is this is continues to be a way in which communities,  
6 individuals, Californians can weigh in about the kinds of  
7 maps they want to see. And undoubtedly, just as we're  
8 hearing with communities of interests, there will be  
9 conflicting district maps that we receive. And ultimately,  
10 the responsibility will lie with the Commission to  
11 determine and weigh the input that we receive in terms of  
12 these, quote unquote, district maps.

13           But because also there are these, you know, this  
14 redistricting software that's being put out and available  
15 to individuals, groups, whomever, that they should also  
16 have a time to submit that to us. We thought having it in  
17 the middle of that process was really important. Right.  
18 So that we have a few weeks to really work on what it is  
19 that we've heard from the COI input sessions. The public  
20 is going to be there watching, hearing as we are developing  
21 those visualizations, as we're calling them through each  
22 iteration each week by week. And then in the middle there,  
23 we have this opportunity to hear from folks about what  
24 we're getting wrong, what we're not getting wrong, how they  
25 see our conversations, perhaps, and then we can use that

1 information to weigh as we develop, as we work towards our  
2 first draft maps.

3           So I think that was the thought process that we  
4 had had, and discussions we had had at the subcommittee  
5 level. Certainly, Commissioner Andersen, weigh in if I had  
6 mischaracterized that in any way, shape, or form. But we  
7 thought it was actually pretty important to have, to  
8 receive that input before we finalize our draft maps so  
9 that we can weigh what it is, you know, folks on the ground  
10 are thinking and requesting.

11           COMMISSIONER ANDERSEN: Yeah. I might -- I might  
12 add because Commissioner Fornaciari brings up a very good  
13 point. Where like, wait a sec, you know, we're doing the  
14 maps, you know. Other people are going to be telling us  
15 what to do. The Line Drawing team actually brought up the  
16 fact that sometimes a little bit of input along the way can  
17 possibly give us some very good ideas about some areas that  
18 we, you know, we're working with and, you know, we're like,  
19 well you know, there are a couple of different ways to go  
20 on this. And we might get an idea along the way that, or  
21 sometimes, which did happen in the 2010 group, they did a  
22 lot of line drawing, lost a lot of time working on some  
23 areas that were -- had been eliminated before because of  
24 information that we didn't even know about people.

25           You know, essentially the line was where it was

1 for a very good reason. But they didn't know what that  
2 was. They didn't have no idea. And they moved it. And  
3 this actually happened out in, around Edwards, in  
4 that -- in that area. And there was a real reason why it  
5 had been moved to one area, but the 2010 Commission had no  
6 idea and moved it and oh, it all, you know, everyone came  
7 out of the woodwork to go, no, no, no, no, you didn't get  
8 that information from us.

9           And so it's to kind of avoid coming all the way  
10 up and finish, finalizing your draft maps, you know, and  
11 before getting some like major information. That was the  
12 reason why. And it would not be -- it would not be like,  
13 that's it, that's your time. That would be, essentially,  
14 the like the beginning of it. That would be whoever can  
15 fit in those appointments during that time, then we'll  
16 finish up, and then after, I will draft map, then we will  
17 be doing -- getting more formalized input. Does that help  
18 a little bit? I see Commissioner Sadhwani has a question.

19           COMMISSIONER SINAY: Commissioner Fornaciari,  
20 when we originally started talking about this, there was a  
21 request by the community to meet to present before we even  
22 started drafting our maps. And I think this is a good  
23 middle ground where we've started looking at it, we've  
24 started sketching, we're getting an opportunity to look at  
25 the -- at the COI that we received, start putting it on a

1 map before we're being -- we're being given bigger  
2 pictures. So it is allowing us to look at the maps and  
3 look at the small regions and the COIS, and so I think this  
4 is a good mix.

5           And it would be, if we don't do it before the  
6 draft maps, we'll get a lot more input on what our draft  
7 maps are missing versus doing it right before the draft  
8 maps and having some time to discuss it and be able to  
9 submit draft maps that are better. So it will  
10 influence -- it will influence for the good, our draft  
11 maps, but it does give us the time as a Commission to start  
12 understanding the line drawing and the COIs that we've  
13 received. So it's a balance of the two.

14           COMMISSIONER ANDERSEN: Commissioner Akutagawa.

15           CHAIR AKUTAGAWA: Yeah. I want to build on what  
16 Commissioner Sinay talked about. I'm thinking about some  
17 of the COI inputs that we've already received. And to a  
18 degree, some of the people who did call in were very  
19 specific about what they would feel like would, or could,  
20 or should make up a district. And I'm, you know, not  
21 having seen any of really what has been submitted in  
22 writing, you know, we've been encouraging people that if  
23 you didn't get a chance to finish your input on the phone,  
24 you know, please send in your input in writing. And we've  
25 encouraged people that you could send us your maps, which

1 may include possibly, you know, their perspectives on what  
2 they think a district could look like. So in some ways, I  
3 think I like this kind of step where we will be able to see  
4 and hear, and I do like, I would like to be sure that we do  
5 make it clear that this is for both groups and individuals,  
6 given, you know, Commissioner Sadhwani, what you said about  
7 all of the software that's out there. Now, we do give  
8 opportunities. It's almost kind of like COI input round  
9 two.

10 COMMISSIONER ANDERSEN: Yes. That's correct.

11 CHAIR AKUTAGAWA: But with a little bit more  
12 specificity in terms of a specific map or maps that they  
13 want to give to us. And I feel like that continues to help  
14 us really understand better some of what people might have  
15 been talking about. And as we're progressing, I think  
16 others who are following us are also progressing, in terms  
17 of what they're hearing and wanting to weigh in. And that  
18 will at least help inform us and also may help us to  
19 understand places where we think we have to make choices,  
20 the community. The broader different communities may  
21 already be making that force, in the sense that they'll  
22 come in and say hey, we've already gotten together, here's  
23 what we want to propose so that we don't have to agonize  
24 over certain choices that we think we might have to make.  
25 That might also help make some of our conversations a

1 little bit more fruitful as well, too.

2           That's what I'm expecting, you know, some of the  
3 group presentations will include our conversations where  
4 multiple communities where they know that they intersect in  
5 certain areas of the state, they'll come in and say, we've  
6 had conversations, we've worked it out, and we've -- this  
7 is what we've come up with. This -- that's part of the  
8 value that I think could help us, and hearing from  
9 individuals would be also really great, too, because we did  
10 hear conflicting COI input and it would be also interesting  
11 to hear, and helpful to hear, before we get too far down a  
12 road, and then we're thinking, oh my gosh, we've got to  
13 start all over again.

14           COMMISSIONER ANDERSEN: Commissioner Sadhwani.

15           COMMISSIONER SADHWANI: Thank you. I wanted to  
16 also just add one more piece that I forgot to mention  
17 earlier. I think what really will set the District Map  
18 days apart from the Communities of Interest days, the COI  
19 input days is that we'll have the census data, and folks on  
20 the ground with that redistricting software that's being  
21 put out there will be able to know what our conversations  
22 are about, for example, population deviation and  
23 approximately how many people need to be in each district.  
24 So when we've had folks calling in and there's a million  
25 examples I could pull from, but let's say from the City of

1 Long Beach. Right. We've heard a lot from them. But if  
2 we, once we know what the, you know, the population of the  
3 City of Long Beach is, all of those census blocks, you  
4 know, maybe some of those folks have recommendations about  
5 what can and can't be included once it comes to the actual  
6 population. Right. Maybe Marin to the Oregon border, once  
7 we have more specifics on that population number, right,  
8 what a district needs to -- how many people need to be in  
9 that district, that they can start thinking about what  
10 that -- what that actually means for them. Right. What's  
11 included, what's not? And again, at the -- at the end of  
12 the day, we as the Commission are going to have to take all  
13 of those districts and weigh them just as much as we have  
14 to weigh the communities of interest that we're receiving.  
15 So I just wanted to add that piece that it will be a  
16 different moment in time, because that census data will be  
17 available not only to us at the Commission, but also to the  
18 public.

19 COMMISSIONER ANDERSEN: Commissioner Fornaciari.

20 VICE CHAIR FORNACIARI: So how do you see this  
21 process going, with regard to the VRA compliance, and, you  
22 know, because I see we have like six days of  
23 visualizations, I guess, prior to that day. And so how do  
24 you see incorporating our work on VRA compliance fitting  
25 into the, I mean it's, you know I have no idea how long

1 it's going to take to get there. Do you see us starting  
2 with VRA compliance and then moving from there, or I mean,  
3 is there enough time to may -- to get deeply enough into  
4 that that we're -- that the community has seen where we're  
5 headed down that road. And I think you get the gist of my  
6 question. I'll stop there.

7           COMMISSIONER SADHWANI: May I respond or does  
8 anyone else, or I don't know if David Becker is also still.  
9 I see him on I don't know if he's available. You know, I  
10 think -- I think a part of that actually is where in this  
11 this proposed plan, those dates in September 15, 17, 18,  
12 23, 29, 30, those get to be reserved for a lot of that RPV  
13 work. So hopefully a lot of that analysis can actually be  
14 done before we even get into line drawing. Certainly that  
15 doesn't mean that we'll know exactly the details of where  
16 it's going to be, but that will have a better sense of like  
17 where those Section 2 compliant districts will need to be,  
18 roughly speaking. And that in, throughout those iterations  
19 week by week in October, that we can continue to make those  
20 adjustments. But I see -- I see Mr. Becker is back with  
21 us. I don't -- he's the expert on this.

22           MR. BECKER: You know, I actually just stepped  
23 away, so I didn't hear the full question and I heard my  
24 name, so I came back.

25           COMMISSIONER SADHWANI: The question came from

1 Commissioner Fornaciari. And that was, how do we  
2 incorporate the VRA analysis into the line drawing? So  
3 we're taking a look at those October dates of that  
4 iterative process. That we're going to be meeting as a  
5 Commission, thinking about the areas we've received  
6 Communities of Interest input. In the -- in the third week  
7 of October, we have set aside for receiving district maps,  
8 suggestions from either community groups or individuals on  
9 the ground. And we just wanted to talk through where the  
10 RPV analysis comes in and when you --

11 MR. BECKER: Yeah. So the

12 COMMISSIONER SADHWANI: -- need to have that.

13 MR. BECKER: So what we're going to -- so what  
14 we're going to hopefully have by the latter half of  
15 September, end of September, is a really good idea of areas  
16 in California where the three Gingles preconditions appear  
17 likely to be met. And we'll advise you about that. We  
18 don't have that now, but we will have areas where the  
19 population, the minority population is large enough to  
20 comprise a majority in a district and where our Racially  
21 Polarized Voting consultant has identified likely Racially  
22 Polarized Voting that would be consistent with Section 2.  
23 And that will inform your efforts to draw the lines. What  
24 one way to go about it, and there's not one -- there's no  
25 only one way to do this, but once that's -- once we can

1 advise you on all of those areas, it's -- it might be  
2 advisable to start in those areas and radiate outwards.  
3 Because you will have more flexibility in some of the other  
4 areas of the state where, for instance, we identified the  
5 northern part of the state, where Section 2 concerns are  
6 unlikely to be very evident.

7           And you will have more flexibility to move  
8 populations around there because, to accommodate other  
9 factors that are also important, Communities of Interest,  
10 geographical boundaries, political boundaries, etcetera,  
11 you're always going to be considering these and balancing  
12 these out. I wish I could say there was like a set path  
13 that where you do A first, and then you do B, and then you  
14 do C, and I'm always the person who doesn't -- who tells  
15 you -- who tells you that's not going to be the -- I'm the  
16 person with the bad news all the time, unfortunately.

17           But I think if we -- if we can identify areas  
18 where Section 2 concerns are likely to be evident, that you  
19 can start from those areas and radiate out in the plans and  
20 see -- and that will allow you probably the maximum  
21 flexibility to accommodate other traditional redistricting  
22 principles and redistricting principles that are important  
23 under California law. So does that answer your question,  
24 Commissioner Sadhwani, and Commissioner Fornaciari?

25           COMMISSIONER SADHWANI: Thank you.

1           COMMISSIONER ANDERSEN: Great. Any other  
2 questions? Commissioner Fernandez, and the Kennedy.

3           COMMISSIONER FERNANDEZ: I think Commissioner  
4 Kennedy had his hands up first, so.

5           COMMISSIONER KENNEDY: Thanks. Just looking at  
6 the three cases, Case 1, and Case 2, and Case 3, my sense  
7 is that, yes, I can -- I can see a reason for  
8 distinguishing Case 1 and Case 2. To me, a Case 3, we  
9 might want to discard Case 3 because basically Case 3, to  
10 me, is a matter of working back from the -- from the  
11 eventual deadline and coming up with that rather than  
12 working from when we get the data, and we arrive at that.  
13 So Case 3 to me, we would be taking up time that is really  
14 meant for public feedback rather than our mapping. So I'm  
15 saying that in Case 1 or, well, let's just say in any Case,  
16 I would like to be finished with the draft maps no later  
17 than November 20th, even if the deadline, the formal  
18 deadline for them, were to be November 30th. Does that  
19 make sense? Because I'm trying to give more time for the  
20 public feedback and we don't really have, we're not really  
21 waiting for anything on the front end for 10 more days, you  
22 know. It's like the difference between Case 1 and Case 2  
23 is the unadjusted census results versus the, you know, the  
24 usable census results. I understand that. But, you know,  
25 going out 10 more days, I think we're eating into time that

1 would better be used for public review rather than our  
2 mapping. Thank you.

3           COMMISSIONER ANDERSEN: Actually, on that, thank  
4 you for that question, because that's -- that brings up a  
5 point I didn't realize could be viewed that way. The Case  
6 3 is indeed what we're asking for in terms of final date,  
7 January 14th. That does not mean, when it says draft maps  
8 are due no later than November 30th, that doesn't mean we  
9 have to wait until November 30th. So and what the  
10 Commissioner, you know, will probably bring forward, but  
11 basically, if we stick with the deadline of getting our  
12 draft maps out November 12, and that we don't have to  
13 finals until January 14, that gives us a much larger window  
14 than we have to do final maps by December 27. And that  
15 does not mean we push, because you're right, we definitely  
16 want more public input. And that's the whole reason why  
17 we're extending it, but we're -- it isn't like we're going  
18 to kick, it's not what the subcommittee's been talking  
19 about in terms of just getting input. Last time they got  
20 input, input, input, and then because it all happened at  
21 the same time.

22           We've actually been fortunate enough to get,  
23 pushed this COI input ahead so we can kind of jump into  
24 trying to establish a relatively good first draft. And  
25 then to possibly have time to do another iteration in there

1 after there's a draft map out that we get all this  
2 information from the public. And then have the additional  
3 time, as oppose, you know, have that additional, was it you  
4 know, the two week or the larger window to give the public  
5 time to comment during the process. That was the whole  
6 idea. So yeah, Case 3 is still what we're looking for, but  
7 it doesn't mean we have to take the draft maps all the way  
8 back. Does that help? Commissioner --

9 COMMISSIONER SADHWANI: I think Commissioner  
10 Fernandez was next.

11 COMMISSIONER ANDERSEN: Yeah. Commissioner  
12 Fernandez.

13 COMMISSIONER FERNANDEZ: Okay. Thank you. And I  
14 want to thank everyone for the conversation. It's -- I  
15 actually decided to sit back this time instead of my, what  
16 is it, knee-jerk reaction that I normally do. So I started  
17 reacting to Commissioner Fornaciari's initial question, I'm  
18 like, yeah, that's right. And then Commissioner Sadhwani,  
19 and I'm like, yeah, that's right, too. So anyway, so I  
20 decided to sit back, take it all in. I think Commissioner  
21 Akutagawa and I could go through this together all the time  
22 where we talk through it. But I guess the way I look at it  
23 with district maps, I just look at it as another  
24 [indiscernible]. Right. It's, this is probably the  
25 Commissioner Fornaciari, yes, we are. The 14 of us are the

1 Independent Commission. We are the ones that should have  
2 that independent lens, because how I see it is every  
3 Community of Interests is not independent. It's their  
4 Community of Interest, right. So we have to take all of  
5 those. And that's how I see a district map as well because  
6 that is a district map based on that body's or person's  
7 Community of Interest, but it's in a district versus an  
8 actual area.

9           So I think if we just kind of come -- step a few  
10 steps back and just realize, yes, we're trying to gather  
11 all of this information. Everyone has their vested  
12 interest, in terms of who's calling in, which is great. We  
13 want to hear from everyone. But at the end of the day, the  
14 14 of us are going to take all of that information and  
15 we're going to independently go through it and determine  
16 what those maps will look like. And hopefully the 14 of us  
17 will come together to that -- the same conclusion. And  
18 then also they can submit, it doesn't have to be in a  
19 meeting. They can submit it through whatever other forms  
20 they want. They can mail it in, email it in, whatever the  
21 case may be.

22           So anyway, that was just kind of my thinking of,  
23 oh yeah, it's not -- it's not wait anymore, as Commissioner  
24 Sadhwani said, it's another Community of Interest. So I  
25 think if we just kind of step back and look at it that way,

1 I think it's, for me, it's easier to comprehend how us as  
2 an independent, then we're tasked with the independence of  
3 it all.

4 COMMISSIONER ANDERSEN: Okay. Oh. Commissioner  
5 Yee, and then, oh it was, Commissioner Sadhwani, did you  
6 want to comment on, I mean remote or -- Commissioner Yee  
7 and then Commissioner Sadhwani.

8 COMMISSIONER YEE: Yeah. You know, I can see  
9 the arguments both ways. But one difference with some of  
10 these potential maps is, I mean, as I look at the letter  
11 that just got posted from NALEO, and Black Hub, and Asian  
12 Americans Advancing Justice, you know, these won't, some of  
13 these won't be just single districts. This is the way I  
14 would like my district to look. Yeah, they will be up to  
15 and including whole state maps, you know, and, you know,  
16 whole plans, whole redistricting plans. And so that does  
17 seem to be a different animal and I'm really kind of not  
18 sure at all how I feel about how to -- how and when to  
19 receive that kind of input. And certainly, of course, I'm  
20 grateful for the investment that CBOs and individuals have  
21 in, you know, putting that kind of work in, but not quite  
22 yet gotten my head around exactly how our posture should be  
23 in receiving that input.

24 COMMISSIONER ANDERSEN: Commissioner Sadhwani.

25 COMMISSIONER SADHWANI: Yeah. I think two

1 separate points. I think just in response to Commissioner  
2 Yee, this concern that you've raised. I think that we're  
3 going to get district maps no matter what. Right. There's  
4 this redistricting software that's out there and available  
5 to folks. We're going to have to receive those somehow,  
6 some way, some shape, some form, even if they're just, you  
7 know, electronic copies as opposed to having time for folks  
8 to present them.

9 I think half of those days, I mean I think we  
10 could go back and forth, right. If we wanted to put out  
11 our own draft maps, then we get those district maps from  
12 folks and it influences our final maps, or we receive it  
13 and maybe it influences our district, or excuse me, our  
14 draft maps, and then we're still going to get a whole lot  
15 more feedback on those too. Right. So I think no matter  
16 what, we're going to receive it, even if we don't allow  
17 people the opportunity to present, and no matter what we'll  
18 have to weigh how much weight we want to give to anything  
19 that we receive. Right. So, you know, if we receive full  
20 state maps from sitting legislators, right, we don't have  
21 to use it. Right. But we can say, hey, we received it.  
22 Okay, thank you. Thanks for your time and we appreciate  
23 it. And we're moving on. You know.

24 So I don't know. Is it better before the draft  
25 map or after? I, personally I think it's better before the

1 draft map because then it can influence us, or not, as  
2 we're developing that draft and we'll continue to have more  
3 time to think about it. We'll continue to have more time  
4 to get additional public feedback, which I am sure we would  
5 receive if we were to say adopt NALEO's map. Right. I  
6 don't anticipate us doing that, but you know, if we wanted  
7 to go in that direction, I bet we'd get a whole lot of  
8 public comment. So I think no matter when we do it, you  
9 know, there's going to be pros and cons. And I think as we  
10 had talked more about it, doing it before we get that  
11 draft, you know, seemed to make a lot of sense so that we  
12 can continue to process and think about it, talk about it  
13 in open session. What was good, what wasn't good, what  
14 things did they [indiscernible] weren't necessarily  
15 thinking about ourselves.

16 Right. We're going to get the VRA analysis for,  
17 you know, in advance of all of this. But if communities of  
18 color come in and say hey, actually in Los Angeles and  
19 South L.A., we want to see a partnership that looks a  
20 little bit differently, we might want to know that. Right.  
21 And whether or not we're going to use it or not, we will  
22 decide that when -- once we get to that place. But I  
23 think -- I think having more information from folks, this  
24 will serve us well. And I think we can always remind  
25 ourselves and kind of check in with ourselves that we have

1 to be independent in this -- in this and, you know, we're  
2 not going to favor one group or another or one individual  
3 or another.

4           The second piece I just wanted to raise was the  
5 piece that Commissioner Kennedy raised around November  
6 20th. And I -- I'm not sure if that was that was Case 2.  
7 I personally don't have a problem with that. Right. I  
8 mean, I think that sounds great. I just wasn't sure if  
9 that's what the Commission wanted. And I think it would be  
10 helpful to get a little bit more guidance moving forward.  
11 If, even if we get the January 14 date from the Supreme  
12 Court, do we want to try and have our draft wrapped up  
13 prior, for example, to the Thanksgiving holiday, so that it  
14 can be out there, and folks can be reviewing it. Or maybe  
15 we can enjoy our Thanksgiving holiday? I don't know. I'll  
16 just put that out there. But you know, I would love to  
17 just get that feedback from the Commission, if we feel like  
18 best case scenario we get January 14th, do we still want to  
19 try and have the draft maps done by the, say the 20th, so  
20 that we can maximize our public input and viewing time  
21 towards our final maps? And, or as Commissioner Andersen  
22 has mentioned, a secondary draft?

23           COMMISSIONER ANDERSEN: Right. I might, you  
24 know, the -- this topic is going to come up again at like  
25 the next meeting. We do have, you know, kind of keeping an

1 eye on the time here, and I don't mean to cut it short, but  
2 at the next meeting, the subcommittee is going to have a  
3 lot more information on this in terms of, you know, a  
4 little bit more recommendations and in terms of where to go  
5 with this. So what I'm hoping to do on this particular  
6 document is put the September dates on the calendar, and  
7 please get feedback on the other dates in here. If you  
8 could make them, you can't make them, because we don't know  
9 all these different cases until we actually hear from the  
10 state, from the Supreme Court. We just don't know what  
11 will happen. So these are to bring this forward, including  
12 that, you know, the district maps. This is the first time  
13 we've really sort of talked about it at the full Commission  
14 level.

15           Now, the Line Drawing Subcommittee is going to go  
16 back and get a little bit more information, in terms of  
17 presenting something a little more concrete to work with,  
18 as opposed to we're going to just do something. So, we  
19 don't have to hash this out today is what I'm saying. So,  
20 but I still, I have, I'm not sure who was first, I think it  
21 was Commissioner Akutagawa, and then Sinay, and then  
22 Fernandez.

23           CHAIR AKUTAGAWA: Yeah. And I just want to note  
24 for everybody, we do have one more very important topic  
25 that we do need to address. And we do have a hard stop at

1 5:30 because we lose our ASL at 5:30. So my question to  
2 Commissioners Fernandez and Sinay is, what you have to say,  
3 can it be very, very quick so we can move on to  
4 incarcerated populations. Okay, Commissioner Sinay and  
5 then Fernandez.

6 COMMISSIONER SINAY: I actually would like to go  
7 with what Commissioner Sadhwani was saying, and say hey, we  
8 would like to have the first draft up before Thanksgiving  
9 and I'd like to actually do it now versus wait until our  
10 next meeting. Our meetings are far apart and many of you  
11 have gotten to go on vacation, and I give you kudos that  
12 you have gone on vacation, but I haven't because we haven't  
13 been given time enough. And if we want to go away for  
14 Thanksgiving, we need to know now because it gets crowded.  
15 And I -- and I know that sounds completely selfish, but  
16 it's been over a year and a half and so, and we might not  
17 be able to do anything anyway because of the variance. But  
18 I would rather know our schedule moving forward sooner  
19 rather than later.

20 And I also would like to encourage us not to  
21 cancel meetings because we don't have a full agenda and  
22 allow meetings to go and end earlier rather than rush us  
23 through meetings, because I'm really not enjoying today's  
24 meeting and being rushed.

25 COMMISSIONER ANDERSEN: Commissioner Fernandez.

1           COMMISSIONER FERNANDEZ: Yes. Actually, I was  
2 going to say the same thing as Commissioners Sinay, except  
3 for the rushing part. I kind of like the rushing part,  
4 personally, but that's okay. It's just the difference.  
5 But I do -- I would prefer to set dates for September and  
6 October, and I thought that's what we're going to do. And  
7 I do remember at the last meeting, there's quite a few  
8 Commissioners also that want to set dates for September,  
9 October. I mean, it's kind of early for November, but I  
10 really do, would like to have schedule set for the next two  
11 months. And I would like to have our goal of the initial  
12 draft maps prior to Thanksgiving. I think that's a good  
13 deadline so we can take a little breather and then come  
14 back reenergized. And I would prefer to do that today  
15 versus next week or the following week.

16           COMMISSIONER ANDERSEN: I'm game. Commissioner  
17 Sadhwani but go ahead.

18           COMMISSIONER SADHWANI: Yeah, so I was just going  
19 to say, given that, I don't know if we need -- I don't  
20 think we actually need a motion unless, Alvaro, you feel  
21 the need to have a motion to like put this all on the  
22 website. But my sense is, can we just agree to these dates  
23 set forth for September and October and tentatively agreed  
24 that we will finish these maps no later than November, the  
25 draft map no later than November 20th, as laid out in in

1 Case number 2. Of course, that would change depending on  
2 what the Supreme Court says. If our date if our MAP  
3 adoption date ends up being December 27th. Does that sound  
4 reasonable to everybody? Are there any objections? And  
5 Alvaro, do you feel like you would want a motion to that  
6 effect?

7 EXECUTIVE DIRECTOR HERNANDEZ: I don't think we  
8 have to have a motion for that. We had already, through  
9 September I believe, we had listed our business meetings,  
10 knowing that we would have some line drawers and some other  
11 things, so this will encapsulate. What I can do is put  
12 that information together on a spreadsheet, similar to what  
13 we did for the outreach meetings, and share that with the  
14 Commission. If there's any issues then, we can discuss  
15 them at that point.

16 COMMISSIONER SADHWANI: What else needs to be  
17 shared with the Commission?

18 EXECUTIVE DIRECTOR HERNANDEZ: Yeah.

19 COMMISSIONER SADHWANI: I'm wondering if we can  
20 adopt these right now? At least for September and October.  
21 November is the crap shoot, right? I mean, I think that's  
22 the number one challenge.

23 EXECUTIVE DIRECTOR HERNANDEZ: Yeah.

24 COMMISSIONER ANDERSEN: Any conflicts with the  
25 dates that are here for October? I guess we,

1 we're -- let's stick with the 25th, on that business  
2 meeting, that fourth week. And sorry, where -- oh that's a  
3 November date, but we would not recommend having a meeting  
4 on Veterans Day.

5 COMMISSIONER SADHWANI: Correct. And are we all  
6 confident that November 20th is our drop dead date for a  
7 draft? So that folks can plan accordingly.

8 COMMISSIONER ANDERSEN: Or before.

9 COMMISSIONER SADHWANI: Or before. Of course.  
10 Or before, but no later than. Not moving into the week of  
11 Thanksgiving.

12 EXECUTIVE DIRECTOR HERNANDEZ: So Commissioner,  
13 the only caveat I would say we need to have out there is  
14 if, Bagley-Keene. We don't know what's going to happen in  
15 October. So I just kind of want to put it out there that  
16 if we go, or revert back to the Bagley-Keene requirements,  
17 we have to do the in-person, and so that may shift some of  
18 the dates and some of the things that we have scheduled.  
19 So that would be the only caveat I would put out there.

20 COMMISSIONER ANDERSEN: Commissioner Fernandez.

21 COMMISSIONER FERNANDEZ: I'm just having problems  
22 with my mute. I honestly just feel we just go forward with  
23 the schedule regardless of Bagley-Keene. The dates are  
24 already in this document for September as well. So you've  
25 got September and October. The September dates have the

1 prior dates we agreed to for our business meetings. And I,  
2 even if the Bagley-Keene issue changes our way of meetings,  
3 I believe most of the meetings that you scheduled in  
4 October are consecutive, so I don't see an issue with that.  
5 We have consecutive meetings, which makes sense, have them  
6 all at one site.

7 COMMISSIONER SADHWANI: I would agree, I think if  
8 we can't have any resolution on the Bagley-Keene issue, we  
9 plan to meet on the steps of the Capitol building.

10 COMMISSIONER ANDERSEN: Well if, with  
11 that -- given that, we're done. You know, let's put these  
12 October and September, October on the date, and then we  
13 will, the subcommittee will be getting back to you next  
14 week with more information.

15 CHAIR AKUTAGAWA: And we're also just, in spirit  
16 I guess, we're agreeing to no later than November 20th,  
17 is -- that's correct. Is that correct? All right. All  
18 right. Thank you. And I believe then Ravi will be issuing  
19 calendar invites so that we could have those dates put on  
20 hold. All right, thank you very much.

21 We do have one more agenda item. Commissioner  
22 Sinay, I also want to just acknowledge your feedback. I do  
23 also want to note though, that the meeting is to be held if  
24 there is action that was going to be held if the RPV  
25 analyst was ready. There was feedback that we received

1 that they were not going to be ready with the RPV analysts  
2 due to, I think, a family emergency. And so since there  
3 was not going to be an action taken, we felt that we would  
4 just then cancel that meeting in the spirit of what that  
5 was scheduled for. So that was the reason why it just  
6 became, though, much fuller towards the end.

7 I do believe we, before we move on to the next  
8 agenda item, there has been a caller that's been waiting to  
9 make a public comment. So, Katie, I'm going to ask you to  
10 read it off. But before we do, Commissioner Fernandez, I  
11 see you.

12 COMMISSIONER FERNANDEZ: Yeah. The only thing  
13 was on the dates, are we going to leave it up to staff to  
14 sign the times or are we just going to leave it open for  
15 the -- all the dates in September and October.

16 CHAIR AKUTAGAWA: I think that's what we did  
17 before when you and Commissioner Ahmad did --

18 COMMISSIONER FERNANDEZ: That's fine. I just  
19 wanted to know.

20 CHAIR AKUTAGAWA: Okay. I think that, yeah, I  
21 think that that's what you delegated to them is to figure  
22 out the times.

23 Okay, Katy.

24 PUBLIC COMMENT MODERATOR: May I ask what we are  
25 taking public comment on, at this point?

1 CHAIR AKUTAGAWA: We're taking public comment on,  
2 it would be, I believe, agenda item number 6, which is the  
3 Line Drawer. And I don't know if you took it separately  
4 for VRA compliance, but if not, it would also include that  
5 as well, too.

6 PUBLIC COMMENT MODERATOR: We did take it for VRA  
7 Compliance, so we'll take it for --

8 CHAIR AKUTAGAWA: Okay, then this would be for  
9 the Line Drawer.

10 PUBLIC COMMENT MODERATOR: Perfect. Okay. The  
11 Commission will now be taking public comment on agenda item  
12 number six, the Line Drawer. To give comment, please call  
13 877-853-5247 and enter the meeting ID number, 87487440379.  
14 Once you have dialed in, please press \*9 to enter the  
15 comment queue. The full call-in instructions have been  
16 read previously in the meeting and are provided in full on  
17 the livestream landing page. And caller 2448 if you will,  
18 please follow the prompts to unmute at this time by  
19 pressing \*6. And go ahead, the floor is yours.

20 MR. CANNON: Yes. And my apologies. I really  
21 want my comments to be on the last item about Incarcerated  
22 Population. So hello.

23 CHAIR AKUTAGAWA: Oh, okay. Thank you. So do  
24 you just want to wait until after we have our discussion  
25 and then make comment at that time?

1 MR. CANNON: Yes, please, and hopefully there'll  
2 be enough time, and I promise you, it's a very quick  
3 comment.

4 CHAIR AKUTAGAWA: Okay. All right. Thank you.

5 MR. CANNON: Thank you. I'll go back in the  
6 queue. Thanks.

7 CHAIR AKUTAGAWA: Katy, just let us know when the  
8 instructions have finished streaming.

9 MR. MANOFF: The instructions are complete on the  
10 [indiscernible].

11 CHAIR AKUTAGAWA: All right. Thank you.

12 PUBLIC COMMENT MODERATOR: My voice got deeper.

13 CHAIR AKUTAGAWA: That's a pretty neat trick.  
14 Okay. Just wait and see. In the meantime, let's see,  
15 Commissioner Kennedy or Commissioner Turner, who is going  
16 to be leading off agenda item number eight, Incarcerated  
17 Populations, Federal Facilities.

18 COMMISSIONER KENNEDY: Federal, Chief Counsel  
19 Pane had asked whether he could, and I believe we agreed  
20 that he could lead off.

21 CHIEF COUNSEL PANE: Okay. Well, thank you.  
22 Thank you, Commissioner Kennedy. Some of you, and

23 I'll -- and I will defer to Karin MacDonald,  
24 who's here as well, but it seems like back on January 12th,  
25 the Commission addressed inmates in state correctional

1 facilities. But there was an open question for the  
2 Commission, how to address inmates in federal facilities.  
3 And because we have the census data coming up soon,  
4 the -- Karin MacDonald is going to need direction from the  
5 Commission on how to address that issue. And Karin, I'll  
6 kick it over to you if you want to further explain.

7 MS. MACDONALD: Yes. Thank you so much. Hello,  
8 Commissioners. I am here with my statewide database hat on  
9 and would just like to remind you very quickly about this  
10 topic. As you know, under the Voters Choice Act, the  
11 legislature is responsible for the building and the public  
12 availability of the Official Redistricting Database. And  
13 that function, of course, is fulfilled by the statewide  
14 database at Berkeley. Our clients, just to remind you,  
15 also are not just the Commission, but rather since the Fair  
16 Maps Act, local governments, including cities and  
17 counties, and of course, also the general public use  
18 the -- use the database, of course. General public has  
19 always used Statewide Database, but now the cities and  
20 counties actually have to use a Statewide Database for  
21 their redistricting.

22 The request from the legislature per the  
23 elections code was for the commission to remove the federal  
24 incarcerated populations for your work. And just to remind  
25 you, again, we're talking about 14,400 persons that are in,

1 you know, roughly 10 facilities in the state of California.  
2 And again, like Anthony just said, the census data, of  
3 course, are coming out in a couple of days and we need to  
4 figure out what to do. So we would really like your  
5 guidance on whether you accept that request from the  
6 legislature, and then if you do, then the Statewide  
7 Database would apply that to the database accordingly. And  
8 that would then become the default dataset that we -- that  
9 we make available through all of the access tools. Because  
10 remember, we have a couple of access tools still coming, a  
11 few GIS tool and also an online redistricting tool that  
12 will have the entire dataset in it. So that would then be  
13 that the default dataset that we make available through  
14 those access tools. And that is pretty much my summary.  
15 I'm here for questions, obviously. And David Becker is  
16 also here. So thank you.

17 CHAIR AKUTAGAWA: Commissioner Kennedy and then  
18 Commissioner Yee.

19 COMMISSIONER KENNEDY: Thank you, Chair. So  
20 they, as Chief Counsel Pane's note from earlier set out,  
21 the one change that at this point I didn't really expect,  
22 but I received an email yesterday from Senator Padilla's  
23 staff saying that the Bureau of Prisons would, in fact, be  
24 able to provide us with a list indicating each individual  
25 in federal custody's hometown. Not address, but home town.

1 You know, I had hoped that we would be able to get the  
2 address so that we could treat those in federal custody the  
3 same as we were treating individuals in state custody. It  
4 appears that that is not going to be possible at this  
5 point. And I guess my question to David Becker would be,  
6 does having the home town enable us to do anything other  
7 than include or exclude? I mean, can we actually  
8 reallocate those individuals to a city, you know, doing it,  
9 and perhaps to a random census block within that city? Is  
10 that going to cause us any problems? I mean, that would be  
11 my preferred solution to this.

12 CHIEF COUNSEL PANE: So first, let me say, it's  
13 really -- it's really admirable to want to try to allocate  
14 individuals who are incarcerated to where they actually  
15 reside. And I think it's important to note that that  
16 is -- that is something we should be trying to do. The  
17 next question is, does the data currently allow us to do  
18 that in the process? And I think the answer is probably  
19 no. I think we've identified something that we should be  
20 trying to do probably in the next round. But I think  
21 given, and I'm separating out the state -- the state prison  
22 system from the federal prison system, I think those are  
23 two different things, I think we're well situated with  
24 regard to the state prison system. I'm not suggesting any  
25 change there. I think it is appropriate to remove to

1 exclude federal prisoners, the place in which they're  
2 incarcerated, because that might skew the actual voting  
3 power within those places.

4 I also want to note that California law is, this  
5 is just, I'm going to share a point of personal opinion,  
6 which is I think California law is actually very sound on  
7 this, that people who are, as I understand it, people who  
8 are incarcerated in California don't have voting rights.  
9 But everyone else, if you are not in federal or state  
10 prison or in a county jail, their voting rights still  
11 exist. And so this is not an issue of enfranchisement or  
12 disenfranchisement. This is an issue of where we're  
13 allocating individuals for purposes of redistricting.  
14 People are -- people who are no longer in prison, people  
15 who are no longer in state prison, people who are no longer  
16 in county jail are able to vote in California, and that is  
17 what California's decided. And I personally think that's a  
18 very good rule.

19 So but, you know, you can imagine for a federal  
20 you know, if you have people in federal custody and we're  
21 going to try to reallocate them based on the city we know  
22 they live in, and just imagine for instance, if that city  
23 happens to be Los Angeles, which odds are, it will be.  
24 That's going to be the largest number just because Los  
25 Angeles is the largest city. That is not going to help you

1 from a redistrict perspective. There are so many districts  
2 within Los Angeles. And I mean, they could live in  
3 Brentwood, they can live in East L.A., they could live in  
4 Compton. I mean, we're talking about a vast geographical  
5 area where districts are going to be spread out. I  
6 personally think this is probably a very nobly intended  
7 effort that probably the data is not quite there yet. And  
8 I would be very supportive of working to make sure the data  
9 will be there for the next round of redistricting.

10 That's just my, so that's my personal opinion,  
11 for whatever it's worth, because I think it is appropriate  
12 to exclude these individuals. We do, I think there's  
13 a -- it's very appropriate to want to try to allocate them  
14 to their last residence, but I don't think the data we're  
15 going to have on the federal side is going to be adequate.

16 Commissioner Sadhwani, I see your hand up as  
17 well, as well as Commissioner Fernandez. I don't know who  
18 wants to go first.

19 CHAIR AKUTAGAWA: Yeah, I see -- I see  
20 Commissioner Kennedy, Commissioner Fernandez, and  
21 Commissioner Sadhwani, and is there anyone else? And  
22 Commissioner Yee. So, Commissioner Kennedy.

23 COMMISSIONER KENNEDY: Thank you, Chair. Just to  
24 finish. Yeah. I mean I -- this has been aspirational and  
25 the information yesterday that we could get, the cities,

1 was kind of a, you know, a wonderful surprise and led me  
2 down a trail of thinking, you know, if we assigned people  
3 to a random block within their home town, that any damage  
4 to anyone else would be dominions, you know.

5           The other thing is, you know, I've for years had  
6 discussions with colleagues in UN Human Rights units, and I  
7 happen to, you know, be convinced in the end that, you  
8 know, the approach in Maine and Vermont, which is people  
9 are people and people have voting rights, whether they're  
10 in prison or not. But I you know, I also don't like  
11 looking at the history of this country and reading about,  
12 you know, exclusion of Indians not taxed, counting people  
13 as three fifths. I would like to count every person as a  
14 person.

15           CHIEF COUNSEL PANE: Right.

16           COMMISSIONER KENNEDY: So that's my point.

17           CHIEF COUNSEL PANE: I can -- I can I just say.

18           COMMISSIONER KENNEDY: That's where I'm coming  
19 from.

20           CHIEF COUNSEL PANE: Yeah. I totally, I could  
21 not be more appreciative of that. I -- this is why I point  
22 out this is not an issue of enfranchisement or  
23 disenfranchisement. The felon enfranchisement and  
24 disenfranchisement laws, regardless of where we allocate  
25 these individuals, and I think the California laws are

1 among the most enfranchising, and I think appropriately so,  
2 whether -- I'm not going to express whether they could even  
3 be more so. That's obviously a separate issue. I will  
4 also say I think the numbers overall are relatively small  
5 relative to the population of California. I think the  
6 upside here is relatively little, very close to zero in  
7 terms of ability to get a true picture of the California  
8 population and draw lines accordingly. I think the  
9 downside and the possibility for increased liability, I  
10 think there's some open questions as to whether California  
11 law permits this. I think there's some open questions as  
12 to whether this increases the chance of some claims against  
13 the plans.

14           And so I think ultimately, in balancing out the  
15 interests, given where the data is currently, and this is  
16 one of the things we haven't even really addressed fully,  
17 is we don't know when we'd get the data, we don't know what  
18 format that data would be in, and what the compatibility  
19 with the Statewide Database would be, whether this would  
20 slow down the process. I think all of these things argue  
21 in favor of it probably not being quite ready for prime  
22 time in this cycle, but something that we should continue  
23 to put, make as a focus for future cycles because, and  
24 again, California's at the forefront of even considering  
25 this. This is something that many other states aren't even

1 thinking along these lines. And it's a testament to you  
2 all and to the state.

3 CHAIR AKUTAGAWA: All right. Thank you.

4 COMMISSIONER KENNEDY: Can to Senator Padilla's  
5 office. Sorry, Chair. Just wanting to acknowledge Senator  
6 Padilla's staff and their help in this.

7 CHAIR AKUTAGAWA: Yeah. It was -- it was -- it  
8 sounded like there was some hope. And thank you,  
9 Commissioner Kennedy, for staying on top of them for that.  
10 Commissioner Fernandez is next, followed by Commissioner  
11 Sadhwani, and then Commissioner Yee.

12 COMMISSIONER FERNANDEZ: Yes. Actually.

13 CHAIR AKUTAGAWA: And then Commissioner Andersen.  
14 Commissioner Fernandez, yes.

15 COMMISSIONER FERNANDEZ: Okay, thanks. Thank  
16 you, David Becker. I -- you voiced my same concern. I was  
17 going to ask Karin, I know her, and her staff, have worked  
18 tirelessly on the state database and information and how  
19 it's received. And so she's you know, I don't want to say  
20 they're ready to go, but they're kind of ready to go once  
21 we receive the census data. And my concern is how, if we  
22 opted to have Karin do that for the federal, I'm not sure  
23 she's ready for it. And what impact that would have in  
24 terms of when we will ultimately receive the census data.  
25 Thank you.

1 MS. MACDONALD: Yeah. So I thank you. Thank you  
2 for that question, Commissioner Fernandez. Definitely, as  
3 David has just mentioned, we, and as Commissioner Kennedy  
4 has mentioned, you know this email just came in. We don't  
5 even know who the contact person in the federal government  
6 or in the Bureau of Prisons might be. You know, these are  
7 bureaucracies. There were data sharing agreements that  
8 took forever. We're two days from receipt of the census  
9 data. We would have to vet the data. We don't know if  
10 that dataset that they have just, you know, volunteered.  
11 It appears, whether that's a dataset that was actually  
12 pulled on Census day, right. Because that was one of the  
13 things that we worked very hard with CDCR on to make sure  
14 that we would really get a dataset that was current as of  
15 Census Day, so that we would minimize the apples and  
16 oranges effects. And so, yeah, there will be a lot of open  
17 questions. You know, I mean, I love data and I, also I  
18 like accurate and correct data even more. So I think there  
19 would definitely be some challenges to even figure out  
20 whether this is a dataset that could, by any stretch of the  
21 imagination under this particular timeframe, be received,  
22 be vetted, you know, and be used.

23 CHAIR AKUTAGAWA: Great. Thank you.  
24 Commissioner Sadhwani.

25 COMMISSIONER SADHWANI: Yes. Thank you. I, a

1 couple of thoughts here, I'm really with Commissioner  
2 Kennedy on this whole piece, and I see this conversation  
3 picking up several different threads. So I wanted to kind  
4 of clarify those as I see them. The first one is about the  
5 represent, as has been mentioned, the representation or  
6 excuse me, the rights of the -- of enfranchisement. I  
7 don't think this has anything to do with enfranchisement.  
8 This has to do with the right to representation. This is  
9 about who is responsible, who is representing those who are  
10 incarcerated.

11           And as I had mentioned in a previous meeting some  
12 months ago when we discussed this, it doesn't sit right  
13 with me, as Commissioner Kennedy mentioned, that we would  
14 simply drop federal prisoners and then they have no one to  
15 be accountable to them. Whether or not they have  
16 enfranchisement. As far as I'm concerned, they do still  
17 have a right to representation. And so simply dropping  
18 them from our statewide totals would be really concerning  
19 for me and, to me, also sets a dangerous precedent, whether  
20 it's ever used or not, about the idea of dropping anyone  
21 from the census data. Today, it might be federal  
22 prisoners, but tomorrow it could be undocumented  
23 immigrants. And so I'm -- that continues to concern me  
24 kind of at an ethical level, quite frankly. So I don't  
25 think it's about enfranchisement. I think it's about

1 representation.

2           Second, we've mentioned the process in which  
3 states -- in which we would use their hometown and  
4 potentially randomly assigning them to a city. Correct me  
5 if I'm wrong, but that was -- that is the process that's  
6 being used for state prisoners, those being held in state  
7 correctional facilities when there's only a partial  
8 address, right. So when we don't have a full, my  
9 understanding and please correct me if I'm wrong, was that  
10 when we have a partial address, an incomplete former  
11 address, then they are being randomized to cities. So I  
12 don't see what the problem with that would be. So I think  
13 that's a separate component and I don't see how that's a  
14 dangerous precedent if we're already doing it with the  
15 state, those held in state facilities.

16           Third, I mean certainly, I think the practical  
17 ability to get this work done in time, I can't speak to  
18 that, right. I mean, if it's - if it's -- if we're not  
19 able to do it, we're not able to do it. But I still  
20 wouldn't feel comfortable simply dropping people entirely.  
21 I'm very sensitive and very concerned about the notion of  
22 prison gerrymandering, but I'm also very concerned about  
23 simply dropping people from our totals, because I think  
24 that suggests then that we don't think -- that there are  
25 certain people unworthy of representation, and I don't

1 think that's what this Commission is saying.

2 CHAIR AKUTAGAWA: Thank you, Commissioner,  
3 Sadhwani. Commissioner Yee.

4 COMMISSIONER YEE: Yeah. First, I want to say  
5 yes, to Commissioner Sadhwani's comments, 100%, every word.  
6 I feel the same way. But I have a different question for  
7 Karin.

8 So Karin, you started off your comments with  
9 listing out the other jurisdictions that also are required  
10 to use the database, Statewide Database. And so just  
11 trying to make sure I understood that correctly then, so is  
12 it a decision that we make here concerning federal  
13 prisoners that will affect the redistricting database that  
14 others will use as well? Do we -- are we somehow in a  
15 privileged position to make that decision at -- for, you  
16 know, cities, and counties, and so forth.

17 MS. MACDONALD: Yeah. Thank you for that  
18 question, Commissioner Yee. I think what will probably  
19 happen is that we will -- so what we're asking for is, is  
20 whether or not you accept this request. And as I said, and  
21 if you don't -- if you don't accept the request and we keep  
22 the data in, essentially, then that will be the default  
23 that is reflected on, in the access tools and so forth. I  
24 think what we would probably do is make a list of the  
25 facilities, and the numbers, and the census, the

1 corresponding census blocks available on the Statewide  
2 Database so that -- so either that, so that people could  
3 essentially remove by themselves, or we would make a second  
4 dataset available that basically has those populations  
5 removed. Of course, that's going to, you know, cause some  
6 confusion and we would have to just make sure that we're  
7 clarifying that particular point.

8 COMMISSIONER YEE: Thank you.

9 CHAIR AKUTAGAWA: Okay. And we have Commissioner  
10 Andersen.

11 COMMISSIONER ANDERSEN: Yeah. Actually, that  
12 kind of comes -- thank you for that. One, I agree with  
13 Commissioner Sadhwani. It does bother me, just dropping  
14 people but, and it is about representation, not voting.  
15 But I -- my question was similar to Commissioner Yee's in  
16 that we as the statewide Commission, had the option of what  
17 do we do with the state prisoners, what do we do with  
18 prisoners. What, cities and counties, are they only  
19 required to consider state prisoners and not federal? Or  
20 what is -- what is the rule, because why would there be two  
21 sets? I don't quite understand that. I mean  
22 would -- are they're not supposed to consider federal  
23 prisoners?

24 MS. MACDONALD: I'm going to hand this over to  
25 one of the attorneys because I think you're asking for a

1 legal opinion, but this is all in the Fair Maps Act. And I  
2 mean, I'm happy to pull the section out and read it, but  
3 maybe Anthony might want to speak to that or --

4           COMMISSIONER ANDERSEN: It isn't, actually, it is  
5 just the from the Pure Map Maps Act is that, because  
6 California, you know, when we started the original state  
7 population issue, my understanding is that at a state  
8 level, we had no actual requirement because our, you know,  
9 the Voters First Act does not include that. However, at a  
10 state level, state, cities, and counties, they must  
11 consider prison reallocation. And so the legislature was  
12 asking us to also do the same. I just want to make sure  
13 that we're not doing one thing, while the -- while the  
14 local cities and counties are required to do another. Does  
15 that make sense? Anybody want to take that one?

16           CHAIR AKUTAGAWA: Chief Counsel Pain or Mr.  
17 Becker.

18           CHIEF COUNSEL PANE: Anthony might be better to  
19 take the first stab at that and then I can, perhaps.

20           COMMISSIONER ANDERSEN: So my, just my thoughts  
21 on that, Commissioner Andersen, or that and you know,  
22 I -- my thoughts are that the locals are going to end up  
23 using -- aren't they using the same database that you all  
24 are going to be using or helping to fashion, essentially.  
25 So essentially, you're, when the counties are making

1 decisions, they have to work off that same dataset. So  
2 then, I guess one of the possibilities then, would be in a  
3 local situation where you have a federal prison,  
4 wouldn't -- doesn't that necessarily mean that they would,  
5 that county or that part of the county, would be a bit  
6 artificially inflated if they weren't excluded? That would  
7 be my thought on that.

8           COMMISSIONER ANDERSEN: I guess I'm actually more  
9 asking questions from back when we made their first  
10 decision. I thought it was, we're deciding to do what  
11 we're doing based on what the idea of that is what the  
12 local and cities are actually required to do. The  
13 legislature was asking us to do the same to make it easier  
14 so there would be one dataset. That's kind of what I  
15 thought was that --

16           MS. MACDONALD: If you'd like me to read it, I'm  
17 looking at it, so.

18           COMMISSIONER ANDERSEN: Are you looking to the A4  
19 part? Is that the -- is that where we were going?

20           MS. MACDONALD: The Fair Maps Act section about  
21 what the -- what the counties are supposed to do. Would  
22 you like me to just read that so you can hear what they're  
23 supposed to do? Yes. Okay.

24           So an incarcerated person, as that term is used  
25 in Section 21003, shall not be counted as part of a

1 county's population, so that's for counties, except for an  
2 incarcerated person whose last known place of residence may  
3 be assigned to a census block in the county if information  
4 about the last known place of residence for incarcerated  
5 persons is included in the computerized database for  
6 redistricting that is developed in accordance with  
7 Subdivision B of Section 8253 of the government code, and  
8 that database is made publicly available. So.

9 COMMISSIONER ANDERSEN: All right. So basically,  
10 it says they cannot count them unless it's been  
11 reallocated. Okay, thank you. And I think Commissioner  
12 Fernandez has been waving her hand wildly to --

13 CHAIR AKUTAGAWA: Yeah. She's next.

14 COMMISSIONER FERNANDEZ: No. I was just going  
15 to, when Commissioner Sinay and I delved into this, the  
16 reason we had to take action for the state incarcerated  
17 people is because the legislature cannot order us to do  
18 something. They ordered the cities and counties to do it,  
19 and they were just requesting that we also follow suit, and  
20 that's what we voted on, was to follow suit with what the  
21 cities and counties were doing.

22 COMMISSIONER ANDERSEN: And that's my question.  
23 Was it only state or was it federal as well?

24 COMMISSIONER ANDERSEN: My understanding,  
25 Commissioner --

1 CHAIR AKUTAGAWA: I think she's asking --

2 COMMISSIONER ANDERSEN: Yeah. Commissioner --

3 CHAIR AKUTAGAWA: Oh, no. Go ahead.

4 COMMISSIONER ANDERSEN: My understanding,  
5 Commissioner Andersen, was that in January, the decision  
6 was only on the state portion and not the federal portion,  
7 which is why we're here today to address the federal  
8 portion of it.

9 COMMISSIONER ANDERSEN: Of course --

10 CHAIR AKUTAGAWA: Commissioner Sadhwani, I think,  
11 has her hand up --

12 COMMISSIONER SADHWANI: Sure.

13 CHAIR AKUTAGAWA: -- and then back to  
14 Commissioner Fernandez.

15 COMMISSIONER SADHWANI: I think Commissioner  
16 Fernandez probably is going to say the same thing, but I  
17 think the reason is because the state can only direct the  
18 state correctional facilities to share that information.  
19 The state legislature does not have the authority to direct  
20 federal prisons to turn over the prisoner, you know,  
21 inmate's information.

22 COMMISSIONER FERNANDEZ: Absolutely correct. And  
23 that's -- and we attempted to get the information. I  
24 shouldn't say we, Karin attempted to get the information.  
25 Was unsuccessful. And that's when we came forward

1 initially and said we're not getting the information, we  
2 want to back up the numbers so that it's not, certain areas  
3 aren't overinflated with the -- that population. But of  
4 course, that piece did not go through.

5 CHAIR AKUTAGAWA: Commissioner Sinay, did you  
6 have your hand up? I wasn't sure. Okay.

7 Okay. So just process, do we need to take a  
8 vote, overall? I think we do right on this, which  
9 direction we're going to go. I guess we'll need a motion.  
10 Okay. Commissioner Andersen.

11 COMMISSIONER ANDERSEN: Actually, I had one more  
12 question. How are we doing the state reallocation? If we  
13 don't have -- if we only have their hometown, what  
14 happened?

15 CHAIR AKUTAGAWA: Commissioner Fernandez.

16 COMMISSIONER FERNANDEZ: Kari can probably answer  
17 this better than myself, but they did, the California  
18 Department of Corrections and Rehabilitation, did provide  
19 information to the Statewide Database on all of that  
20 information. And so that's what Karin was talking about  
21 earlier, is that she was working with them on the dataset,  
22 and what she needed it to look like. And so they're ready  
23 to go in terms of reallocating that information. Is that  
24 close enough, Karin?

25 CHAIR AKUTAGAWA: Thank you.

1 MS. MACDONALD: That's perfect. You're hired.

2 CHAIR AKUTAGAWA: Karin, if I could just ask, you  
3 mentioned that there were some concerns about data quality  
4 and, you know, what state it'll come to. So let's just say  
5 hypothetically, you could get the data fairly quickly, you  
6 know, just in terms of vetting the data or maybe let me  
7 just ask it this way. How long did it take you when you  
8 received or are receiving data from the state, I guess  
9 Bureau of Prisons, I'm not-- or Department of Corrections,  
10 I guess, maybe is the proper term? How long did that take  
11 in terms of getting their data, processing it, and then  
12 now, you know, the next step is once you get the census  
13 data, reallocating it.

14 MS. MACDONALD: So I started working with the  
15 CDCR in, about eight years ago on this project. So it did  
16 take a little minute and then we had some prototype data  
17 that were shared. You know, there was a very fat  
18 confidentiality agreement that went back and forth a few  
19 times. And, you know, then there were some file issues.  
20 What should be in it? What should not be it? You know,  
21 how should the columns be organized? I mean, basically,  
22 anything that you can think about when you're getting a  
23 data file from somebody else who did not, you know, really  
24 collect those data for the reasons for which you would like  
25 to use it, because they did not collect those data for us,

1 right. This was dropped on to them with this legislation.  
2 So then we kind of have to just come to an agreement.

3 I don't know anything about this dataset that  
4 that we just received this email about. I mean, literally  
5 nothing. I have no idea whether they just said, oh yeah,  
6 we could do it and it'll take us six months to do it. I  
7 don't know if they said we can do it and it's going to be  
8 accurate as of today. I just know nothing. I don't know  
9 if it's going to require, you know, a confidentiality  
10 agreement, whether they would share with you and then we  
11 have to work out another confidentiality agreement with us.  
12 I just don't know anything. And you know, census data are  
13 going to be out in a couple of days. So this is -- we're  
14 kind of on a train that's not going to stop for us to  
15 figure this out at this point.

16 CHAIR AKUTAGAWA: Commissioner Kennedy. And I  
17 just also want to perhaps, Commissioner Kennedy, before you  
18 go, it is I just want to note that we have six minutes and  
19 I need to check in with Kristian.

20 MR. MANOFF: We need to take a break at 5:30,  
21 Chair.

22 CHAIR AKUTAGAWA: And I -- my understanding was  
23 that we have ASL only until 5:30. Is there, if we need to  
24 extend, is there -- is there an option? If not, we'll need  
25 to try to figure out how we're going to wrap this up then.

1 MR. MANOFF: We'll see what we can do during the  
2 break.

3 CHAIR AKUTAGAWA: Okay. Thank you. Commissioner  
4 Kennedy.

5 COMMISSIONER KENNEDY: Thank you, Chair. After  
6 this, and in the interest of time, I'm going to move that  
7 we request Statewide Database to reflect individuals in  
8 federal custody at their location on census Day.

9 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
10 Kennedy.

11 CHAIR AKUTAGAWA: Is there a second? Oh, sorry.  
12 Do you need a clarification on the motion?

13 EXECUTIVE DIRECTOR HERNANDEZ: Yes. Can you  
14 repeat the motion one more time, please? Thank you.

15 COMMISSIONER KENNEDY: Move to request Statewide  
16 Database to reflect individuals in federal custody at their  
17 location on Census Day.

18 CHAIR AKUTAGAWA: Okay, and is there a second?  
19 Commissioner Sinay, is -- are you seconding?

20 COMMISSIONER SINAY: Second.

21 CHAIR AKUTAGAWA: Okay. Any discussion?  
22 Commissioner Sinay.

23 COMMISSIONER SINAY: Commissioner Kennedy, my  
24 only question on this, I think that that works for the  
25 10,000 or 14,000, the California state inmates in, you

1 know, incarcerated people that are in federal facilities.  
2 What do we do with the others in federal facilities that  
3 may not be from California? We still, I believe Karin  
4 still needs direction from us on what to do with that  
5 number. Correct, Karin?

6 MS. MACDONALD: That is a good question. We had,  
7 I think the legislature's request was actually about the  
8 entire cohort. We did -- we did receive information from  
9 the Bureau of Prisons, and you are correct that they could  
10 tell us how many people had their last residence in  
11 California, before incarceration. There were some  
12 questions about that. I don't have that dataset at this  
13 point. So I think, at this point, we would be treating  
14 everybody as one whole cohort. But I appreciate this,  
15 Commissioner Sinay. Appreciate the follow up question.

16 COMMISSIONER SINAY: Let me ask you a different  
17 way, just to make sure I'm being clear. How many -- how  
18 many individuals are incarcerated in federal institutions  
19 in the State of California.

20 MS. MACDONALD: Let me look. It's 14, just one  
21 second.

22 COMMISSIONER SINAY: A total. I mean Californian  
23 and non-Californians.

24 MS. MACDONALD: Yes. The total is 14,494.

25 COMMISSIONER SINAY: Okay. So.

1 MS. MACDONALD: As of, that was Census Day.

2 COMMISSIONER SINAY: Right.

3 MS. MACDONALD: Mm-hmm.

4 COMMISSIONER SINAY: And on, and via the email  
5 you sent on April 23rd, we know that 10,326 are from  
6 California. So the difference is, this is where I was kind  
7 of caught up, is those 4,000. What do we do with those  
8 plus or minus 4,000?

9 MS. MACDONALD: Correct. And I appreciate that  
10 question and thank you for asking it. We don't know how  
11 they were distributed in those facilities. So if you  
12 wanted to differentiate, then we could try to go back and  
13 figure out, you know, what facilities they were in.  
14 Certainly.

15 CHAIR AKUTAGAWA: Commissioner Fornaciari, and  
16 then we do have to take a break at 5:30, and then in the  
17 meantime, we could figure out if there's an ability to  
18 extend the time further. Commissioner Fornaciari.

19 VICE CHAIR FORNACIARI: So we'll see, there seems  
20 to be a kind of a time component here that we're not  
21 considering in the motion. I mean, it's open ended and  
22 indefinite, but you know, we need a dataset to start  
23 drawing lines, and we have no idea when we're going to get  
24 the data from the Bureau of Prisons and how long that's all  
25 going to take. So I would think we would want to kind of

1 include some sort of a deadline in our motion so that Karin  
2 can move forward [indiscernible] dated in time.

3 CHAIR AKUTAGAWA: And Commissioner Kennedy and  
4 then Commissioner Fernandez.

5 COMMISSIONER KENNEDY: Thank you, Chair. The  
6 motion requires no additional data beyond what the  
7 Statewide Database will receive on Thursday.

8 VICE CHAIR FORNACIARI: Oh, I'm sorry. Then I  
9 don't understand what the motion is. I'm sorry. I'm not  
10 understanding.

11 COMMISSIONER KENNEDY: To reflect individuals in  
12 federal custody at their location on census Day. So they  
13 were counted in the -- in the institutional setting on  
14 census Day, that's the data that Statewide Database is  
15 going to get. And Statewide Database would have to do no  
16 removal, reallocation, or anything.

17 VICE CHAIR FORNACIARI: Thank you.

18 CHAIR AKUTAGAWA: Thank you for the  
19 clarification. Commissioner Fernandez.

20 COMMISSIONER FERNANDEZ: Yes. I just wanted to  
21 reply to you, Commissioner Fornaciari that at this point in  
22 time, it's late in the game to ask for Karin and her group  
23 to try to take that information and scrub it and not impact  
24 what our timelines are at this point, in terms of receiving  
25 the Statewide Database. So it -- we just have to deal with

1 either we exclude them all, or we keep them in, but we keep  
2 them in where they're currently housed.

3 CHAIR AKUTAGAWA: Commissioner Turner.

4 COMMISSIONER TURNER: So it is, I think, a  
5 question that we've asked for a while, but so our options  
6 at this point so that we're all clear, is that we're  
7 wanting to either exclude them from being represented or  
8 we're wanting to have them gerrymandered where they are.

9 CHAIR AKUTAGAWA: Commissioner Sinay.

10 COMMISSIONER SINAY: Just to add something from  
11 our past notes, I've been going back and forth to all the  
12 different conversations we've had on this. Just a  
13 reminder, yes. And that's what prisoner gerrymandering is,  
14 that someone had mentioned that term earlier. And this,  
15 the prison number, that those in, the incarcerated people,  
16 those numbers are really critical at the -- at the city and  
17 county level and not as much at the federal level as, you  
18 know, as we're hearing, 14000. And Mr. Becker had said  
19 it's, the number's not that much, but it is when the city  
20 and the counties are looking at this and there's great  
21 videos on this. And, you know, federally they are I mean,  
22 by state legislation, they're not -- they are -- they will  
23 be not representing them at those levels, but so it's it is  
24 different. We're looking at it in two different ways. But  
25 yes, those are two choices, Commissioner Turner.

1 CHIEF COUNSEL PANE: Can I make a quick comment  
2 on that, Commissioner.

3 CHAIR AKUTAGAWA: Yes.

4 CHIEF COUNSEL PANE: So I, with regard to  
5 excluding federal prison populations from the count, it  
6 could be impactful because those are concentrated  
7 populations. So I think about facilities like Lompoc. I  
8 think I've got that right, which, if I'm not mistaken, is  
9 in Santa Barbara County. That, if we include that  
10 population, it could actually misrepresent minority voting  
11 power to some degree and have a negative effect on that  
12 because it may be disproportionately minority. I don't  
13 know for sure, but that's a possibility. It might also not  
14 be. The impact in in excluding federal concentrated prison  
15 populations could be substantial because they're  
16 concentrated. But the impact in allocating them for  
17 inclusion randomly, based on the city in which they live,  
18 putting aside the data issues there, will have a limited  
19 impact, I believe.

20 And so that's just my advice that I'm offering.  
21 I don't want to -- I don't want to derail. Again, I  
22 totally appreciate where everyone is coming from on this  
23 discussion. It is -- it's an appropriate discussion. I  
24 think the question on whether the data, if we had the  
25 addresses I might say something different. If we knew what

1 the data was going to look like, I might say something  
2 differently. My understanding is the data we have from the  
3 state, from state corrections is, has already been  
4 processed and is, or is in the process of being processed.  
5 Karin might be able to tell us. But we know what the  
6 quality of the data is, and we know we can process it. And  
7 whereas the federal data is just a great big question mark.  
8 And at best is only going to be allocated by city, which  
9 is, I think, problematic. And I apologize. I'm going to  
10 have to get off, so hopefully, I'll be happy to answer any  
11 questions subsequently if anyone has any.

12 CHAIR AKUTAGAWA: Thank you very much, Mr.  
13 Becker. We do need to also take a break. I know that we  
14 do have a caller waiting as well, too, but we're not  
15 finished with this conversation. I believe we'll come  
16 back, and we'll have some word from Kristian and the -- and  
17 the team about whether or not, how much longer we can -- we  
18 can keep them, or that they're available to stay. So let's  
19 take our 15 minute break now.

20 (Off the record at 5:35 p.m.)

21 (On the record at 5:50 p.m.)

22 VICE CHAIR FORNACIARI: Welcome back, California.  
23 We are in agenda item 8, Incarcerated Populations. And  
24 let's see, we have a motion and a second on the floor. I  
25 wanted to see if there were any further discussion on the

1 motion at this point. Commissioner Kennedy.

2           COMMISSIONER KENNEDY: Thank you, Chair. Yeah.  
3 I'm not entirely happy with the state of affairs. I would  
4 certainly prefer, as I said, my -- the option of randomly  
5 assigning individuals in federal custody to random census  
6 blocks within their home towns. But given the choice of  
7 not assigning them anywhere and having them counted where  
8 they were on Census Day, I come down on preferring to have  
9 them reflected where they were on Census Day. Especially  
10 because we have already taken a decision to press for full  
11 reallocation following the 2030 census. And you know, I  
12 will commit to continuing to follow this up and pushing for  
13 this, you know, for the next nine years, if need be. Thank  
14 you.

15           VICE CHAIR FORNACIARI: Commissioner Turner, and  
16 then Commissioner Sadhwani.

17           COMMISSIONER TURNER: Thank you. I'm certainly  
18 not in favor of the current motion and believe that because  
19 of the work that's already been done to have it figured  
20 out, to me it would just underscore the point. I unlike  
21 folk not having representation either, however, it feels to  
22 me that we're allowing one more decade of what we know to  
23 be a flawed system. And so it's, it doesn't -- it doesn't  
24 solve what we would desire for them not to be represented,  
25 but I think we should still be pushing for -- if we figured

1 it out with the state facilities, I think we should still  
2 at least push and ask for the random appropriations that  
3 we've talked about at this level. And then let it -- let's  
4 see what happens with it, as opposed to settling or  
5 determining that it can't happen prematurely? It is -- it  
6 feels like its last minute now because now we have the data  
7 that's going to be released later this week. But this is a  
8 conversation that we've had quite a while back, and I'm not  
9 certain, outside of Commissioner Kennedy's pushing, good  
10 for him, that we, last-minute determined, that we can now  
11 all of a sudden provide it at a city, down to a city, but  
12 not exact address.

13 I think the timing of the whole thing is  
14 unfortunate. I don't think it's a new conversation. The  
15 conversation we had a while back. Information is just now  
16 being released late, and now that information is being  
17 released, it feels, again, like a forced choice. And so  
18 just for that, I don't support it and hope we can do  
19 something different. And I'm still wanting to have the  
20 information excluded from where they currently reside, from  
21 where the inmates currently reside, and push to have it  
22 allocated at the city level randomly, if need be and where  
23 need be, because I don't think it was all of the addresses  
24 in some.

25 VICE CHAIR FORNACIARI: Commissioner Sadhwani.

1           COMMISSIONER SADHWANI: Thank you and thank you  
2 so much for that, Commissioner Turner, because I think that  
3 was really helpful for me to hear. In general, I continue  
4 to support Commissioner Kennedy's perspective on this, that  
5 my preference also would be to randomize at the city level.  
6 And I'm wondering, you know, I know Karin, thus far you've  
7 said you haven't seen the data, you don't know what it is,  
8 and therefore probably it's not feasible. Is it reasonable  
9 to say, let's hold off till our next meeting on August 19th  
10 so that we can get additional information and then make the  
11 decision about whether or not we can move forward with this  
12 in any way, shape or form? I know that that is an  
13 additional burden to place on you, but we did just receive  
14 this information that hometowns would be available. Is  
15 that, I mean, what can we reasonably collect, what  
16 information can be reasonably collect over the next  
17 nine -- is it nine, yes, nine days that might help  
18 us -- help inform our decision better. Because I'm with  
19 you, Commissioner Turner like, and Commissioner Kennedy, I  
20 think what we're actually saying that's similar things is  
21 that the best case scenario is that we could put folks back  
22 into the cities where they originated from, from their last  
23 known known place of residence.

24           If it's true that we've exhausted all possibility  
25 of doing that, then I would absolutely support this motion.

1 I, Commissioner Fernandez very kindly pointed me to the  
2 document that she and Commissioner Sinay had originally  
3 prepared. I forget the date of that meeting, but you know,  
4 which provided a breakdown of the populations of inmates in  
5 the various 13 facilities. There's about 14,500 inmates as  
6 of April 1st, 2020. In general, that's spread about a  
7 1,000-ish people per facility throughout the state. So  
8 when, I think coming back to the point Commissioner Sinay  
9 had made before the break, when it comes to creating a, for  
10 example, congressional district, that's going to be over  
11 700,000 people, 1,000 people, if we, you know keep them in  
12 or take them out, does make some difference. It makes less  
13 of a difference, though, however, then compared to city  
14 redistricting or county redistricting. So I'm still, you  
15 know, uncomfortable with dropping folks completely. And if  
16 there's any possible way that we can continue to look at  
17 this data and assess whether or not it could be possible, I  
18 would certainly be in favor of that.

19 VICE CHAIR FORNACIARI: Commissioner Fernandez.  
20 I mean, I don't -- to Karin, did you want to respond to  
21 that, or was there anything to respond to there?

22 MS. MACDONALD: Commissioner Sadhwani, did you  
23 want me to respond to that?

24 COMMISSIONER SADHWANI: If, yeah, if you have any  
25 feedback, that'd be great.

1 MS. MACDONALD: All right. You know, we, so we  
2 fulfill a mandate for the state legislature. And I think  
3 that if you wanted to do something that's not expressly  
4 provided for in the elections code, I, you know, I'm not a  
5 lawyer. I keep saying this. I mean, and now, you know,  
6 David is not on. Anthony is still on. From where I'm  
7 sitting, I think this is a conversation you have to have  
8 with the legislature about what could be done. I mean, I  
9 could certainly reach out to them and, you know, figure out  
10 what they can and cannot provide, but then there is the  
11 other step, which is what then do we do with it? So  
12 there's two -- there's two different questions, right.  
13 Here's one. What can we get? And what does it look like?  
14 And then, you know, figuring out the usability and vetting  
15 the data, which I think could be considerable, a  
16 considerable amount of work. Again, I'd be happy to look  
17 into that, but then, you know, what do we do with it.  
18 Depending on what we find out and I think, you know, you  
19 need to reach out to the legislature and then discuss that  
20 piece with them. That's not for me to decide. But thank  
21 you.

22 VICE CHAIR FORNACIARI: I have Commissioner  
23 Fernandez, then Lee.

24 COMMISSIONER FERNANDEZ: Yeah. That was, it was  
25 kind of a little bit of a follow up to that. I do believe

1 Commissioner Kennedy said they didn't provide a date as to  
2 when they would provide the city information. So it's  
3 still kind of up in the air still in terms of what they're  
4 going to provide and if they're going to provide the  
5 information by facility or is it just going to be like on a  
6 statewide level. So I mean, it just, yeah. I, like what  
7 Karin said, we don't know what we're going to get, and we  
8 also don't know how that's going to impact the Database and  
9 Karin's, if Karin will even be able to do that, how it's  
10 going to impact us ultimately, in terms of getting the  
11 census data that we can work with to draw lines.

12 VICE CHAIR FORNACIARI: Commissioner Yee.

13 COMMISSIONER YEE: Yeah. I'm wondering about  
14 something that's only been mentioned in passing, and that  
15 is another option, which is to reallocate federal prisoners  
16 randomly through the whole state and not depend on this  
17 information of uncertain quality and uncertain timing about  
18 hometowns. And it also, that would also cover the 4,000 or  
19 so non Californians in California federal prisons, right.  
20 I mean, the whole prisoner reallocation, ultimately is the  
21 national issue because it's -- you've got people from all  
22 different states in all different prisons, right. There's  
23 California's in federal prisons outside of California,  
24 right, that we would care about if you know, in an ideal  
25 situation. If we reallocate people randomly to the whole

1 state, then we're kind of calling it a wash that  
2 non-Californians in California federal prisons, it's about  
3 equal to Californians in non-California federal prisons.  
4 And we just avoid the question about this data that, you  
5 know, we just don't know when it's coming and what quality  
6 it will be. So what about reallocating randomly through  
7 the state that way, which is what we're doing with prison,  
8 people in state prisons who don't have last-known  
9 addresses. That way, we avoid the gerrymandering, but  
10 people are represented, even if, you know, tenuously, that  
11 by being counted through the state.

12 I'm also wondering, so Karin, you know you're  
13 under a mandate to produce a certain database with certain  
14 guidelines. What freedom do you have? I mean do -- can we  
15 tell you what to do? Do we have that right even, actually?  
16 Because that's, as you're suggesting, your primary  
17 response, that's a legislative directive, right. I mean,  
18 what to do with federal prisoners, who actually has the  
19 right to make that call.

20 MS. MACDONALD: Yeah. So thank you for that  
21 question, Commissioner Yee. The legislature is ultimately  
22 responsible for the dataset. So that's not -- that's not  
23 you. They were requesting you to make a decision about  
24 whether or not you wanted us to, you know, basically leave  
25 them in the dataset or not leave them in the dataset. So

1 that was the question that was posed to you. But it's  
2 ultimately a legislative responsibility to provide an  
3 accurate and computerized dataset that's publicly available  
4 to everybody. You and everybody else in the state of  
5 California.

6 COMMISSIONER YEE: So just cynically then, to  
7 reallocate those in federal prisons randomly throughout the  
8 state, as you'll have to do with the people in state  
9 prisons who don't have good last-known addresses. Is that  
10 technically [indiscernible]?

11 MS. MACDONALD: I would not feel comfortable  
12 giving you any feedback on that. As you know, as again, I  
13 am not a lawyer and I wish there would be a lawyer,  
14 preferably one from the legislature sitting here, I will  
15 tell you this right now. But I, when I read the elections  
16 code, it just does, I mean we wouldn't have an issue if it  
17 said, you know, reallocate, you know, people that are  
18 incarcerated in federal prisons in California randomly.  
19 Then we wouldn't have this conversation. We would just do  
20 it. But it doesn't say that. So I mean, I have said this  
21 to some of you before, I think it would be great if this  
22 Commission could work with the legislature and get this law  
23 changed so that there is clarity and that in 10 years,  
24 people are not sitting here exactly the same way, wondering  
25 what to do. But at this point, I would not feel

1 comfortable. I don't feel like I am able to make that  
2 decision to randomly allocate people when the law does not  
3 really provide for that. And again, I'm not a lawyer.

4 COMMISSIONER YEE: So you're saying whether or  
5 not it's technically easy or not is irrelevant because you  
6 simply wouldn't feel comfortable doing it.

7 MS. MACDONALD: No, not without hearing from the  
8 legislature. No.

9 COMMISSIONER YEE: I see. Okay. Yeah.

10 MS. MACDONALD: Mm-hmm. And I think that's a  
11 conversation that you all should have with the legislature.

12 COMMISSIONER YEE: Yeah. That's good to know.  
13 Okay. Thank you.

14 VICE CHAIR FORNACIARI: I have Commissioner  
15 Turner, then Commissioner Toledo, then Commissioner  
16 Vazquez.

17 COMMISSIONER TURNER: Thank you, and Karin, thank  
18 you and appreciate your responses, for sure. So it sounds  
19 to me that the legislature has given us a decision point of  
20 should we include or exclude, not what to do with them.  
21 And so, again, I'm saying for me, I'd rather have them  
22 excluded from where they currently are, because that is not  
23 accurate, from my perspective. And then if they -- if we  
24 don't have the ability to say where to randomly put it,  
25 then I think it's back on the legislature to figure out how

1 to make the data accurate at that point and place them  
2 somewhere. But for the piece part that we get to make a  
3 decision on, it sounds like we need to -- we can agree to  
4 remove them, and that corrects part of it. And then they  
5 don't have representation, but they're not allocated where  
6 they were outside of their home places. Yeah, this is this  
7 always gets tricky with questions and decisions that's  
8 posed to this Commission by legislature, that is not a full  
9 decision. It's a partial decision and so this is another  
10 one of those to me, partial decisions. And so we can  
11 partially decide whether they should stay where they  
12 currently were counted in a federal facility, or we can say  
13 to exclude them from the federal facility. But the part  
14 two of what to do with them is not for us, apparently, to  
15 decide at this point until the law is changed.

16           And so with that, just for sake of stating so I'd  
17 still rather they not be included where they currently are  
18 outside of their home area.

19           VICE CHAIR FORNACIARI: Commissioner Toledo.

20           COMMISSIONER TOLEDO: I'm just curious if perhaps  
21 Marian who was, went through this process 10 years ago, of  
22 her opinion on what our discretion is around the  
23 reallocation of the -- of the prisoners. If it's our  
24 discretion or the legislature's discretion that -- so if  
25 you just have an opinion on that.

1 MS. JOHNSTON: As I read it, it's your discretion  
2 on what you do with them, but you can't tell the Statewide  
3 Database to do something that it's not going to otherwise  
4 do. It was told by the legislature to redo the state ones.  
5 You could, or you could decide to include them or not  
6 include the state prisoners, but your only option for  
7 federal prisoners is to include them where they are or  
8 exclude them because you don't have any other option.

9 COMMISSIONER TOLEDO: Thank you.

10 VICE CHAIR FORNACIARI: Commissioner Vazquez.

11 COMMISSIONER VAZQUEZ: Yeah, I -- that, thank  
12 you, Marian. That was -- that was helpful because I'm, the  
13 more I think about it, the more I am not in favor of, it  
14 sounds like we don't have the option, but I'm not in favor  
15 of reallocating randomly the federal prisoners, because the  
16 fact of the matter is that they're mostly black and brown  
17 prisoners, and geography is not racially agnostic. And it  
18 feels like we would potentially be reinforcing  
19 disenfranchisement of these folks by randomly placing them  
20 throughout California. I'm sure, again, data wise, we  
21 could probably come up with maybe a metric or an algorithm  
22 that like corrects for some of -- for some of that, but  
23 then that's not, to me that's not random. And I also know  
24 that with algorithms, you know, junk in, junk out, bias in,  
25 we could absolutely create a biased algorithm and reinforce

1 biases there. So I just, I'm not -- it's seeming like I'm  
2 not sure there's a path forward to just including them  
3 outside of where they currently are.

4 VICE CHAIR FORNACIARI: Commissioner Andersen.

5 COMMISSIONER ANDERSEN: You know, I've been  
6 listening on this one back and forth because I, you know, I  
7 don't like the idea of excluding people, but I see and  
8 Marian actually really helped put that, formulated it for  
9 me, to leave them where they are, unfortunately, really,  
10 really goofs up the state, the local, and the city  
11 population distribution. And they have to redistrict where  
12 it really doesn't do much for us at all, quite frankly. If  
13 we try to, you know, randomize, it's, the number is less.  
14 It's .036% of people. So in terms of, I don't like to, but  
15 so. I understand the issue, what we will like to do, but  
16 we're not going to be able to acquire the information to be  
17 able to locate these people. But it is basically, because  
18 I understand now, I much understand Karin's position way  
19 more, because what Marian said, is she's not authorized.  
20 The Statewide Database is not authorized to do that because  
21 their contract essentially is with the legislature. So we  
22 would actually have to get the legislature to say, hey, you  
23 do that with federal prisoners as well. And I just don't  
24 see, I mean unless, you know, in this all of the sudden,  
25 you know, Commissioner Kennedy has a chance to go back and

1 go, hey, we got all the information right here. Wow. It's  
2 perfect. Now we can use it. I think we just have to  
3 exclude, which I hate to say, but that's where I come down  
4 on. I don't think we have the authority to do this to  
5 the -- to the local redistricting efforts, which the  
6 Statewide Database and otherwise it's like, hey, let's do  
7 two databases and that's just a disaster.

8 I feel that would be -- that would be a real  
9 problem as far as litigation purposes, and just useful  
10 purposes, and total confusion. So, and I really appreciate  
11 this conversation, but right now, I feel that it's we have  
12 to exclude them, which I hate saying.

13 VICE CHAIR FORNACIARI: Commissioner Kennedy,  
14 then I think we'll go to the callers.

15 COMMISSIONER KENNEDY: Just in response to  
16 Commissioner Andersen, you know, my understanding of what  
17 the, has been done and said was that, you know, that what  
18 we do is independent of what counties, cities, and other  
19 redistricting bodies in the state need. If we take a  
20 decision, she's still going to be able to provide them with  
21 what they need, independent of what is provided to us. It  
22 is more work, yes. But either a dataset that would enable  
23 them to remove the people that, if we decide to keep them  
24 in, she would be able to provide those other redistricting  
25 bodies with dataset and instructions that would enable them

1 to remove them. Or Statewide Database would end up having  
2 two versions of the database, one for us, one for everyone  
3 else. Ms. MacDonald, please correct me if I'm wrong.

4 MS. MACDONALD: Thank you, Commissioner Kennedy.  
5 That is correct. And I would point out that the access  
6 tools that are being developed and that will be published,  
7 they will have the dataset in it that you decide on. So  
8 basically, it would make it very difficult for local  
9 jurisdictions, so people in local jurisdictions to use  
10 those access tools because they would have the wrong  
11 population totals in them.

12 VICE CHAIR FORNACIARI: Okay. Katy, can we ask  
13 for public comment on the motion at this point, please?

14 PUBLIC SPEAKER MODERATOR: Yes, Chair. The  
15 Commission will now take public comment on the motion on  
16 the floor. To give comment, please call 877-853-5247 and  
17 enter the meaning ID number 8748744070379. Once you have  
18 dialed in, please press \*9 to enter the comment queue.  
19 The full call-in instructions have been read previously in  
20 this meeting and are provided in full on the livestream  
21 landing page. And at this time, we will go to caller 2448.  
22 If you will please follow the prompts to unmute at this  
23 time. Go ahead, the floor is yours.

24 MR. CANNON: Hi. I'm Peter Cannon, C-A-N-N-O-N,  
25 and I have called in before. I called today to discuss the

1 federal incarcerated population issue. Respectfully, there  
2 has been a lot of wasted time. The original law requesting  
3 the exclusion of federal prisoners was adopted in 2012 and  
4 supported by the Prison Policy Initiative and the NAACP.  
5 Policy positions can evolve over time, but if advocates  
6 think a policy change just days before census data is  
7 received, rather than mention this issue over the last nine  
8 years, then this change seems rushed because it is rushed.  
9 In April the Commission decided to seek additional federal  
10 data. But in the subsequent four months, there has been  
11 almost no debate about how to proceed if data became  
12 available or not.

13           So if finally having that discussion at the end  
14 of a long day, versus having an ongoing debate over four  
15 months seems rushed, that is because it is rushed. Every  
16 person matters. Time is also a precious commodity. 14,494  
17 people is a tiny fraction of the total population. It's a  
18 hard choice whether to include or exclude. But it is time  
19 to make a decision. Treat this as a lesson learned.  
20 Embrace the complexity of our state. But please don't add  
21 last-minute complexity to the process, trying to avoid hard  
22 choices. Thank you.

23           VICE CHAIR FORNACIARI: Thank you.

24           PUBLIC COMMENT MODERATOR: Up next will be caller  
25 3818. If you'll please follow the prompts to unmute. Go

1 ahead. The floor is yours.

2 MS. GARNER: Thank you. Good evening. My name  
3 is Grace Garner. I'm calling on behalf of the Black Census  
4 and Redistricting Hub. The Black Hub thanks to the  
5 Commission and Ms. MacDonald for their work on this issue  
6 and we understand the difficulty in this process. We also  
7 appreciate the initiative taken to obtain demographic  
8 information from the federal government regarding  
9 last-known address. We believe the newly received  
10 information from Senator Padilla should be used to  
11 apportion the federal population. We also supports the  
12 continued push to obtain this data, as a matter of course,  
13 for the 2030 Redistricting Commission.

14 If the Senator Padilla data is not available in  
15 time, we still believe it is critical for the Commission to  
16 adhere to two principles. One, that everyone is counted,  
17 and two, that they are counted in the most equitable way  
18 possible. In that spirit, we want to offer two solutions  
19 for the Commission to consider.

20 One, the Commission could look into identifying  
21 the racial demographics of the California federal  
22 population, or, if necessary, use nationwide data and to  
23 then reallocate those percentages throughout the state.  
24 For example, if 40% of the federal prison population is  
25 black, then of the 14,494 federal inmates, we can estimate

1 that 5,798 are black. So 5,798 individuals should then  
2 be --

3 MR. MANOFF: Thirty seconds.

4 MS. GARNER: -- apportioned throughout the states  
5 in black communities as determined via 2020 census data.  
6 If 25% of the black population in California lives in  
7 Alameda County, then 25% of the 5,798 individuals --

8 MR. MANOFF: Fifteen seconds.

9 MS. GARNER: -- would be counted in Alameda  
10 County and apportioned in the census blocks within that  
11 county with the highest black population.

12 The two, the Commission could randomly reallocate  
13 the federal prison population throughout the state so that  
14 no one district has an outsized advantage simply because it  
15 contains a prison within its borders. It is imperative  
16 that the federal prison population be counted and  
17 reallocated equitably. In years past, the federal  
18 population was counted in the location of the facility.

19 MR. MANOFF: Time, plus 15.

20 MS. GARNER: Which gave, which gave more  
21 political power to areas that lacked any significant black  
22 population. The Commission has the opportunity to  
23 apportion the federal prison population in a way that  
24 benefits communities that have been disproportionately --

25 MR. MANOFF: Plus 30.

1 MS. GARNER: -- impacted by the criminal justice  
2 system.

3 Finally, we ask that the Commission consider  
4 taking public comment at the top of each section or in the  
5 middle to allow individuals and groups to better engage  
6 with the Commission. Thank you for your service and you're  
7 careful --

8 MR. MANOFF: Plus 45.

9 MS. GARNER: -- consideration of this issue.

10 VICE CHAIR FORNACIARI: Thank you.

11 PUBLIC COMMENT MODERATOR: And for those that  
12 have called in, please press \*9 to raise your hand if you  
13 wish to give comment at this time. Caller 2829, if you  
14 will please follow the prompts to unmute. Go ahead, the  
15 floor is yours.

16 MS. WESTA-LUSK: Yes. This is Renee Westa-Lusk.  
17 I was wondering, is it required absolutely that you have to  
18 use the same exact population database to draw all three  
19 types of districts, assembly, senate and Congressional? Is  
20 there any way that the allocation of the federal prison  
21 population that would be from California could be allocated  
22 just to congressional districts, and then that data also  
23 forwarded to cities and counties for redistricting  
24 purposes? It's a shame to let this data go out the door.  
25 I would like it allocated if there's any way that it can be

1 done, at least on congressional district levels. It would  
2 make the most impact, it probably wouldn't have as much  
3 impact or very little on assembly or senate districts,  
4 since they can be plus or minus 5% off in population.  
5 Thank you. That's my comment.

6 VICE CHAIR FORNACIARI: Thank you. So --

7 PUBLIC COMMENT MODERATOR: That was all of our  
8 comment at this time, Chair.

9 VICE CHAIR FORNACIARI: Okay. Thank you, Katy.  
10 So I just want to open it back up to the -- to the  
11 Commission if anyone has any further comments before we go  
12 to the vote. Commissioner Sadhwani.

13 COMMISSIONER SADHWANI: I just wanted to get a  
14 sense, what I've heard in some of the caller's comments is  
15 that perhaps there's some discrepancy between what the  
16 prison gerrymandering folks were suggesting back in 2012,  
17 which was drop federal inmates from the rolls. And what  
18 black communities, as represented by the Black Census and  
19 Redistricting Hub, are requesting, is that what other folks  
20 heard as well? Because what I heard -- what I heard Ms.  
21 Garner say is we should be pushing for a reallocation of  
22 folks, right. That we should not be dropping them from the  
23 rolls. And I just wanted to make sure that that's what  
24 others heard as well that there's perhaps some discrepancy  
25 amongst advocates.

1 VICE CHAIR FORNACIARI: I think that's what I  
2 heard. Commissioner Turner, did you.

3 COMMISSIONER TURNER: Yeah. I was just going to  
4 say, absolutely. Ms. Garner wanted to have, you know, she  
5 talked about the percentages or whatever. So she wanted it  
6 allocated based on the racial demographics throughout the  
7 state.

8 COMMISSIONER SADHWANI: Which I think makes a  
9 whole lot of sense.

10 VICE CHAIR FORNACIARI: Commissioner Fernandez.

11 COMMISSIONER FERNANDEZ: I thought she said the  
12 racial demographics of the federal incarcerated population,  
13 but that they --

14 COMMISSIONER TURNER: She did. I was saying that  
15 she wanted them spread throughout the state. Yes, for  
16 federal.

17 COMMISSIONER FERNANDEZ: Thanks.

18 COMMISSIONER TURNER: Right.

19 COMMISSIONER FERNANDEZ: Okay. Again, I'll have  
20 to defer to Karin, but I don't know if we can direct her to  
21 do that because that's not part of what the mandate or what  
22 the direction or the request was from the legislature to  
23 us. So even if we make a decision now or today, it may not  
24 get done because we don't have authority. Or am I  
25 incorrect, Karin, in that?

1           VICE CHAIR FORNACIARI: So we have a hard stop at  
2 6:30. So, yeah. Commissioner Turner.

3           COMMISSIONER TURNER: Thank you. I just wanted  
4 to say, I think I'm really clear on what the request was,  
5 the forced choice of what can be. And I think as a  
6 Commission, I would still like to go on record  
7 [indiscernible] to legislature of saying what we'd like to  
8 have happen and then let them deal with how they're going  
9 to make that happen or not. And what we would like is for  
10 federal prisoners to, if, that belong to California, the  
11 one -- the numbers that we have, we would like for them to  
12 be reallocated. And I actually like the recommendation to  
13 have them reallocated percentage wise, based on the  
14 demographics. And so we do know state prisons, and it said  
15 to even match up the state prisons as far as who's in there  
16 and then match it based on where that same population  
17 resides in the state of California. So I like that as a  
18 suggestion and I think that's, if that's agreeable to the  
19 Commission, I think we should just state that's what we'd  
20 like to have happen and then legislature can take it from  
21 there.

22           VICE CHAIR FORNACIARI: Commissioner Sadhwani,  
23 did you have one last comment? I mean, I feel like we have  
24 to take a vote here.

25           COMMISSIONER SADHWANI: Mm-hmm.

1 VICE CHAIR FORNACIARI: Because we're up against  
2 a deadline at this point.

3 COMMISSIONER SADHWANI: Yeah. I'm in -- I'm in  
4 agreement with Commissioner Turner on that. I would just  
5 recommend that none of us Commissioners talk to the  
6 legislature and instead perhaps we -- could we instruct the  
7 Strumwasser Woocher team to head that up. I know they have  
8 been in touch with them on the census issue as well. And  
9 perhaps that's a conversation that they could help lead,  
10 and or Anthony, you know, just to move it forward. And I  
11 think because we're up against a time constraint, it's why  
12 we need to gather more information as opposed to making a  
13 final decision at the last hour.

14 VICE CHAIR FORNACIARI: So are you proposing we  
15 don't vote at this point? Is that -- is that what you're  
16 saying?

17 COMMISSIONER SADHWANI: We could, I mean I don't  
18 know. I think that would depend on whether or not the  
19 motion is still on the table or retracted.

20 VICE CHAIR FORNACIARI: Well Commissioner  
21 Kennedy, it's your motion. Do you want -- do you want to  
22 call for the vote at this point.

23 COMMISSIONER KENNEDY: I would.

24 VICE CHAIR FORNACIARI: Okay. So I'm going to,  
25 Alvaro, if you could put up the motion.

1 COMMISSIONER SADHWANI: And Chair, there are a  
2 couple extra callers that called in. I don't know if we  
3 want to take them before the vote, but just asking.

4 VICE CHAIR FORNACIARI: No. I just -- I  
5 don't -- feel like we got to -- got to go. And I apologize  
6 to the callers. We'll get to the callers, but I mean,  
7 we've gotten public input and I feel like we need to go.

8 EXECUTIVE DIRECTOR HERNANDEZ: Chair, are you  
9 ready for the vote?

10 VICE CHAIR FORNACIARI: Yes.

11 EXECUTIVE DIRECTOR HERNANDEZ: Very well. We'll  
12 begin the vote. So the motion is to request Statewide  
13 Database to reflect the individuals in federal custody at  
14 their location on Census Day. We'll begin the vote.

15 Commissioner Ahmad.

16 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
17 Akutagawa.

18 CHAIR AKUTAGAWA: [indiscernible].

19 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
20 Andersen?

21 COMMISSIONER ANDERSEN: No.

22 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
23 Fernandez?

24 COMMISSIONER FERNANDEZ: No.

25 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner

1 Fornaciari.  
2 VICE CHAIR FORNACIARI: Abstain.  
3 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
4 Kennedy.  
5 COMMISSIONER KENNEDY: Yes.  
6 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le  
7 Mons.  
8 COMMISSIONER LE MONS: No.  
9 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
10 Sadhwani.  
11 COMMISSIONER SADHWANI: Abstain.  
12 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
13 Sinay.  
14 COMMISSIONER SINAY: Abstain.  
15 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
16 Taylor.  
17 Commissioner Toledo.  
18 COMMISSIONER TOLEDO: No.  
19 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
20 Turner.  
21 COMMISSIONER TURNER: No.  
22 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner  
23 Vasquez.  
24 COMMISSIONER VAZQUEZ: No.  
25 EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.

1 COMMISSIONER YEE: Yes.

2 EXECUTIVE DIRECTOR HERNANDEZ: The motion fails.

3 VICE CHAIR FORNACIARI: Okay. I guess this point  
4 will take this topic up again at our next meeting. I want  
5 to have Katy read the -- read the instructions for public  
6 comment. We'll take the callers that are in the queue and  
7 any others who wish to give comment.

8 PUBLIC COMMENT MODERATOR: The Commission will  
9 now take general public comment on items on the agenda and  
10 for all other items wish to be spoken about at this time.  
11 To give comment, please call 877-853-5247 and enter the  
12 meeting ID number 87487440379. Once you have dialed in,  
13 please press \*9 to enter the comment queue. The full  
14 call-in instructions have been read previously in this  
15 meeting and are provided in full on the Livestream landing  
16 page. For those that have called in, please press \*9 to  
17 raise your hand. Right now we have caller 0563. If you  
18 will please follow the prompts to unmute at this time. Go  
19 ahead. The floor is yours.

20 MR. WOODSON: Good evening, Commissioners. This  
21 is James Woodson from the Black Census and Redistricting  
22 Hub. I just wanted to call in and, you know, clarify a  
23 comment, particularly the discussion that happened after  
24 our comment. You know one, right, we know that this is a  
25 difficult decision. What we did is we just offered a few

1 solutions. To be clear, right, we are concerned about not  
2 counting people. We agree with Commissioner Sadhwani that  
3 that's a problematic practice in general. What we are  
4 asking for is for this Commission to keep fighting for  
5 accurate data and to count people where they actually live,  
6 the same way that state, you know, prison populations are.  
7 We know, right, that there's challenges there. What we  
8 tried to do is offer a few solutions that we at least  
9 wanted you all to consider.

10 To be clear, if the choice is between counting  
11 folks where they're housed versus random reallocation, we  
12 choose random reallocation, but we don't think that those  
13 are the only two options on the table. And we are asking  
14 for this Commission to continue to fight to make sure that  
15 we count votes in an equitable way. So I wouldn't  
16 characterize our position as against other advocates that  
17 are pushing for excluding prison populations, I would say  
18 that we offered other solutions. Again, we know that this  
19 is a difficult decision.

20 MR. MANOFF: Thirty seconds.

21 MR. WOODSON: But would like the Commission to  
22 continue to work to find a solution. Thank you for your  
23 time.

24 VICE CHAIR FORNACIARI: Thank you.

25 PUBLIC COMMENT MODERATOR: I would like to invite

1 caller 0514. If you wish to give comment, please press \*9  
2 to raise your hand. Thank you so much. I see that hand.  
3 If you'll please follow the prompts to unmute by pressing  
4 \*6 at this time. The floor is yours.

5 MS. SHELLENBERGER: Oh, hi. This is Lori  
6 Shellenberger, redistricting consultant for Common Cause.  
7 And I know it's late, I just wanted to also speak to the  
8 end of your discussion and the concern that there could be  
9 inconsistency between Prison Policy Initiative, NAACP and  
10 others who advocated for the legislative changes  
11 [indiscernible], and the position that the Hub took, and I  
12 think others take. And I just, I think there is an  
13 inconsistency so I just, I'd encourage you to reach out to  
14 public -- to the -- to the folks at Prison Policy  
15 Initiative because the situation was really such that  
16 federal prison data, prisoner data, was not available. And  
17 even Maryland as recently as a couple of months ago was  
18 trying to get that and couldn't. We're fortunate in  
19 California to have a fierce advocate in Senator Padilla and  
20 his team, and he's managed to crack that nut for you when  
21 folks didn't think it was possible. So I think those  
22 policy positions were addressing one piece of the problem  
23 when they thought the other piece couldn't be addressed.

24 So I just wanted to clarify that. I'm not  
25 speaking on behalf of a Prison Policy Initiative, but I do

1 work closely with them on this in other states and I'll  
2 reach out to them as well to help them potentially weigh in  
3 as you grapple with this issue. And thank you for the  
4 thought you're putting into it and have a good evening.

5 VICE CHAIR FORNACIARI: Thank you. I see  
6 Commissioner Fernandez has her hand up.

7 COMMISSIONER FERNANDEZ: Yes. I know where we're  
8 on time, but I, and we haven't gotten far on, we haven't  
9 gotten anywhere on this, but we have. We've discussed it,  
10 but my point is, what is our path forward? There  
11 needs -- we can't just pick this up in a week or in two  
12 weeks without having more information. So I'm just  
13 wondering what our path forward is. Are we going to, you  
14 know, obviously, I'm assuming that Commissioner Kennedy is  
15 going to reach back to Senator Padilla's office to see one,  
16 how quickly we can get that information, and then maybe  
17 something else in terms of getting that demographic  
18 information for federally incarcerated population to see  
19 what that looks like, to see if maybe that's an option for  
20 us to redistribute that way or reapportion that way, and  
21 then I'm not sure if we still want to talk to, have someone  
22 maybe start early discussions with the legislature. But I  
23 just don't want to continue on this conversation where we  
24 haven't made any headway in terms of what we can't, and  
25 then also, what can we ask the Statewide Database to do

1 other than take them out, and that's it.

2           So is there -- can we ask them reapportionment  
3 and if that's the case if we can, how is that going to  
4 impact the rest of our process, in terms of drawing? So I  
5 just want to make sure that we're --

6           VICE CHAIR FORNACIARI: Yeah.

7           COMMISSIONER FERNANDEZ: -- moving forward.

8           VICE CHAIR FORNACIARI: Yeah. I think, yeah. I  
9 mean, what are -- what are the options that we really have,  
10 you know, would be what would be awesome to come back with.  
11 And Sara's getting ready to open her hand. Commissioner  
12 Sadhwani.

13           COMMISSIONER SADHWANI: I was getting ready to  
14 open my big mouth. Yes. I think as, I agree with you,  
15 Commissioner Fernandez, completely, that we do need action  
16 steps. My sense, if Commissioner Kennedy, and I will leave  
17 that to you because this is your subcommittee, but, you  
18 know, if you all want governmental affairs to just reach  
19 out to the legal team regarding having them do the outreach  
20 to the legislature, I think Commissioner Toledo and I could  
21 probably do that piece of it.

22           I think, in response to Ms. Shellenberger's  
23 suggestion of reaching out to organizations, I don't think  
24 that that would be -- make a whole lot of sense for us at  
25 this point in time, on this redistricting matter. You know

1 my sense is if groups want to weigh in, they should be  
2 sending us, you know, their thoughts on this matter that we  
3 can discuss in a public forum. And, you know, if  
4 Commissioner Kennedy can, of course, work on the data side  
5 of it, along with the Statewide Database, I think that  
6 those would all be reasonable next steps to continue to  
7 advance this towards our next meeting.

8 VICE CHAIR FORNACIARI: Yeah. Thank you,  
9 Commissioner Sadhwani. Is that -- feel comfortable with  
10 Commissioner Kennedy and Turner? Are you guys okay with  
11 the direction or, I mean, is that good or what do you  
12 think?

13 COMMISSIONER TURNER: I think that's -- yes.  
14 Yes. So Commissioner Sadhwani, Commissioner Kennedy, if  
15 I'm understanding, next steps, then we'll have  
16 Commissioners Sadhwani and Toledo reach out through legal.  
17 Okay. And then what is needed of us, next steps,  
18 Commissioner Sadhwani? Say that again.

19 COMMISSIONER SADHWANI: Well I think to follow up  
20 with Padilla --

21 COMMISSIONER TURNER: Oh.

22 COMMISSIONER SADHWANI: -- on actually getting  
23 that data and working with Karin MacDonald --

24 COMMISSIONER TURNER: Okay.

25 COMMISSIONER SADHWANI: -- and the Statewide

1 Database team to actually assess the usability of it and or  
2 contemplating other --

3 COMMISSIONER TURNER: Mm-hmm.

4 COMMISSIONER SADHWANI: -- what are the possible  
5 strategies for this data, right? Like what, or for this  
6 population.

7 COMMISSIONER TURNER: Mm-hmm.

8 COMMISSIONER SADHWANI: Whether it's randomizing  
9 across the state, randomizing it at hometown cities, using  
10 the kind of methodology that the Black Census and  
11 Redistricting Hub suggested around looking at racial data  
12 of the inmate population, and reallocating that way. I  
13 mean, I think having some assessment of some of that.

14 COMMISSIONER TURNER: Mm-hmm.

15 VICE CHAIR FORNACIARI: And also, what are the  
16 constraints that the Statewide Database is under. Right.  
17 They have constraints that we need to understand. So,  
18 Commissioner Toledo.

19 COMMISSIONER TOLEDO: I'm just a little bit  
20 concerned about the message that we want to convey to the  
21 legislature. Is it that -- is it that if we were to move  
22 forward with including the prison population in, the  
23 federal prison population, into -- including the  
24 population, and then using the methodology described by  
25 Black Census Hub? You know, I'm just a little bit confused

1 about the ask to the legislature other than, of course, you  
2 know, giving them early warning that we may, and have a  
3 conversation around that we may ask them to do this and get  
4 a response as to what the -- what, you know, the  
5 relationship between us and the Statewide Database and the  
6 data and what can and cannot be possible based on current  
7 law. So getting an opinion from their council, but. So  
8 and I just want a little bit of clarification on that.

9 VICE CHAIR FORNACIARI: Commissioner Vazquez.

10 COMMISSIONER VAZQUEZ: Yeah. I don't have a  
11 solution because I'm not a data algorithm expert. I, when  
12 I in my earlier comments, when I referenced, you know, we  
13 could create some sort of methodology to try to back into a  
14 more equitable reallocation of the federal prison  
15 population, just want to make sure that whomever is  
16 considering a potential mechanism to do that via racial  
17 demographics, that we consider sort of the granularity of  
18 where we're trying to actually allocate folks. Because,  
19 you know, racial demographics at the county level does not  
20 equal census block allocations, right. Again, geography is  
21 not racially agnostic. So if we're going to create or ask  
22 the legislature to create a methodology that hopefully gets  
23 closer to equitable federal prison allocation, like we just  
24 need to -- we need to be really clear about what level of  
25 granularity we're talking about, because county does not

1 equal census block. And that feels -- that feels like an  
2 important thing to not lose sight of if we choose, I think  
3 this third way, right, where I think we're trying to find a  
4 third way, a path through this. But I don't want to lose  
5 sight of more granular geographies and whether we can  
6 actually implement this third way equitably.

7 VICE CHAIR FORNACIARI: Thank you, Commissioner  
8 Vasquez. Commissioner Andersen, if you can be really super  
9 succinct, that would be awesome.

10 COMMISSIONER ANDERSEN: Yeah. Basically, I think  
11 the number one thing that has to happen is Commissioner  
12 Kennedy needs to get back to Padilla and like, what are we  
13 going to get and when? Because if it's like well, we could  
14 eventually to -- the Statewide Database cannot just hang  
15 on, or we can't draw any lines. And so, I mean, if they  
16 say, well you know, we'll get to this and, you know, it'll  
17 be a month or so -- that ship sailed. And we have been  
18 looking for this. I mean, except for this one, all of a  
19 sudden right now before the census data's arrived, we  
20 basically had, you know, we can't deal with the  
21 federal -- the federal group right now. We sort of had  
22 made a decision, is my understanding, which was we don't  
23 count them.

24 So to all of a sudden -- basically, we have to  
25 give the Statewide Database a -- an answer, one way or

1 another, so they can continue their work. Otherwise, you  
2 know, I don't see when the line drawings going to start. I  
3 don't see what they're going to be able to work on the  
4 Database. So [indiscernible].

5 VICE CHAIR FORNACIARI: Thanks, Commissioner  
6 Andersen. Thanks, Commissioner Andersen. We're going to  
7 obviously have an opportunity to come to a resolution next  
8 week. So I want to thank everyone. I want to thank all  
9 the staff and everybody behind the scenes for sticking with  
10 us this late. Thank my fellow Commissioners for the robust  
11 conversation and thanks to the people of California for  
12 participating. I am going to call this meeting adjourned.

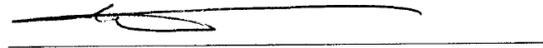
13 (Adjourned at 5:10 p.m.)  
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**REPORTER'S CERTIFICATE**

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 15th day of September, 2021.



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 and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

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

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



September 17, 2021

MARTHA L. NELSON, CERT\*\*367