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

Contractors

Technical 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
PROCEDINGS

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.
MR. SINGH: Commissioner Taylor.

COMMISSIONER TAYLOR: Present.

MR. SINGH: Commissioner Toledo.

COMMISSIONER TOLEDO: Here.

MR. SINGH: Commissioner Turner.

COMMISSIONER TURNER: Here.

MR. SINGH: Commissioner Vasquez.

(No audible reply)

MR. SINGH: Commissioner Yee.

COMMISSIONER YEE: Here.

MR. SINGH: Commissioner Ahmad.

COMMISSIONER AHMAD: Here.

MR. SINGH: And Commissioner Akutagawa.

CHAIR AKUTAGAWA: Here.

MR. SINGH: You have a quorum, Chair.

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

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

So, first off, I just want to say that we have a very, very full agenda today. I do want to just say that as you’ll see from the agenda, it is jammed packed. We have also some meaty discussions that we will be engaging in, so as a result, as much as we want to make sure we have
everybody’s voices heard, we also -- I would also want to encourage all of the commissioners to be thoughtful, to be participative, but please be succinct as much as possible, just so that we could keep our agenda moving, and particularly around the reports. I’m just going to request that as much as possible keeping those reports succinct, or if you want to make a game-time call and decide, you know, this could wait for the next meeting. It’s not urgent that we need to speak about it right this second. I’m sure that everyone will appreciate it so that we can really ensure that there’s adequate time for the discussion items that we have planned.

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

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

CHAIR AKUTAGAWA: That’s okay.

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

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

To call in, dial the telephone number provided on the livestream feed. It is 877-853-5247. When prompted, enter the meeting I.D. number provided on the livestream
feed. It is 87487440379 for this meeting.

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

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

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

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

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

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

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

And I see that hand, caller with the last four 2829. If you will now please follow the prompt to unmute
by pressing star six. Caller 2829, the floor is yours.

MS. WESTA-LUSK: Good morning, Commissioners.

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

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

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

MR. MANOFF: Thirty seconds.

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

CHAIR AKUTAGAWA: I always put myself on mute. Thank you, Ms. Westa-Lusk.
I believe in terms of your first question, we don’t necessarily know where all of the individuals are calling from. We are not required to request name or location, and so that is something that would be difficult for us to ascertain.

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

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

EXECUTIVE DIRECTOR HERNANDEZ: Chair, you are correct. We’ll continue to take that input up until the time we complete the maps.
CHAIR AKUTAGAWA: Thank you. Okay, Katy.

PUBLIC COMMENT MODERATOR: Thank you so much.

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

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

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

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

CHAIR AKUTAGAWA: All right. Thank you, Ms. Shellenberger. And to be honest, to Katy’s point, I was so anxious to make sure I did not forget public comment that I neglected to go through the schedule, and I figure I would do that after the public comment at this point. Most often
I feel like I forget to do that part, so thank you for teeing me up for that part.

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

We’ll be continuing after this with the director reports, then we’ll move to the subcommittee reports. Then after the subcommittee reports, we will be taking a break depending on where we will be in the committee subcommittee report, and then at that point after the subcommittee reports are concluded, we will be going into a brief closed session, and this will be so that we can have reporting on our request to Mr. Preen** or, I believe, but don’t quote me, I may be wrong on that, we will be doing a closed session, and then at which point we will be coming back -- hopefully after a very brief closed session we’ll be coming back and we’ll be starting a conversation on lessons learned that will be led by Commissioners Ahmad and Kennedy. We’ll then break for lunch, and then we’ll come back after lunch and we will start with a conversation or
with the discussion presentation by the VRA Compliance Committee, and then we’ll be moving to the line drawer, and then we’ll be concluding the meeting with a conversation, discussion on incarcerated populations in Federal facilities, and then we’ll conclude with public comment in any other closing comments from the public.

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

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

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

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

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

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

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

EXECUTIVE DIRECTOR HERNANDEZ: Thank you both. Appreciate that.

And to round out our team, you guys have all met Phil Zigoris. He’s not with us right now, but he’s our
data consultant who you’ve met previously when he shared
the functionality about Airtable. And, so, our team is
going to be working on a plan bringing the information, as
Toni mentioned, and all the information from the COI tool
as well as working on bringing the information we’ve
received from the COI Input Meetings into our database as
well. So, they have a tall task. We have a tall task in
going that information in there as soon as possible, but
we’re going to be working with the line drawers, working
with the data management subcommittee, line drawer
subcommittee to work out any of the potential issues that
may be there.

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

Moving on, in regards to the COI data, last week
we received a data sharing agreement document from the
Statewide Data Base. We are reviewing it. Legal is
reviewing the document, and we’ll reach out to the
Cybersecurity Subcommittee for their review as well, and
once we have that, everything should be in place to start
the transmission of the data to our database. So, we’re
looking forward to getting that done.
I also wanted to touch base on the Commission budget. There are two budget documents posted under our handouts for today’s meeting. I’m going to defer to the Finance and Administration Subcommittee to go over the documents during their report out.

That concludes my report, Chair.

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

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

I, too, want to introduce you to a new member of our team, Martin Pineda. He is a 30-year-old son of Honduran immigrants. He graduated in 2017 with a bachelor’s degree in communication studies from Cal State Northbridge. Since graduating he has dedicated himself to the fight for immigrant rights and social justice as a communication strategist for the largest Central American organization in the country, CARECEN. He recently worked with Zoom Strategies as an accountant coordinator where he led digital efforts for a variety of clients. Alongside the Latino media (indiscernible) he worked on a digital media campaign called Step Forward California to create a digital and print resource guide for formerly incarcerated individuals and their families impacted by the war on
As a communications coordinator for the Commission, Martin will focus on our website concerning all agenda and documents are uploaded in the timely manner and helping to update our public input and public comment from the public.

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

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

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

I also wanted to update you on what’s going on with the advertising bid. So, the radio and billboard advertising bids are in with the office of OLS for review for process. That takes anywhere from five to ten days. As is the social media advertising bid for statewide social media campaign. That’s also with OLS. We’re waiting for one more bid to come in today for the newspaper advertising bid, and we also came up with an idea. We pulled some funds to focus on ethnic media. We’ve been reaching out to ethnic media but, sadly, have not gotten a great response,
so we’re looking for a contractor to precisely reach out to ethnic media and make sure that all the languages that we’ve identified as important for ethnic communities are reached out to and to secure that we get stories placed and also just the word out about the work that we’re doing in those communities. So, we will be putting those bids out soon, and hopefully, we’ll have responses.

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

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

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

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

COMMUNICATIONS DIRECTOR CEJA: Yes, thank you, Commissioner Kennedy. We have been working. I believe one of our contractors has been working on that. We were first
dealing with the issue of making sure that both of our websites were ADA approved for the State Department of Technology. They were doing a round and if we were not up to date by the end of July, then they were going to shut down the site. So, we were focusing on that, but I believe that somebody is working on that precisely or particularly, so I’ll check in with them to see where we are in the process, but I know that a few documents were missing and we were also looking to restore those.

CHAIR AKUTAGAWA: Commissioner Fernandez.

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

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

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

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

CHAIR AKUTAGAWA: I think we’re all very anxious about that. Thank you, Commissioner Fernandez, for asking that question. Thank you, Director Ceja. Is there any
other questions? If not, let’s move on to Outreach Director’s report, Director Kaplan.

OUTREACH DIRECTOR KAPLAN: Hi, Commissioners.

Thank you and good morning.

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

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

I did just want to circle back on a few items that were requested at the previous commission meeting. We did go ahead and add additional slots to the session one and session two appointments to accommodate for timing as
well as the average of no-shows, so we added five slots for each appointment time slot. We also added a question to the registration form about how the public heard about the COI input meeting, and we’ll include that in reporting going forward. And we did send an email to the public who had registered for previous COI meetings to share ways they can participate and help spread the word, including sharing our digital toolkit, and we’ve implemented a process to continue to send follow up emails after the COI meeting for those who we have emails for.

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

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

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

Commissioner Kennedy.
COMMISSIONER KENNEDY: Thank you, Chair.

Director Kaplan, I’m just wondering, with local redistricting ramping up, I’m seeing a lot of information out there from counties and so forth talking about local redistricting, but they’re not talking about statewide redistricting, and I’m wondering if you and your staff have compiled a list and/or reached out to all of the local redistricting bodies that you’re able to identify, and if so, what the response has been. Thank you.

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

COMMISSIONER KENNEDY: Perfect. I think that is going to be very important for all of us going forward, so thank you for that.
CHAIR AKUTAGAWA: Thank you for asking that question, Commissioner Kennedy. I do agree. I think it’s important that we do have that collaboration going on.

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

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

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

CHIEF COUNSELPane: Thank you, Chair. Just a quick update.

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

And, second, just a quick note about the status of the litigation contracts. They are with both law firms, and I am awaiting signature or edits from their side. Have not received anything yet, but I’m hoping to expect some form of a response, I’ve reached out, hopefully in the next week or so. I don’t know if anyone has any questions. That was going to conclude my report.
CHAIR AKUTAGAWA: Okay, thank you. Do we have any? All right, seeing no questions, all right. Thank you very much.

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

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

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

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

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

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

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

(Pause)

PUBLIC COMMENT MODERATOR: The instructions are
complete at this time, Chair.

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

COMMISSIONER TOLEDO: I don’t believe we have a substantive update.

CHAIR AKUTAGAWA: All right.

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

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

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

CHAIR AKUTAGAWA: Oh, I’m sorry.

COMMISSIONER FERNANDEZ: We sent an initial letter regarding hoping to continue the virtual meetings, and, you know, we saw what the latest was in September, end of September, so I’m just wondering if we feel like maybe we need to send another one only because now with this variant and, you know, I’m sure they’re working on something past September, but I’m just wondering if we
asked to do a follow up or something, and I know that we did receive response from the office, so that was my only comment. Sorry about that. I wasn’t fast enough with my hands.

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

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

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

COMMISSIONER SADHWANI: Well, that’s really helpful to hear, Marcy, and helpful to hear the update, not helpful to hear that the Governor continues to not respond to us. And, you know, I think one of the things we had discussed and just briefly had mentioned is, is it
beneficial to potentially do an op-ed of some sort saying that the lack of leadership on this issue is causing issues for us in our planning for the fall and to continue our efforts in redistricting. I don’t know that we want to go down that road, but perhaps we do. Certainly we have a governor who is facing a recall, and maybe he wants to responsive to the needs of the Commission and the needs of the people of California. So, you know, I think that is open for discussion, whether or not we want to do that now, you know, either way as people have strong thoughts for or against. That’s great. If not, we can move forward and Commissioner Toledo and I can continue to discuss that this week and apply some additional pressure to the Governor’s office.

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

All right. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: No, I’m not anxious to get onto the next one, but just a quick -- Marian, thank you so much for sending us information regarding legislation. And as you have pointed out, there is language in some of the trailer bills regarding local boards, but nothing in terms for commissions and those that are associated with Bagley-Keene. So, I don’t know if
there’s something -- maybe this is going to be a Lessons
Learned, but I’m thinking for the future, for the next
commission, maybe think about either submitting or being
part of some legislation for that piece of it in terms of
commissions or Bagley-Keene being able to meet virtually or
in hybrid and not having to disclose residence information.
So, I just want to be sure we put that on the lessons
learned before I forget. But thank you all for your
efforts and for wanting to be inclusive of everyone
participating in this process.

CHAIR AKUTAGAWA: Marian.

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

CHAIR AKUTAGAWA: Commissioner Andersen.

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

CHAIR AKUTAGAWA: Commissioner Sadhwani, are you
responding, because I also see Commissioner Vasquez. Okay.
COMMISSIONER SADHWANI: My thought on this, and this certainly needs to be a Commission decision, but we have a lot going on, and we have our focus on drawing maps.

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

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

CHAIR AKUTAGAWA: Commissioner Vasquez.

COMMISSIONER VASQUEZ: I definitely agree with Commissioner Sadhwani’s assessment of sort of what we can do now and what is the best use of our time now, and looking ahead to longer term solutions. I do think, though, building off of Commissioner Andersen’s idea it may be helpful for us to -- I do like the idea of writing and op-ed, and I think we can push that op-ed if and when, you
know, we decide to do that to partners like the Little Hoover Commission, like Disability Advocates to say, you know, look, join us, distribute this to our network, because it’s not just about the op-ed; it’s about who sees, and reads and reacts and joins us in our call to the Governor to make this fix and make it soon.

CHAIR AKUTAGAWA: Commissioner Sadhwani and then Commissioner Toledo.

COMMISSIONER SADHWANI: Oh, sure. Commissioner Toledo --

CHAIR AKUTAGAWA: No, go ahead, Commissioner Sadhwani.

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

CHAIR AKUTAGAWA: Commissioner Toledo.

COMMISSIONER TOLEDO: I was just going to say that I do agree with Commissioner Sadhwani about ensuring that, you know, modernizing the open meetings, while it’s going to take some time, and that certainly -- I think our offense really is about that, but at the same time we have our urgency. Our urgency is getting the maps done and getting the executive order extended through the pandemic,
right, through the emergency declaration, so really
highlighting those two aspects. And so I’d be supportive
of an op-ed or some other kind of media piece that we could
do with Commissioner Sadhwani and through the committee and
bring it back to the full Commission.

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

Okay, any other -- okay, Commissioner Andersen.

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

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

COMMISSIONER TOLEDO: I’ve been in contact with
the Little Hoover Commission, and so we’ll continue to be
and encourage them to continue to move on this issue. And
as we work through the committee process we’ll bring back our recommendation draft and who we’ve contacted as well.

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

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

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

COMMISSIONER ANDERSEN: Sorry, did you --

COMMISSIONER SADHWANI: Go ahead, go ahead.

COMMISSIONER ANDERSEN: Okay. I was going to say, rather just check and say, hey, you know, did you get our comment, I’d say like, you know, can you lead this; we can’t. Just a little slightly different angle of it. This is a great idea. It needs pushing. And that’s something that as you’re talking to them obviously you can get a
better read on how that would work in terms of a letter or not. And I trust --

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

    COMMISSIONER ANDERSEN: Right.

    COMMISSIONER TOLEDO: Because we don’t have the time to be --

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

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

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

    CHAIR AKUTAGAWA: Okay, fabulous. Thank you.
Commissioner Vasquez.

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

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

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

VICE CHAIR FORNACIARI: Yeah, thanks. Alicia had
so much fun last time, I’ll take the fun this time.

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

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

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

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

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

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

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

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

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

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

And then the other piece of that is like $88,344 approximately that we aren’t going to spend in our outreach
efforts for live meetings. We decided not to have these live meetings, so we allocated per diem venue costs and security costs that we’re not going to spend.

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

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

And so, if you look at the other page, if you look at the appropriations page, if you look at the provision one and provision three, additional operations cost and COVID census delay operational costs, that $6,081,000 or something like that. Maybe it’s $6,091,000.
That money has not been -- I mean it’s not been provisioned to us. We have to continue to go back and request that our monies be provisioned to us.

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

COMMISSIONER TURNER: Commissioner Fornaciari, before you go on.

VICE CHAIR FORNACIARI: Yes.

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

VICE CHAIR FORNACIARI: Right.

COMMISSIONER TURNER: And you’re going a little fast.

VICE CHAIR FORNACIARI: I’m sorry.

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

VICE CHAIR FORNACIARI: Okay. Yeah, I’m sorry. Thanks, Commissioner Turner.

If you look in the bottom section row, one, two, three, four, five -- row six and row seven. Row six says budget act 2021, additional operation costs, provision one. And the next row says COVID/census data delay operational cost, provision three. So, we’ve been -- those have been
approved. Those monies have been approved for us, but they haven’t been allocated. I’m not using the right terminology. I forget what the right terminology is. But we have to go back to the finance office in the legislature to give us authority to spend that money. I mean they’ve allocated that money, but they haven’t given us authority to spend it at this point.

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

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

And so, projections. You all asked for projections. So, you know, at this point we don’t have the projections yet. Part of it is uncertainty about staffing and staffing costs, and now that essentially all the staff is in place, and the July expenses are coming in, so for
next time we’re really going to focus on projecting where we’re going to be. We have projections, but they were really based on kind of a rough idea.

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

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

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

No, I think everything -- and in terms of
salaries and wages there was also not only delay in hiring or going through those positions, but also, some of the positions early on where we had thought we were going to fill certain positions and we didn’t fill the positions, so that added additional flexibility, so right now we’re comfortable with the almost 1.4 million in terms of being flexible to use those funds for -- and what we’re thinking is for outreach, and we wanted to get that information out to the Commission as soon as possible because, as we’ve seen, trying to use those funds can take a while in terms of going through the process, so we felt the sooner we got that information to the full Commission and we’re able to use the funds for our outreach, the better.

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

I see that Linda had a question, I think.

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

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

VICE CHAIR FORNACIARI: Yeah. I mean, so, there
were -- we talked about, you know, again there were some ideas that they had that we just didn’t have the funding to do, and I thought we could just invite them to think about other opportunities that we might have that have a bigger impact. I mean, I think -- you know, I think it’s easily justifiable based on, you know, the challenges that we’ve had reaching out to some of the zones, and, you know, the need for alternative ways to get ahold of or reach out to folks, you know, so --

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

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

Commissioner Sinay, I see you have your hand up.

COMMISSIONER SINAY: I’m all for investing in outreach. My concern is our bureaucracy. You know, we’re now into the second week of August and we still can’t do Facebook ads. We still don’t have -- so I feel like we keep allocating funding, but the real problem is our
bureaucracy, and just coming up with ideas is great, but it’s -- you know, the text thanking isn’t going to happen until October, that really doesn’t help us because I’m still a firm believer that communities of interest and hearing from communities of interest is the most important piece of the work that we’re doing because that will help us draw better lines. I know that a lot of folks think that once the lines are drawn we’ll get more input, and I’m still struggling back and forth with it shouldn’t be the last voice in that influences the work that we do, but it should be all the little voices that we’ve heard. And communities of interest is really the most accessible way for communities to reach out to us.

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

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

COMMISSIONER VASQUEZ: Just wanted to -- so,
Commissioner Sinay, I completely agree. To the extent we can move around our obstacles to get outreach done sooner rather than later feels like a priority to me.

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

VICE CHAIR FORNACIARI: No.

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

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

COMMISSIONER KENNEDY: Thank you, Chair. We do not have an updated Gantt chart yet, but with the proposed plan and dates for the first days of line drawing coming
from the line drawing subcommittee, and some of the other
information that we now have, we will be able to develop a
revised Gantt chart for the next meeting. Thank you.

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

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

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

COMMISSIONER YEE: That’s right.

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

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

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

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

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

So, thank you, everybody.

CHAIR AKUTAGAWA: Okay. Thank you. All right.
And, Commissioner Sinay, thank you to you as well, too, for a great job-sharing yesterday’s meeting.

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

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

COMMISSIONER KENNEDY: That’s correct.

CHAIR AKUTAGAWA: Okay. All right, thank you.

Let’s go on to item 4G, Website Committee, Commissioners Kennedy and Taylor.

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

The one thing, you know, following up on my questions earlier, I just -- I really do want to see the 2010 site fully restored to its structure and content. I mean there is -- there’s content that’s still there that can’t be reached, but it’s still accessible if you know that you are (indiscernible) for it, or if you do a web search. And that includes things like the final report from the 2010 Commission. So it really is important that
we get that 2010 site restored to structuring content as of 30 June, 2020.

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

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

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

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

COMMISSIONER TURNER: Thank you. I believe our Director Hernandez introduced the Data Management team, and
I don’t believe there are other updates at this time.

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

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

CHAIR AKUTAGAWA: Commissioner Sinay.

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

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

CHAIR AKUTAGAWA: Commissioner Sinay, my understanding from what the Statewide Database
representatives, Jaime and others who have presented, is that those who have been hired to staff the walk-in centers are being used to help provide support to the communities of interest mapping tool. So, like if people call in or make requests via their chat function they are providing support in that way, I think, in lieu of the walk-in centers not being opened right now.

Yes, Commissioner Sinay.

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

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

All right. So, seeing no other hands right now I’m going to go ahead and move on to 4J, Cybersecurity, and this is Commissioners Fornaciari and Taylor.
COMMISSIONER TAYLOR: Yes, and unless Commissioner Fornaciari has something else, nothing significant to report. I like to always say don’t answer unsolicited emails or text message. They’re coming in on our phones now as well. And I think we’ve all seen in the news about the recent events of highjacked systems and ransomware. So, just be mindful. The end user is often the source of the breach.

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

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

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

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

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

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

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

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

CHAIR AKUTAGAWA: Okay, thank you.

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

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

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

MS. WESTA-LUSK: Yeah. This is Renee Westa-Lusk. I have questions regarding when and how will the hard copy letters, the emails and the COI tool data be posted on the
website, and how will members that have participated, 
people researching, be able to access this data on the 
website? Will they -- will it be organized by region if 
they want to look at COI tool information or emails sent 
from a certain region, or letters from a certain region. 

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

Those are my questions. Thank you.

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

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

EXECUTIVE DIRECTOR HERNANDEZ: Yes, thank you, Chair.

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

So, that is part one that we’re working on. There’s also going to be another part that we will work on, and we have yet to decide how that’s going to be done, but
taking information from the Airtable that has been entered through the COI tool to display it on our website as well, whether it’s on the public input page or elsewhere, we have not decided on how or where it will be displayed, but that is the plan as well that we’ll be working with. The Data Management Team will be working on that part of it as well. Hopefully that answers your questions for now. Obviously we don’t have the data and we are working on that.

CHAIR AKUTAGAWA: Commissioner Kennedy.

COMMISSIONER KENNEDY: Commissioner Sinay was first.

CHAIR AKUTAGAWA: Oh, I’m sorry, Commissioner Sinay.

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

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

EXECUTIVE DIRECTOR HERNANDEZ: If I may respond,
CHAIR AKUTAGAWA: Yes.

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

CHAIR AKUTAGAWA: Thank you. Commissioner Kennedy.

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

CHAIR AKUTAGAWA: She’s being --

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

CHAIR AKUTAGAWA: Yes, let’s go ahead and have her audio on.

PUBLIC COMMENT MODERATOR: There you go.

MS. WESTA-LUSK: Yeah. The dates I’m interested
in, there’s actually three, but I don’t know the third date, but I know it was later on. But the first day I’m interested in is April 14th, the other one is May 1st, and then there was a later date. And all I know is it was about Riverside County and Coachella Valley. But that was the third, and I don’t know what date it is on the Riverside County and Coachella Valley.

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

MS. WESTA-LUSK: Oh, okay.

COMMISSIONER KENNEDY: Thank you.

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

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

All right. Commissioner Andersen.

COMMISSIONER ANDERSEN: According, you know, how things are going to be viewed it has always been the intent to have a sort of a map available for the public, before the Commission that has general where the COIs are, where they’re coming from. That is still going on. It’s just the methods of how that’s being put forward are also being worked out through the Airtable. The whole bottleneck here
is that Airtable, but as soon as that comes on, there will, indeed be a map for you as well. So, I just wanted to bring that forward.

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

COMMISSIONER ANDERSEN: Well, I’m trying to avoid the term “heat map.” It’s a pin map, because we’re using heat map when we’re talking about the Voting Rights Act and the Racially Polarized Voting.

CHAIR AKUTAGAWA: Okay, so that’s --

COMMISSIONER ANDERSEN: The pin map is the COI’s, our map, the COI information, the pin map.

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

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

UNIDENTIFIED: Hi, thank you, Commissioners, all of you. I’ve been following on and off through the last year plus with you, and I did see -- my question is about the Airtable and the COI tools. I did see the marvelous Airtable presentation now maybe, I don’t know, eight weeks ago. And so I guess I would like more information on what
the holdup is. Is it cybersecurity? Is it what because I think from the presentation the public and I were led to believe that we would be able to download the data securely and look at it ourselves, not just in a necessarily sort of prepackaged heat map or pins? So, what is the way that the public will be able to gain access to this, not just in -- and not to make it sound horrible, but sort of preformulated way so that they can look at their own views and make assessments and then give comment on that? I think that will be very important. And so I see that maybe staff, Marcy, has access to it from the COI tool updates. But some sort of sense of why can’t -- what’s the timeline for the COI tool. Someone has access to it. I hope you guys all have access to it. And I think the public should get that very, very quickly. Thank you so much.

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

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

In terms of the holdup and Marcy’s access to the numbers of the COI tool submissions, she only gets the
numbers. She doesn’t get access to the actual comments. That is something that is being transmitted from the Statewide Database to the Commission. And as you heard in Alvaro’s report out earlier, we have an agreement in place that’s being reviewed by counsel between Statewide Data Base and the Commission so that Statewide Data Base can actually transmit that data over to us.

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

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

I, too, am waiting to take a dive into Airtable and look at all of that data, but now that we have our Data Management Team on-boarded, they’re working diligently to help streamline the process, so as that data continuously flows in, everyone, including the commissioners, have access to that information.
CHAIR AKUTAGAWA: Thank you very much, Commissioner Ahmad for that thorough answer, and I think that was very helpful for all of us, commissioners and the members of the public, and thank you to the caller who called in to ask that question.

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

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

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

MS. WESTA-LUSK: Yes. This is Renee Westa-Lusk again. I have a question for Commissioner Ahmad about she was talking about the COI tool information only because if everybody has to scroll through thousands of COI tool
things how will they find what was submitted from their area? Last time I remember the Commission divided it up according to the cities, that they put all the data, you could find it from wherever the hearings were, as I remember. I didn’t have to scroll through hundreds or thousands of inputs from all over the state. You could just zone in on your own area to find what was said about the cities that were closest to you, what was given, and then the emails were also put in because there were a lot of people that sent in emails that didn’t go to the hearings, and you could easily find it by a location where they were from. Thank you.

CHAIR AKUTAGAWA: Commissioner Turner.

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

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

All right. Let’s do this. We will go to closed session, and it will be a closed session under the Penn
Bean Litigation Exception. For the Commissioners, let’s just take a -- can we just keep it quick and maybe like take it five minutes before we all log on. Is that okay? And we will see you in the closed session room at 11:10, let’s make it 11:10. That will give you six minutes. All right.

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

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

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

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

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

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

COMMISSIONER KENNEDY: Commissioner Ahmad is going to start.

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

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

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

Before I have Commissioner Kennedy start off with the first question, I just wanted to make sure that I
haven’t missed anything in the introduction. Commissioner Kennedy.

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

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

COMMISSIONER SINAY: As mentioned before, and I’ve mentioned it with the community groups as well as others, but it’s really the time commitment. I don’t think any of us really knew what the time commitment was, and everyone kind of said, well, it only is a lot during the drawing of the maps. And the response I usually get is, well, we don’t want to put out there how much time you all
spend because then we won’t recruit people like you all.

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

COMMISSIONER KENNEDY: Great, thank you.

Commissioner Turner.

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

COMMISSIONER KENNEDY: Thank you. Commissioner
Vasquez.

COMMISSIONER VASQUEZ: I think clearly
communicating the stipend as well, that there may be,
particularly younger professionals, who may be more
interested or feel like they’re more capable of being able
to take on such a huge list if they felt like they could
either reduce their hours or leave their full-time
professional gig to do this. So, being up front and clear about the stipend.

COMMISSIONER KENNEDY: Very good. Commissioner Sadhwani.

COMMISSIONER SADHWANI: One of the things -- this is building off Commissioner Sinay and other points that have been made about the time commitment. And I think one of the pieces of the time commitment, I also didn’t realize the amount of time it would require. But I think built into that is as a Commission we have to develop an entire state agency, which is extraordinarily time intensive. And I don’t think that we’re necessarily -- I think we’re all very competent people, but we don’t know each other. You know, we’re kind of thrown in to make all these hires, build up this entire -- entire, you know, bureaucratic agency, and it’s kind of a catch 22, right, because we want to be independent of the Commission and, yet, the challenges and time commitment of building that bureaucracy are really difficult. And how we are guided from the beginning matters so much, right. Like the kind of guidance that we received and/or did not receive from the State Auditor’s Office, perhaps some of the lack of guidance is really -- was really kind of shocking to me. I don’t know what I expected necessarily, but I was ill prepared. I thought a lot about like, okay, let’s draw
some maps. But the building out of the full infrastructure of our staff was something that I wasn’t aware that we really needed to do, and I think that’s a part of that time commitment as well.

COMMISSIONER KENNEDY: Right. Thank you.

Commissioner Fernandez and then Commissioner Vasquez.

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

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

And then the other limitation, it’s interesting that the language says that we’re exempt from hiring, all of the hiring restrictions and all of that, which is great, so we can move through that process quicker. But they don’t give us the same ability when it comes to procurement in contracts, and especially because we are having to build a state agency from scratch and we have limited -- you know, we have a deadline. That was -- that’s been frustrating as well in terms of removing that requirement of having to still go through the state process of procurement and contracting. That’s been frustrating.
COMMISSIONER KENNEDY: Great. Commissioner Vasquez.

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

COMMISSIONER KENNEDY: Great, thank you.

Commissioner Akutagawa.

CHAIR AKUTAGAWA: Yeah. I think I agree a lot with what Commissioner Vasquez said. I think -- and in some ways this is kind of a combination of all that’s been said. I think it would be helpful I think in terms of guidance having a clear understanding that staffing up is probably one of the more important things to get done.
versus some of the other kinds of things that we thought we needed to do at the beginning. I think having that help and having people to help move things along is helpful.

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

COMMISSIONER KENNEDY: Right. Thanks.

Commissioner Fornaciari and then Commissioner Fernandez.

VICE CHAIR FORNACIARI: Yeah. So, I agree with a lot of what’s been said so far.
My frustration with Bagley Keene in the beginning was, and our direction was no talking basically. Do not talk to each other. I think they took the easy way out instead of really helping us understand the nuances of Bagley Keene and what we could do legally. And I think that would have been really helpful to have a better, clear understanding of how we can interact as commissioners without violating Bagley Keene.

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

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

COMMISSIONER FERNANDEZ: That’s okay.

COMMISSIONER KENNEDY: I didn’t look at my list.

COMMISSIONER LE MONS: And Le Mons.

COMMISSIONER FERNANDEZ: I think that something that a huge lessons learned was the whole outreach piece that we had to do versus the 2010 Commission. That adds to
the time commitment. And I enjoyed doing the presentations, but it does add -- if we’re responsible for doing all of the outreach for the entire state, it just -- it’s just a lot for either people that are not used to doing it, or even if you’re used to doing it, it’s still quite a bit to put on 14 strangers who get together and now we’re trying to figure it out. So, that was a little bit frustrating, and, of course, that goes along with the grants and the inability for us to issue grants to have -- to obtain help, which led to down the line we realized we needed more outreach staff because we just couldn’t issue out the grant funding, so it was just kind of like the domino effect of it somebody else could do that piece of it, and, you know, I’ve talked to a few people. I wish that, you know, whoever did it for census would just stay on with us to do that outreach portion because why recreate the wheel, right. They’ve already done it. And then we can be the face that goes out there and does the presentation. So, that was kind of a -- I didn’t realize we had to do that piece.

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

COMMISSIONER LE MONS: Yes. I wanted to echo much of what’s already been said, but I don’t know if it’s possible. It seems like there should have been a
distinction between the implementation of Bagley Keene. It makes sense to me as it relates to the public testimony, and the maps, and all of that.

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

The other thing, I think the outreach piece hopefully we can leave 2030 in a better position. I don’t know that we really solved the outreach hurdle, if you will, but clearly it was something that we inherited as a new piece based upon the resources made available, et cetera. But basically resources were made available, but no guidance, no real thoughts about why that was so important, how it might look that we could have maybe had a
different kind of a blueprint to start. I think we were very creative and innovative in our thought around how to get there, and as you all know, we, you know, stumbled around navigating the bureaucracy and everything else to -- and I don’t know that we came up with something that we could just plug and play and pass a law. So, I think really understanding how important that piece is and coming up with a mechanism that’s really going to have it be impactful. I think Commissioner Vasquez’s recommendation about maybe extending census. You know, when we started early on we were talking about the comparison in resources and the millions and millions of dollars that was made available through the census process with regard to outreach. And we had pennies in comparison. And, so, what was really the vision? And is it our responsibility to set the vision for 2030? Like how does that vision for outreach really get set? So, those are some of the things that are just coming to mind as we’re having this discussion, and I’ll stop there. Thank you.

COMMISSIONER KENNEDY: Fantastic. Thanks.

Commissioner Sadhwani.

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

And also thinking about Commissioner Fornaciari’s comment around Bagley Keene. I agree. There were just so
many pieces that we didn’t know that were legal in nature. And I think Marian did a great job assisting us early on, but she’s one person, and I think what I’ve come to learn throughout this last year is like everything we do is, you know, how we speak to one another, all of this, right. We’re bound by two very important laws, right, and I think having additional support to better understand that early on would be really helpful. And I do also wonder, just as a suggestion, and again, it kind of goes back to this piece of like we need to be independent, so probably want to be independent from the Census Bureau, or the Census outreach. Probably we want to be independent from the State Auditor’s office. We would certainly want to be independent from the Attorney General’s office, and, yet, at the same time, the Attorney General’s office is a place that can potentially provide us a whole lot of legal resources for navigating contracting, hiring, understanding Bagley Keene, right, and so to what extent might it have been helpful for the Commission to have received at least a contact person within the Attorney General’s office that can provide additional legal support for us as we need it on any range of potential issues. I don’t know the answer to that, if they’re the right entity or not, but it seems like you need like an access to greater amounts of guidance, at least when you get started.
COMMISSIONER KENNEDY: Great. Marcy.

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

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

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

COMMISSIONER ANDERSEN: Everything that we just talked about, you needed a training session on. We had a training session on how to line draw. We had a training session on the VRA. We had a training session on Bagley Keene. We had a couple of different Bagley Keene ones. We need one on management, and specifically what are the State procedures. Many of us are not state employed. Actually, thank God for Commissioner Fernandez who understood a lot of the different, even just what the positions were. We didn’t get that. A lot of things we have assumptions, but we don’t realize that the same words have different meanings in the State bureaucracy. So, in that -- under the management I would say on the business side,
contracting, staffing, state procedures, and including are we going to have the connection to the Census Bureau in that. But from our perspective, giving to the next commission, I would say like maybe a tree of how we decided to staff things would be a very good idea, and, you know, how are we actually -- essentially, what was our hierarchy. And in this training session, though, on the management, a timeframe of this all would really, really be helpful, a view of the timeframe.

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


COMMISSIONER TURNER: Thank you, Commissioner Kennedy.

I’m in total agreement with what Commissioner Andersen just shared, so I’ll try not to repeat a lot of it. But in addition to the training, and yes, most grateful to Commissioner Fernandez, but we are encouraging all Californians to participate in this process, and so, therefore, it is not expected that we will have someone that has the background in information that she does. So,
I think the training -- not only the training needs to take place in all of those, the procurement, again, at each piece that she named, I think it’s important that when we receive training, we receive training with an expected -- to an expected audience that does not have that background. And I think that’s the truth not just of the state offices of every training that we’ve received of the line drawing, of the VRA, of everything else. I think there is a mistake that could be considered, or at least a learning that when we have those that are expert in the part that they’re asking for training in, they have the preliminary discussions about what’s needed, and they already have a sense of expertise. So, by the time the training comes on, they’re training from the level of the individual they spoke with, which leaves a lot of us out of the loop and trying to catch up to what’s going on.

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

I’m looking also in the Lessons Learned for our training to include more of practice, role play situational learning for varied learning styles as opposed to assuming if you read what’s already on the paper that there will be an understanding of what’s being taught, so I’d like for there to be varied types of training on the subject that
would appeal to different learning styles. And I want to make sure that the training that we’re getting is trained at a level of expectation that the audience perhaps don’t have the same background.

COMMISSIONER KENNEDY: Great, thank you.

Commissioner Akutagawa, then Commissioner Fernandez, then Commissioner Yee.

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

And I think what would be helpful would be one of two things. One is you do it, but I do believe that it would serve us all well to have, and actually serve any commissioner for the future, it would serve anyone well to perhaps do a refresh of some of those trainings because after a period of time after we’ve had several meetings and we’ve had more of an immersion in the work, some of it made sense, but it would have been helpful to have a refresher just to make sure that we’re all, you know, continuing to be on the same page.
And I would echo actually what Commissioner Turner said about, you know, keeping in mind that people learn and take in information in different ways and being mindful of those different ways in which information gets processed and the ways in which people learn so that we can, you know, ensure that everybody is always working from at least as close to the same place as possible.

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Fernandez.

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

Instead of trying to frontload everything and then hopefully you remember what we talked about VRA, you know, eight months later, but fortunately Commissioner Sadhwani did bring that training back, so I appreciate that. But it was just -- it was just too much and again, and I completely understand how frustrating and overwhelming it can be if you’re not familiar with the State bureaucracy. I mean, I’ve lived it for 30 years and
it’s still frustrating to me, so I can only imagine that you’ve all done wonderfully, so, thank you so much. But again, we need to -- there are simpler ways to provide that training so that everyone understands instead of just copying from what the language says. It’s more of a practical-type approach.

COMMISSIONER KENNEDY: Great, thank you.

Commissioner Yee, and then I have Commissioner Taylor, and I’m also seeing Commissioner Le Mons’s hand and Commissioner Sinay.

COMMISSIONER YEE: Thanks to everyone for all these good comments. I’m just going to agree with everything.

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

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

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

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

COMMISSIONER KENNEDY: Great. Commissioner Taylor.

COMMISSIONER TAYLOR: Thank you, Commissioner Kennedy. As it relates to training specifically, and maybe a few other topics in general, I think Commissioner Ahmad might have touched on it a little bit, all of this is done in the public eye, and it relates to Bagley Keene we have to be mindful of these conversations amongst us, that they
don’t violate that issue.

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

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Le Mons.

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

But my point was as it relates to the training.
For me, I felt like what would be helpful if the training is contextualized. It was a lot of information to some of the previous commissioners. I think Commissioner Turner said that it was a series of presentations, so a lot of information sharing.

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

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

And then finally, I’ll just say, you know, we did this in an unprecedented (indiscernible), and we did do it in the middle of a pandemic since day one. So, that has
had a profound impact on everything, training, being vulnerable, like getting together, like all of that, right. So, it will be interesting for the Lessons Learned Committee to figure out how to frame this pandemic that was the backdrop for this process and not have it tainted, like be able to pull out the feedback that there may be no intent to make it 2030, so that the feedback is there both within the limits of the pandemic and out, if that makes sense. So, yeah.

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

Commissioner Sinay and then Commissioner Andersen.

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

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

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

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

But the one point I wanted to add in here is in the training, the 2010 reports. We didn’t actually get or know about except for those who had the look. The 2010 reports were never presented to the whole Commission until we were like four months in or something. It was like, oh, by the way, there’s this report. That would have been nice to know. So, like the 2020 reports, and actually even the 2010 should be available as far as training materials.
Now, whether it could be a quick overview of them and then you can read it later. Sorry, it’s more information because a lot of it you don’t necessarily need to know, but to have it available and be able to refer to, is a good idea.

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

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

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

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

COMMISSIONER KENNEDY: Okay. Scanning, no hands.
Okay. Commissioner Ahmad, over to you for questions three and four.

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

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

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

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

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

COMMISSIONER AHMAD: Thank you.

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

COMMISSIONER AHMAD: Great, thank you.
Commissioner Yee.

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

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

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

COMMISSIONER AHMAD: Commissioner Vasquez.

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

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

COMMISSIONER KENNEDY: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes. I mean definitely go for it but I would also like to just encourage them to be open because, you know, oftentimes we’re stuck in our own little world, our own vision, our own focus, and we think we know it, but there are 13 other wonderful commissioners that have 13 other opinions, and just go in
open, open-minded to receive new information and give input. So, if you’re going to do it, go in full, right. Go in full and then realize that you’re going to get so much back.

COMMISSIONER AHMAD: Great. Thank you. Flipping through.

COMMISSIONER KENNEDY: Commissioner Sinay.

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

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

And I also feel that the -- I know that the 20 -- what was helpful for me I did get the presentations where...
the 2010 Commissioners spoke and shared their experience, and I would hope that there would be more opportunity to really speak with the public, for us to speak to potential commissioners in 2030, and use I would think the 2020 commissioners throughout the process. To me I feel not having commissioners on the selection process was a missed opportunity, and so just how can we support the process and help people understand that -- I love it when people say, oh wow, you guys are really just regular people, and I think that would be great.

COMMISSIONER AHMAD: Yes, Commissioner Yee.

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

COMMISSIONER AHMAD: Great. Thank you. Any other hands on this question? We do have several more
questions to get through and we also have an open-ended question. So, if there’s thoughts you all have that don’t fit nicely into any of these questions, there is an opportunity to make sure that you have a chance to share those thoughts.

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

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

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

COMMISSIONER KENNEDY: Commissioner Andersen.

COMMISSIONER ANDERSEN: Feels like I’m jumping in right away.

Clearly, I believe they will be back on the
regular timeframe, so the extensions, the time we’ve had to negotiate around and working with other red star voters, these issues of how can we extend, hopefully, those items they don’t have to deal with at all. So, that’s a huge difference.

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

COMMISSIONER AHMAD: Great. Thank you.
Commissioner Fernandez.

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

COMMISSIONER KENNEDY: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: Well, let’s see. If we were not in the middle of a pandemic our maps would be due
in five days, and so, and we’re just part way through finishing up getting input. So, that commission would have had to have done all the public outreach and all the input, preCensus input, and then hit the ground drawing maps. And I mean, you know, it’s something for us all to think about is how would we have been able to do that and how successful would we have been, you know, as we come back to this Lessons Learned and, you know, ideas for the 2030 commission moving forward.

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

CHAIR AKUTAGAWA: Alvaro, Director Hernandez.

COMMISSIONER AHMAD: Yes, Alvaro.

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

The two things that I wanted to uplift that will be different in the next commission, and it’s a resource that they may or may not have. How many of the folks that are currently on the commission will return for the 2030 commission? This particular commission had the advantage of having both Marian and Raul, who had participated in the previous commission, available to help with, you know, a lot of the setup and, you know, guidance to a certain extent in preparing for moving forward and doing hiring and
so forth and so forth, getting the infrastructure together. You know, I think that is going to be something that the next commission may or may not have. I mean things can change obviously, but those type of resources I think are invaluable -- have been invaluable to this Commission, and also having that frame of reference to what happened at the last commission.

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

All right. Commissioner Kennedy, back to you.

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

COMMISSIONER SINAY: I hear what you’re saying going into the next phase, but I always fear when people talk about efficiency that that ends up shutting down process and conversations that may need to take place. And, so, I would always look to balance the two because, especially with Zoom and everything else, that piece is really critical that people feel that they do have an
opportunity to be heard and take the time that’s needed for them to get their thoughts out.

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Fornaciari.

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

COMMISSIONER KENNEDY: Very good. Marian.

MS. JOHNSTON: That would take some coordination with the Auditor’s Office, because I was working for the
2010 Commission, I was not even allowed to address you all until there was the full commission, all 14 of you were in place. I was kept on the outside. Because Raul had not continued working for the 2010 Commission, he was able to participate in the formation of your Commission. So, that would be the changing attitude from the State Auditor about what would be permitted.

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

COMMISSIONER KENNEDY: Thank you, Marian.

Commissioner Taylor.

COMMISSIONER TAYLOR: I couldn’t agree with Neal and those that are thinking in that (indiscernible) more. I almost believe it’s our duty to set up the 2030 Commission in a better position. And, again, we think about some of the interpretations of the directives.
Having someone, as a payroll clerk for lack of a better term, has nothing to do with line drawing and can set the next commission up in a much better position. It alleviates some of the apprehensions and anxieties that is created just in that moment. I mean God knows how much time is spent on that topic alone from staff and commissioners. So, again, I think that’s something that needs to be explored to leave them with a better framework infrastructure from commission to commission. We all want to fight the whole thought that this is not a bureaucracy, but it is a small bureaucracy from period to period. And so dealing with that doesn’t affect the independence of a decision making of the body. So, let’s leave them in a better position than we were. Thank you.

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

COMMISSIONER ANDERSEN: Yeah. I totally agree. Thank you, Marian, for speaking up about that. The auditors did try to, you know, for contracting purposes it did try to put out, you know, line drawing and also legal, and it was basically to get us going. Hey, we put this out, you people might apply, then you can look at them when you get your -- at your leisure. And that was just completely shot down by the public. So, it is a very dicey thing in terms of what we can do or can’t do, but if
clearly the state auditor basically has said, okay, here you go, and they can’t -- they need to staff until we have replaced the staff is how I was going to put it. And in terms of getting some of the 2020 expertise on board would really be valuable because Marian and Raul brought so much knowledge with them. But we were sort of told like, well, you really can’t talk to the 2010, which I feel is a mistake, huge mistake. Now, yes, we can’t have private conversations, but we certainly could have had big public conversations which really would have helped.

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

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

COMMISSIONER SADHWANI: I was just going to add on to this piece, just kind of asterisk that’s temporary staffing, right ultimately the 2030 Commission would need to hire their own folks and have a decision-making process over who they want. But I certainly agree, leaving them temporary staffing or even, for example, one of the things we had talked about was, well, it would have been nice if
there had just been a communications firm contracted to help promote the Commission from the beginning, right. There was all this like negative press about us, and we had never even met. You know, so is it possible for us, the 2020 Commission, to sign off on a contract using whatever funds we might have left that could cover the commission until they’re kind of up and running, you know, for 2030? And that they can, you know, at that point in time they could then figure out who they want and all of those things so that they continue to have that, you know, ability to make those decisions for themselves. I just wanted to highlight the temporary nature that I think any staffing that we would leave or suggest should take on.

COMMISSIONER KENNEDY: Great. Thank you.

Commissioner Vasquez.

COMMISSIONER VASQUEZ: Yeah. I think in terms of efficiency to the extent that the commission could be seated sooner to give the commission more time at the front end when all of this activity needs to happen would be super-efficient in my mind, especially because once we’re done with the maps, and particularly, once we’ve wrapped litigation, we’re sort of just chilling for several years, so I understand there also may be a -- you know, need for legislation or amendments to our -- to the Voters First Act, but I think we would be wise to think about seating --
have the full commission seated as soon as possible in
order for them to begin this work and have more time.

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

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

And I also think that we need to establish, make
sure that the commissioner positions are established before
we actually have commissioners, because you can establish
positions without having people in there. To think how
long it took just to establish our positions so we could
get paid, or travel could be processed, right. So, I think
some of that stuff can be done ahead of time. And then
also if we go through the process of obtaining an exemption
for contracting and procurement. That will make their lives so much easier.

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

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

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

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

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

COMMISSIONER KENNEDY: Great. Commissioner Taylor.

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

COMMISSIONER KENNEDY: Great.

CHAIR AKUTAGAWA: I see Angela again, Commissioner Vasquez.
COMMISSIONER KENNEDY: Okay. Commissioner Vasquez. Commissioner Vasquez, are you there? Oh, it’s not working, okay. We’ll skip you.

Okay.

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

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

COMMISSIONER KENNEDY: Yeah. Commissioner Yee.

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

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

COMMISSIONER KENNEDY: Yeah, and I think the inspiration of that example is something that we all need
COMMISSIONER SINAY: I think one of my frustrations, and maybe one of the ways to deal with it in 2030 is there seemed to be -- I always wonder why something didn’t get done already. It feels like a lot of times things aren’t addressed until we have to address it, and I don’t think that that is the best way to do a process like this.

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

COMMISSIONER KENNEDY: Yeah, yeah, and, you know, frankly the Gantt Chart is intended both as a tool for us as well as an aid for the 2030 Commission to understand the
full task list and the sequencing of everything. And, so, you know, my hope is that, you know, once we get into next year’s, you know, very deep lessons learned exercise that we can also build out some detail in the Gantt Chart that may currently be missing, but in order to leave that as a better resource for 2030.

Okay. Commissioner Le Mons.

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

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

So, that changed the game, and I think there will be some things that may change it again, and so there might be worth exploring in some of our subsequent discussions what might be game changers between now and 2030, because
we’re only talking about sort of a hindsight 2020 perspective is what we’re doing. But I think it would give us some -- it would be valuable to 2030 to try to move not just from hindsight but projection, to the degree that we can, you know, nine years before.

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

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

Commissioner Akutagawa.

CHAIR AKUTAGAWA: Yeah. I appreciate what Commissioner Le Mons said, and I’m wondering if it would be worthwhile for all of us to think about this since we’re going to be in place for, you know, the remaining nine years that perhaps closer to 2030 maybe, you know, a year or two before, that we do do the hindsight look forward kind of conversation again. So, there would be a Lessons Learned conversation next year while it’s fresh, but, you know, maybe a year or two before 2030 we come back together to have this conversation again as we think about what has changed. I think a lot is going to change in the next several years, and so given that, given our experience, how
do we also then impart some additional Lessons Learned with the context of knowing what 2028, 2029 is going to look like, what technologies are going to be available, what other tools and other things might be available, so that might also give some additional layers of perhaps information that will help the 2030 Commission, you know, be even more successful in terms of their start and ability to really do the work in the timeframe they’ll have.

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

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

COMMISSIONER LE MONS: No. I’m sorry, I forgot to lower it.

COMMISSIONER KENNEDY: Okay. That’s all right. That’s all right. So, you know, this has been a bit of a lightening round. I think it -- I’ve enjoyed. I look forward to writing this up with Commissioner Ahmad. Thank you all for participating in this exercise, and hopefully this has given you a taste of what you can look forward to
next year for our main production. So, unless Commissioner Ahmad has anything else, I’ll turn it back over to the Chair.

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

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

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

CHAIR AKUTAGAWA: Agenda Item Number 5.

PUBLIC COMMENT MODERATOR: Thank you. Agenda Item Number 5. To give comment, please call 877-853-5247 and enter the meeting I.D. number, 8748740379.

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

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

We do have a caller. Caller 5882, if you’ll
please follow the prompts to unmute at this time by pressing star six. And the floor is yours.

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

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

But, for example, in the line drawings job description, right, there was a lot of back and forth between their recommendations for you and what you guys wanted to do. Anyway, so I was wondering if your reflection on how to format and think through your recommendations could be informed by your defensivenesses and acceptances as the recommendations you received.
CHAIR AKUTAGAWA: Thank you, caller for that question, and I will ask if anyone from the Commission would like to address that question. I don’t recall personally receiving the 2010 handbook until later, so I guess I can’t speak to that. Commissioner Sinay, do you have a different perspective?

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

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

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

CHAIR AKUTAGAWA: Thank you, Commissioner Sinay. That was a wonderful response.
All right. So, with that I will call this section to a close and we are going to move on to our lunch break, and we will reconvene back here at 2:17 p.m. at which point we will start with, I believe, the line drawer. We’re expecting one of our counsels, David Becker, to be joining us at that time. If he is able to be on at that time we will start with the RPV analyst’s recommendation; otherwise, if he is not with us, we will start with the line drawer discussion.

All right. See you at 2:17.

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

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

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

COMMISSIONER YEE: Yes, indeed. So, we are favored with our line drawing team with Karin and Jaime here, as well as from Strumwasser Woocher, David Becker and...
we have three items I believe. One is a candidate for our Racially Polarized Voting analyst. The second is some thoughts on how the heat maps will be developed to focus down on natural geography for potential VRA districts. And the third is to discuss briefly the question of population deviation and how we’re going to possibly move forward on our consideration of that.

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

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

COMMISSIONER YEE: Any order is fine.

COMMISSIONER SADHWANI: Any order is fine.

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

We put out a request for applications. We go several all very good applications. And we are recommending that pursuant to the contract the Commission
has with Strumwasser Woocher that we hire, we being the law firm, hire Megan Gall of Blockwell Consulting. She has extensive experience doing Racially Polarized Voting analysis, including looking at multiple racial groups living in various areas around the country, Georgia, elsewhere, California. She’s worked with the Lawyers’ Committee for Civil Rights Under Law. She’s worked with the NAACP, Legal Defense Fund, and others as well. And, in general, we think she has the right experience and was the best fit for this particular consultation.

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

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

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

MR. BECKER: Yeah. She seemed to have a really
strong understanding of the various different methodologies that can be used, their strengths and weaknesses to the degree in which they had been used in previous litigation. I think that’s really important.

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

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

One other great strength of hers, and this is something that I think could be particularly useful, is she has a way of explaining some of these things which can be wonky and kind of academic for lack of a good word. No
offense, Commissioner Sadhwani. But she has a way of explaining these things to layman, including lawyers, in a way that’s really helpful. I’m not a statistician. I won’t be running the analysis. Having people who can really explain what the numbers show, what the data shows in a way that’s understandable and you don’t need a statistics degree for can be really helpful, and I think she was a very strong candidate from that perspective. So, those are some other reasons we selected Megan.

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

I think Commissioner Toledo has a question.

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

MR. BECKER: One of the things I will tell, I
don’t feel comfortable talking about all of the different applicants. I don’t know that that’s appropriate to do so because it was not because, you know, the applicants we had, so much had weaknesses, but one application stood out.

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

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

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

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

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

COMMISSIONER YEE: Sure.
CHAIR AKUTAGAWA: Okay.

COMMISSIONER YEE: Commissioner Fernandez.

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

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

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

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

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

COMMISSIONER YEE: Commissioner Fernandez.

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

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

COMMISSIONER FERNANDEZ: Okay.

CHIEF COUNSEL PANE: -- understanding that this
is technically a Strumwasser Woocher hire.

    COMMISSIONER: Okay.

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

    COMMISSIONER YEE: I believe that’s correct, yeah.

Commissioner Sadhwani.

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

Commissioner Toledo.

COMMISSIONER YEE: That's right. Yeah.

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

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

COMMISSIONER TOLEDO: Thank you.

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

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

COMMISSIONER YEE: I'm sorry. Commissioner Fernandez.

CHAIR AKUTAGAWA: Oh.

COMMISSIONER YEE: Yeah. Sorry.

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

CHIEF COUNSEL PANE: Yes.

COMMISSIONER FERNANDEZ: I'm just wondering if you have Commissioners for that at this point. I don't know if Commissioner Taylor, and Turner, and Le Mons,
if -- oh, he's there. Okay. I just wanted to make sure before we move forward. Okay.

CHIEF COUNSEL PANE: Thank you for checking.

Yeah.

COMMISSIONER YEE: Commissioner Turner’s here as well.

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

MS. JOHNSTON: Public comment, Chair.

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

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

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

CHAIR AKUTAGAWA: RPV.

PUBLIC COMMENT MODERATOR: RPV Consultant through Strumwasser Woocher. To give comment, please call 877-853-5247 and enter the meeting ID number 8748740379. Once you have dialed in, please press *9 to enter the
comment queue. The full call-in instructions have been
read previously in this meeting and are provided in full on
the livestream landing page. And at this time, we do not
have any callers, and we will let you know when the
instructions are complete.

CHAIR AKUTAGAWA: Commissioner Yee.

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

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

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

COMMISSIONER YEE: Very good.

PUBLIC COMMENT MODERATOR: The instructions are
complete, Chair, and there is still nobody calling in the queue.

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

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

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


CHAIR AKUTAGAWA: It’s Consulting.

UNKNOWN SPEAKER: It’s Consulting. Yes.

CHAIR AKUTAGAWA: Yes.

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

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

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

CHAIR AKUTAGAWA: All right. And --

EXECUTIVE DIRECTOR HERNANDEZ: Hopefully everything is spelled correctly now.
CHAIR AKUTAGAWA: And Commissioner Yee, are you also accepting of the amendment? Does you -- does your second still stand?

COMMISSIONER YEE: Yes. Happily.

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

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

Commissioner Ahmad.

COMMISSIONER AHMAD: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Akutagawa.

CHAIR AKUTAGAWA: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Fernandez?

COMMISSIONER FERNANDEZ: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Kennedy.

COMMISSIONER KENNEDY: Yes.
EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le Mons.

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Sinay.

COMMISSIONER SINAY: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Taylor.

COMMISSIONER TAYLOR: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Toledo.

COMMISSIONER TOLEDO: Abstain.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Turner.

COMMISSIONER TURNER: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Abstain.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.

COMMISSIONER YEE: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: We do not have the votes.

UNKNOWN SPEAKER: Executive Director Hernandez, do you want to see I didn't hear whether Commissioner Le
Mons actually made an abstention or not.

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

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

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

CHAIR AKUTAGAWA: Commissioner Yee, do you --

COMMISSIONER LEE: Be happy to do that? I'm
wondering if we might wait until if and when Commissioner Le Mons returns and then --

CHAIR AKUTAGAWA: Then do it together.

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

CHAIR AKUTAGAWA: Yeah. That sounds good.

COMMISSIONER LEE: Or he’d want to hear that too, so.

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

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

CHIEF COUNSEL PANE: Hopefully the plan can go forward because a lot of this depends upon getting a way forward, voting consultants hired relatively soon. But what I'm going to show you and I think I, hopefully I'll do better than the last time. I'm going to show you a series of maps that we owe a great deal of credit to Jamie for creating. And I want -- I want to just preface this by saying these are static maps right now. This is not intended to indicate where we think Section 2 districts
might likely need to be drawn. It doesn't reach any final conclusions about whether any of the Gingles preconditions are met for a Section 2 district.

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

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

COMMISSIONER YEE: Looks good.

CHIEF COUNSEL PANE: Okay. Excellent. So what you're looking at is a map Jaime prepared. This is -- the districts you see are assembly districts. We are -- we -- these are the existing assembly districts.
We're just using those for illustration. There's no particular reason we're using them. They are, if there's any reason we're using them, they -- it's because they are the smallest of the -- of the districts that we're looking at, even though in California, they're quite large. They're going to be somewhere around, you know, just probably a shade under 500,000 people. So what this is showing you is use -- looking at existing assembly districts with the 2019 census estimates for Latino citizen voting age population overlaid into them. You see the legend to your right. Dark orange is 55% and higher, middle orange is 45 to 50%. Now, what these maps can't show you is where the populations reside within those districts. This is just an initial, kind of to get a sense of where populations are, but one of the things that we can do, again thanks to Jaime and Karin and their team, let me see if I can get this. There we go. This is taking the assembly districts off and just looking at census blocks. Now, one of the things to note is don't get too focused on large, dark orange boxes, blocks rather, because the blocks might -- are not of -- all of equal size. So it could be a very small census block that happens to have a few Latinos in it because, and there might be other census blocks. You can see some are almost just a point where there might be more concentrated populations, but it gives you a sense, if
we're looking at Latino populations, not surprisingly, you'll see concentrations in the Central Valley, in Los Angeles County, in the Inland Empire.

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

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

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

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

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

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

And again, that tells us then, these are pointers. This is not telling us that's where we have to draw Section 2 districts by any means, and we're not ready
to make that determination at all. But what the process
will be is, this is where we start saying the
concentrations are large enough that we might be able to
meet the first Gingles precondition. So it would be very
helpful to have the Racially Polarized Voting consultant
look at elections in those areas to determine whether the
consultant can determine that there, Racially Polarized
Voting exists.

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

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

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

I'm happy to take any questions, and I'm also
very grateful that Karin and Jaime are on. So if there are any questions about kind of the data capabilities, they might be a little better equipped to answer those.

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

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

CHIEF COUNSEL PANE: So what we can't -- we can't predict the future. And how the courts have looked at this because those people -- we're doing the best we can with the data we have. And with all of this data, all of this data is taken as a snapshot, right. These are people, when we get the census data, that census data for equal population will be based on where those people were in April of 2020. Similarly, these are estimates based on what we could get -- what we could get over a five year period of time. And of course, most importantly, people move, and people move a lot in California, in particular. So what the courts have said is you do the best with the data you have, and the data indicates what it does at the time.
We also, you know, their -- those -- some of those people aren't yet 18 might move out and some of, and there are going to be many people who are 18 who move in. And we just can't predict what those population shifts are. So we do the best we can, given the data we have at this point in time. And that's all you can really -- all you can really do. I think it's that it, hopefully, that's perceived as a blessing because it'd be very, very difficult to try to predict what mobility patterns might be over the next decade, particularly in California and particularly in sections of California, which are among the most highly mobile populations in the country.

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

CHIEF COUNSEL PANE: So the RPV analysis is not -- is not based on the census data. What the census data tells us is what elections we might want to look at. So if we looked at, I'm not going to call the map up again, but I think if you -- I think you could recall the map of Latino population, if you drew basically a line from San Francisco to Lake Tahoe, north of that line there's not much minority population to speak of. So it would probably not be a high priority to run Racially Polarized Voting
analyses there because it's extremely unlikely, almost impossible given where we're seeing the populations, that the numbers will be sufficient to comprise a majority in a district, even an assembly district in those areas.

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

So really what these maps are doing, they're pointers. They're telling us where to prioritize the work of the Racially Polarized Voting consultant so that they
can start assessing whether Racially Polarized Voting exists. You know, as I said, it's very unlikely that if we were to look at the northern part of California, above Sacramento, that there is going to be a likelihood that the first Gingles precondition could be met. So we wouldn't need to look at Racially Polarized Voting there.

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

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

COMMISSIONER LEE: Right. Right. Right.

CHIEF COUNSEL PANE: So they're both going to be relevant. And I think that's actually a really, neither of these questions is rudimentary in any way. This is -- these are -- these are really -- this is really getting into a very esoteric area. We're going to be looking at both. I mean, if the 2020 census indicates a really large population, and the 2019 estimates, you know, indicate that, you know, it's close to 50%, maybe it's, you know, we're going to try to figure that all out and
determine whether or not and give you the best information you have to make. You're going to ultimately make the determination and we will advise you on that. But whether or not that first Gingles precondition is likely to be met and similarly, the Racially Polarized Voting analysis, I wish I could give you a better answer than this. Racially Polarized Voting analysis sometimes is very clear. Sometimes it's just really clear. Minority voters prefer these candidates and white voters prefer these candidates, and it's a very stark difference. And sometimes it's not as clear or sometimes you don't have as many elections that are contested that really tell you a good answer, and so you might need to look at different methodologies.

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

COMMISSIONER YEE: Okay. Thank you.

CHAIR AKUTAGAWA: Any other questions? Okay.

Commissioner Sinay.

COMMISSIONER SINAY: I know you said this before, so I apologize, but a lot of times because of different reasons, minority communities may not register to vote or may not go -- come out to vote. And so how do we take that
into account if we're -- when we're looking at this
information?

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

But I think what we'll find, at least with regard
to registration, is that the disparities probably are not
overwhelmingly large in California. I hope I'm not wrong
about that, because obviously that's the goal, right, is to have as much equal opportunity and, as evidenced through relatively equal registration rates.

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

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

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

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

CHAIR AKUTAGAWA: Okay. Mr. Becker, I'm not sure you want to go with this. I do need to step away for a meeting. Commissioner Fornaciari’s going to take over, but I have put instructions as to how to reach me if we're going to take the vote at some point before 4:00.
CHIEF COUNSEL PANE: Thanks, and Commissioner Yee and Commissioner Sadhwani, I believe we're not looking for any action here. We're just -- I just wanted to provide this background briefing for all of you. And obviously, this will be an ongoing iterative process. We'll be happy to keep you up to date on this during the course of meetings over -- until, and certainly through the time where we get the census -- the census data is usable.

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

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

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

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

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

With regard to the legislative districts, the
safe harbor for decades has been overall 10% deviation,
plus or minus 5% deviation between the highest population,
the largest populated district, and the least populated
district. And it has repeatedly been upheld that districts
that fall within that plus and minus 5% has satisfied the
equal population requirements of the Constitution. Now, that doesn't mean -- there have been times when districts that fall within that have been found to be illegal for other reasons, but not for equal population. And so you have the legal ability to deviate as much as plus and minus 5% between the legislative districts.

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

So my strong recommendation is that, absolutely, noble goal to try to get to as close as equal population as possible, but don't set artificial limits at this point without seeing where -- what the data is and what the -- how difficult it might be to balance the variety of factors that you need to balance as you're drawing the lines. And so I would suggest just, you know, take into
account the legal limits and let's see where the data takes us and use whatever criteria that are laid out in the law, and as well as equal population as we're drawing the lines and as you're trying to achieve all of those goals and balance in all those factors.

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

We have received -- we have received some of this information before, but of course, it's been quite a long time. And so it's been really important to bring this
conversation back and start rethinking about these issues as we continue to move towards actual line drawings. Thank you so much, Mr. Becker. And that’s [indiscernible].

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

COMMISSIONER SINAY: Thank you. Is there any concern, you know, it was kind of brought up, you know, as I was looking through the slides, it was, you know, Professor Leavitt brought it up, or Director Leavitt now, whatever his right title is, it was brought up by him, but now we know a little bit more and so I was curious, Karin, is there any concerns on the deviation numbers based on what we know about the census data, and its privacy stuff.
MS. MACDONALD: Yeah. Thank you for that question. I wish I could tell you what exactly the concern is, you know, or which way the concern goes, because, you know, I -- we just know that they are applying a different privacy algorithm to the census for the first time. None of us have seen the data. So you know, we're going to be working with data that we'll find out whether they reflect what we know is true on the ground. But irrespective of that, from a line drawing perspective, it's just Very -- you're basically introducing an additional constraint. That's the way I think about it. When you're keeping deviations artificially low. It just makes it a lot more difficult to comply with the other criteria. And you know, with my line drawing hat on, I have to say that our team, we will always try to strive to get the smallest deviations possible, but there may be situations where we'll have to come to you and say, okay, we just constructed this particular district and it's within 1%. Looks great, but we have split two communities of interest and, or one community of interest, and if you'd like to keep that community of interest together, then we will go up to say 3% or so. And that could happen with a city. It could happen with a community of interest. Could happen with a neighborhood. It could happen really with anything, right.
So then we would come back and just say, what do you want to do about that? And, you know, not saying, you know, we want to keep these deviations artificially very, very small from the get-go without you actually seeing what that does. We’ll give you that opportunity to actually look at the maps and make those decisions on a case by case basis. Because when you -- if you come in and you say, well, you know, we just want to keep it very narrow, then that automatically precludes you, basically, from making those decisions. And I can pretty much guarantee you your city county splits and all of that will go up.

CHIEF COUNSEL PANE: That's a great illustration. That's exactly right for those of us who have actually sat and drawn maps and included census blocks in and out and done that kind of thing. I can tell you those exactly. That is the balancing of interests that takes part. I also just want to point out, and this relates to the -- to the earlier conversation we were having about equal population. Because -- all of this is based on a snapshot in time. So before you artificially set boundaries on yourself that restrict you overly, you should realize that you're -- the census data, which you are legally required to use for equal population and is good to use, is already a year and a half old when you get it. There's mobility and churn in the population that’s constantly happening. So in some
ways, equal population is an illusion, but it is a 
necessary legal illusion because we -- it is the only -- we 
can only measure population based on a moment in time, and 
we've defined that legally as to what it is. So before you 
put too much pressure on yourself to trash this, you know, 
some kind of artificial number of equal population, take 
advantage of the legal variation, the deviations that 
you're allowed to use, because they, you know, there's 
just -- you're using equal population based on data that at 
the time you're getting it, is already a year and a half 
old.

COMMISSIONER SADHWANI: If I may.

COMMISSIONER LEE: Commissioner Sinay.

[Indiscernible] I’m presiding. Commissioner Sadhwani.

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

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

COMMISSIONER SADHWANI: Well, so that is a problem. And just from a process standpoint, I think also what I'm hearing, Karin, is after this conversation, we still are going to talk a little bit more in this meeting about the plan for line drawing. And one of the plans that we've talked about, and we have discussed previously for the Commission, is using an iterative approach in which we will have visualizations from week to week. And just to clarify, my assumption then is when we're looking at those
kind of visualizations, that will also include where we're at, in terms of population deviation. Is that correct?

Yeah.

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

MS. MACDONALD: Exactly.

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

CHIEF COUNSEL PANE: Very carefully.

MS. MACDONALD: And it became an interactive process with the public last time. I think there were laser pointers, a very large map in a hearing room involved, and people were looking for the right population of certain census blocks. So it's tedious. It takes a
long time to do that. So AND that actually is a great question that illustrates why you don't want to artificially constrain yourself to, you know, just some number in terms of deviations, just you know, keep it open so you can do the best job possible for all the criteria, would be my advice.

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

I think Commissioner Anderson has her hand up.

COMMISSIONER ANDERSON: Yeah. Thank you. I'm just wondering, you know, this particularly to the congressional level with one person who, plus or minus, the impact with differential privacy. We don't know that -- you know we just said, what each census block that
may or may not be the same, you know, that the number in there is not necessarily correct. I wonder if that might be a, given this differential privacy, if that might allow for a slightly variation. Like it might be plus or minus two people instead of plus or minus one person. If that might be an acceptable, given this new, you know it’s -- if keeping the number of the households the same, but not the number of the people for census block that's a -- that’s an issue. That’s a serious issue. If you want to come down to one person.

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

CHIEF COUNSEL PANE: I think that's fair. Certainly in the iterations. I mean, we're going to, you know, the data is going to be what the data is, right. I mean, there's not much we can do about that. Karin, you might have some thoughts about that, but I think -- I think it's entirely appropriate in iterations, or illustrations,
as we might call them. The illustrations don't need to comply with the law. They are not the map. They are -- they are you working through to the point where you're going to get to the maps. And it is, you know, that you're going to refine this process as you go, and it would be nearly impossible to get -- to get this perfect the first try. I mean, it's just not realistic.

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

COMMISSIONER YEE: Okay. Anything else on population deviation? If not, then Chair, we can go back to the RPV analyst discussion and vote.
VICE CHAIR FORNACIARI: Yeah.

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

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

COMMISSIONER LE MONS: I am.

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

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

UNKNOWN SPEAKER: Yeah.

COMMISSIONER KENNEDY: Thank you, Chair. You know, there's even an open question as to whether as a full Commission we ever officially adopted Roberts Rules of Order. But be that as it may, my understanding of Roberts is that once the result is announced and it has been, that the motion that would be appropriate at this point is a
motion to reconsider. So it would be a separate vote. We haven't held this vote open because we have announced the results. Commissioners can change their votes before the results are announced, but once they're announced, that's it. And the only thing that we can do is move to reconsider.

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

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

VICE CHAIR FORNACIARI: Okay. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I will second that.

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

COMMISSIONER YEE: David, you're welcome to.

CHIEF COUNSEL PANE: Sure. I'll do my -- I hope -- I hope I remember everything I said before. So we had several strong applications. We are recommending that we hire Meghan Gall of Blockwell Consulting as our Racially Polarized Voting Consultant. She has experience working around the country, including in California with the Statewide Database. She has extensive experience working
with multiple racial groups that might live in close
proximity to each other with regard to Racially Polarized
Voting analysis. And she has experience working with groups
such as Lawyers’ Committee for Civil Rights Under Law,
NAACP, Legal Defense Fund, and others that -- and a -- and
a reputation for working extremely collaboratively and
being able to explain this complex world of Racially
Polarized Voting analysis, which can be statistically very
wonky in a way that is very understandable even to people
like me, who’s just a simple country lawyer.

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

We spoke with people, for instance, some of my
former colleagues at DOJ who now work at Lawyers' Committee
and confirmed that she is very good to work with, very
collaborative. And so we felt her application was
particularly strong in a pool of applications that was
strong. So that’s -- I will also say, briefly, one of the other advantages is that she doesn't have, and I don't know if I mentioned this before, she doesn't have anything close to an apparent conflict, having not worked on redistricting issues in California before or currently. And she has been very active, working with, for instance, the LGBT community as well.

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

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

COMMISSIONER SADHWANI: Yes. Sure. You know, I’ll just also remind, and I mentioned this earlier, but I'll say again, you know, that we had structured the contract in such a way that we really wanted the Strumwasser Woocher team to identify who they wanted to
work with, right. That who what it was that they felt was
the best fit for this -- for this position. And also, you
know, part of that was not only ensuring that we get an
good candidate, I think we would have gotten that
regardless, but to ensure, you know, that connectivity,
that connective tissue, if you will, between the legal team
and the RPV analyst, which was similar to what was done in
2010. You know, Gibson Dunn had made the selection of
their RPV analyst. And you know, I think also the other
key component was so that there wouldn't be that hang up of
the contracting that we have seen with so many other
contracts that we have, you know, engaged.

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

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

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

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

VICE CHIAR FORNACIARI: Okay. Commission Toledo.

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

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

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

COMMISSIONER TOLEDO: -- so I didn’t have enough time to really think about it, but now that I've heard and had an opportunity to take a look at them. I mean, obviously, she has a lot of experience. I was just -- my only hesitancy at this point is that the California
background, although because I don't think a conflict of
interest in having California redistricting issue is a
disqualifying concern and I don't think that's what you
meant, Mr. Becker. But --

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

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

CHIEF COUNSEL PANE: I really appreciate that.

And I'll just say briefly, just she doesn't have
specifically California redistricting experience in the
past, but she is -- she does have experience working with
the California Statewide Database and other California
experience, knowledge of the populations within California.
So hopefully that that helps to some degree. And I
appreciate everything you just said. I mean, there

is -- there were a lot of things we were balancing out
there, and again, it was -- there were many -- there were
several strong candidates that we were balancing at, and we
thought her application was particularly strong.
VICE CHAIR FORNACIARI: Okay. Well thank you, Commissioner Toledo and Mr. Becker. If there are no other discussion points from the Commission, I believe we need to go to public comment at this point. So Katy.

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

COMMISSIONER FORNACIARI: Yes.

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

VICE CHAIR FORNACIARI: Thank you, Katy.

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

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

COMMISSIONER SINAY: She's right there.
VICE CHAIR FORNACIARI: Oh. She's back.

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

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

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

PUBLIC COMMENT MODERATOR: The instructions are complete, Chair.

VICE CHAIR FORNACIARI: Instructions are complete?

PUBLIC COMMENT MODERATOR: Yes.


EXECUTIVE DIRECTOR HERNANDEZ: Thank you. And this is the motion to reconsider the RPV Consultant vote.

Commissioner Ahmad.

COMMISSIONER AHMAD: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Akutagawa.

CHAIR AKUTAGAWA: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Andersen?

COMMISSIONER ANDERSEN: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner
Fernandez?

COMMISSIONER FERNANDEZ: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Kennedy.

COMMISSIONER KENNEDY: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le Mons.

COMMISSIONER LE MONS: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Thank you.

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Sinay.

COMMISSIONER SINAY: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Taylor.

COMMISSIONER TAYLOR: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Toledo.

COMMISSIONER TOLEDO: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Turner.
COMMISSIONER TURNER: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.

COMMISSIONER YEE: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: The motion has passed.

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

COMMISSIONER YEE: I believe that's all.

Commissioners? Anyone else? Thank you all for the vote. I -- and I appreciate and respect the integrity behind the votes.

VICE CHAIR FORNACIARI: Yeah. Thank you all. And yeah, great conversation. And I think I can speak for the whole Commission that we're glad we can begin to move this forward. It is going to be immensely helpful for us to begin to understand what this looks like, how we can sort of contextualize this along with the public input we're getting and begin to consider how we're going to move forward in drawing lines. So thank you all for your hard work in bringing this forward for us. We really appreciate it.
Let's see, the next topic is the Line Drawer topic. Or wait. We have to take public comment on VRA Compliance. Is that's right, Anthony.

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

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

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

VICE CHAIR FORNACIARI: We just finished the VRA Compliance.

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

VICE CHAIR FORNACIARI: On the vote.

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

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

CHIEF COUNSEL PANE: Yes.

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

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

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

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

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

VICE CHAIR FORNACIARI: Just a sec. We're going
to give it one more minute to -- if anybody's trying to
call it. Oh, we have a caller.
PUBLIC COMMENT MODERATOR: Yes. We have caller, 2829. And go ahead, the floor is yours.

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

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

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

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

Section 2 is an objective criteria. It just looks at does the minority population now, would they have an ability to elect a candidate of their choice in a district in which they comprise a majority? Whereas Section 5 was a relative measure which said, is the position of the minority population within a district that touches on a covered county, has that been worsened compared to the previous district? And that relative measure no longer applies as a result of the Shelby County
MS. JOHNSTON: If I could add one more
difference. Last time around, there was preclearance
requirements from the Department of Justice, so that the
Commission had to submit proposals for the four counties
that were subject to Section 5 before it could go ahead
with the rest of its mapping proposals. So that’s another
areas this commission is now facing.

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

VICE CHAIR FORNACIARI: Okay.

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

VICE CHAIR FORNACIARI: Correct.

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

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

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

(Off the record at 3:44 p.m.)
(On the record at 4:00 p.m.)

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

COMMISSIONER ANDERSEN: Thank you, Chair.

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

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

COMMISSIONER TURNER: We have it.

COMMISSIONER ANDERSEN: All right. Was that a yes?
VICE CHAIR FORNACIARI: Yes.


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

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

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

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

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

COMMISSIONER ANDERSEN: Is that --

COMMISSIONER SADHWANI: Can you --

COMMISSIONER ANDERSEN: I'm not hearing any serious complaint. Basically, you’ll -- I'm just going to quickly go through the changes here. The -- we added another, the other date, in terms of trying to review our COI submissions once our[indiscernible] is on. Obviously we were hoping to have that earlier, but we've already talked about, we don't have the data, so we can't look at the data, until we get the data. The next one mapped that
may or may not. We don't know exactly when the
redistricting registry database will be available. I just
kind of guessed. This is based on the census data moving
up. But we don't know that particular data, the September
15, 17, 18 meetings are, this is after we have done all our
COI input. And so here those meetings are to get together
with the Line Drawing Team prior to the release of the
redistricting database and go over what we've seen,
actually try to give them some direction.

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

Then we move into the -- we have the -- we have a
database, and this is what we're proposing. And
Commissioner Sadhwani had already sort of talked about
this. This is, again, we brought this up last meeting,
it's an iterative approach. We’re -- the Line Drawing team
will be posting visualizations. We will be working through
those, drawing those on a, essentially a three-day, each
week of October. The one thing that is different here,
we've tried -- we've added a few business meetings in, of
the 7th of October, the 18th of October.

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

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

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

Now, so what we tried to do here is, Case 1 is,
going back a little bit, we've had to use these dates, are
attempted, you know, we're asking for the final map date to
be January 14th, assuming the Supreme Court says tough.
That's Case 1. And we were sort of thinking that we should
probably stick with that idea, proceed as though we should
get our first draft map out by that dates so in case, we
don't know how litigation will go. So that's what that is.
And then each of these others or scenarios, it all depends
on what the Supreme Court says.
So nothing really that's, again, the only thing that's slightly shifted is that we've added real, the real issue that we added in here was putting a week for district maps to receive those from the public. Now we still have to work out how we do that, appointment schedules, and those sort of things. But we, the subcommittee, quite frankly, has not had a chance to go over this to bring that forward. And that, since that's in the week of, middle of October, we thought we didn't have to go over that at this meeting. So that is the document.

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

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

I wanted to note also that we had received a letter, and I think it was posted late, but from Asian Americans Advancing Justice, and I think a couple others on
the topic of district map meetings. And so I just wanted to alert everyone to that letter. I believe it is posted now. And then the other piece, Commissioner Andersen, I just wanted to mention is that I see that we’ve put, I think back on November 11th, I think I had originally left that off because it's technically Veterans Day.

COMMISSIONER ANDERSEN: Yes.

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

COMMISSIONER ANDERSEN: Yeah, that's, thank you, Commissioner Sadhwani. I did notice that, and I didn't know if, you know, we want to add the -- go the other way, 8, 9, 10, or what we wanted to do on that. Any thoughts on any of these dates? If the Commission wants to look at these and then get back to us. The only thing that we would really basically like to put on the calendar now is, because the September, those are absolute. And please mark off anything if we have any issues. With the September days, I noticed that they're not on the calendar right now. And the September 15 is, because the 16th is Yom Kippur. And so right now, on our, you know, the calendar, I think is it might say the 16th. But I -- we should go with a 15, 17, and 18 of September, as far as full meetings. And then
we also have, right in here, the 23, 29 and 30 is -- we're still talking about using those.

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

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

COMMISSIONER ANDERSEN: Should I stop sharing this? Okay.

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

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

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

VICE CHAIR FORNACIARI: So I guess -- I guess my question is, you're proposing to have groups come present
their maps to us before we finalize a first set of draft maps. Because we began to have a conversation about that before, and I thought we were at a place where we wanted to get our draft maps out before we got that kind of input because, you know, I mean, I'll just share my feeling. If we're an independent redistricting commission, then we draw maps independently, then we get feedback on those maps. But it seems to me if groups are presenting draft maps to us, that kind of makes us not quite as independent as we should be. Yes, sir, do you want to take that one?

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

COMMISSIONER SADHWANI: Yeah. I don't -- I don't recall that conversation or maybe that was in the input design. I'm not sure, or maybe I wasn't a part of it. You know, I think in talking through the process, first of all, it would not just be groups. Right. It's anyone who wants to present a district map. So thus far, we've been receiving COI input, communities of interest inputs. Right. So these might be specific geographic areas, but not necessarily districts. This would be an opportunity for folks, groups, or individuals to come and say these are the districts that we want, whether those are one congressional district, one assembly district, multiple assembly districts, a whole state of district maps. And
that the idea, I think when we talk about independence, it's independence of the legislature and of other folks. Right. That are the traditional carriers of the power to redistrict. This can, I think the way we were seeing this is this is continues to be a way in which communities, individuals, Californians can weigh in about the kinds of maps they want to see. And undoubtedly, just as we're hearing with communities of interests, there will be conflicting district maps that we receive. And ultimately, the responsibility will lie with the Commission to determine and weigh the input that we receive in terms of these, quote unquote, district maps.

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

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

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

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

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

COMMISSIONER SINAY: Commissioner Fornaciari, when we originally started talking about this, there was a request by the community to meet to present before we even started drafting our maps. And I think this is a good middle ground where we've started looking at it, we've started sketching, we're getting an opportunity to look at the -- at the COI that we received, start putting it on a
map before we're being -- we're being given bigger pictures. So it is allowing us to look at the maps and look at the small regions and the COIS, and so I think this is a good mix.

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

COMMISSIONER ANDERSEN: Commissioner Akutagawa.

CHAIR AKUTAGAWA: Yeah. I want to build on what Commissioner Sinay talked about. I'm thinking about some of the COI inputs that we've already received. And to a degree, some of the people who did call in were very specific about what they would feel like would, or could, or should make up a district. And I'm, you know, not having seen any of really what has been submitted in writing, you know, we've been encouraging people that if you didn't get a chance to finish your input on the phone, you know, please send in your input in writing. And we've encouraged people that you could send us your maps, which
may include possibly, you know, their perspectives on what they think a district could look like. So in some ways, I think I like this kind of step where we will be able to see and hear, and I do like, I would like to be sure that we do make it clear that this is for both groups and individuals, given, you know, Commissioner Sadhwani, what you said about all of the software that's out there. Now, we do give opportunities. It's almost kind of like COI input round two.

COMMISSIONER ANDERSEN: Yes. That's correct.

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

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

COMMISSIONER ANDERSEN: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Thank you. I wanted to also just add one more piece that I forgot to mention earlier. I think what really will set the District Map days apart from the Communities of Interest days, the COI input days is that we'll have the census data, and folks on the ground with that redistricting software that's being put out there will be able to know what our conversations are about, for example, population deviation and approximately how many people need to be in each district. So when we've had folks calling in and there's a million examples I could pull from, but let's say from the City of
Long Beach. Right. We've heard a lot from them. But if we, once we know what the, you know, the population of the City of Long Beach is, all of those census blocks, you know, maybe some of those folks have recommendations about what can and can't be included once it comes to the actual population. Right. Maybe Marin to the Oregon border, once we have more specifics on that population number, right, what a district needs to -- how many people need to be in that district, that they can start thinking about what that -- what that actually means for them. Right. What's included, what's not? And again, at the -- at the end of the day, we as the Commission are going to have to take all of those districts and weigh them just as much as we have to weigh the communities of interest that we're receiving. So I just wanted to add that piece that it will be a different moment in time, because that census data will be available not only to us at the Commission, but also to the public.

COMMISSIONER ANDERSEN: Commissioner Fornaciari.

VICE CHAIR FORNACIARI: So how do you see this process going, with regard to the VRA compliance, and, you know, because I see we have like six days of visualizations, I guess, prior to that day. And so how do you see incorporating our work on VRA compliance fitting into the, I mean it's, you know I have no idea how long
it's going to take to get there. Do you see us starting with VRA compliance and then moving from there, or I mean, is there enough time to may -- to get deeply enough into that that we're -- that the community has seen where we're headed down that road. And I think you get the gist of my question. I’ll stop there.

COMMISSIONER SADHWANI: May I respond or does anyone else, or I don't know if David Becker is also still. I see him on I don't know if he's available. You know, I think -- I think a part of that actually is where in this this proposed plan, those dates in September 15, 17, 18, 23, 29, 30, those get to be reserved for a lot of that RPV work. So hopefully a lot of that analysis can actually be done before we even get into line drawing. Certainly that doesn't mean that we'll know exactly the details of where it's going to be, but that will have a better sense of like where those Section 2 compliant districts will need to be, roughly speaking. And that in, throughout those iterations week by week in October, that we can continue to make those adjustments. But I see -- I see Mr. Becker is back with us. I don’t -- he's the expert on this.

MR. BECKER: You know, I actually just stepped away, so I didn't hear the full question and I heard my name, so I came back.

COMMISSIONER SADHWANI: The question came from
Commissioner Fornaciari. And that was, how do we incorporate the VRA analysis into the line drawing? So we're taking a look at those October dates of that iterative process. That we're going to be meeting as a Commission, thinking about the areas we've received Communities of Interest input. In the -- in the third week of October, we have set aside for receiving district maps, suggestions from either community groups or individuals on the ground. And we just wanted to talk through where the RPV analysis comes in and when you --

MR. BECKER: Yeah. So the

COMMISSIONER SADHWANI: -- need to have that.

MR. BECKER: So what we're going to -- so what we're going to hopefully have by the latter half of September, end of September, is a really good idea of areas in California where the three Gingles preconditions appear likely to be met. And we'll advise you about that. We don't have that now, but we will have areas where the population, the minority population is large enough to comprise a majority in a district and where our Racially Polarized Voting consultant has identified likely Racially Polarized Voting that would be consistent with Section 2. And that will inform your efforts to draw the lines. What one way to go about it, and there's not one -- there's no only one way to do this, but once that's -- once we can
advise you on all of those areas, it's -- it might be advisable to start in those areas and radiate outwards. Because you will have more flexibility in some of the other areas of the state where, for instance, we identified the northern part of the state, where Section 2 concerns are unlikely to be very evident.

And you will have more flexibility to move populations around there because, to accommodate other factors that are also important, Communities of Interest, geographical boundaries, political boundaries, etcetera, you're always going to be considering these and balancing these out. I wish I could say there was like a set path that where you do A first, and then you do B, and then you do C, and I'm always the person who doesn't -- who tells you -- who tells you that's not going to be the -- I'm the person with the bad news all the time, unfortunately.

But I think if we -- if we can identify areas where Section 2 concerns are likely to be evident, that you can start from those areas and radiate out in the plans and see -- and that will allow you probably the maximum flexibility to accommodate other traditional redistricting principles and redistricting principles that are important under California law. So does that answer your question, Commissioner Sadhwani, and Commissioner Fornaciari?

COMMISSIONER SADHWANI: Thank you.

COMMISSIONER FERNANDEZ: I think Commissioner Kennedy had his hands up first, so.

COMMISSIONER KENNEDY: Thanks. Just looking at the three cases, Case 1, and Case 2, and Case 3, my sense is that, yes, I can -- I can see a reason for distinguishing Case 1 and Case 2. To me, a Case 3, we might want to discard Case 3 because basically Case 3, to me, is a matter of working back from the -- from the eventual deadline and coming up with that rather than working from when we get the data, and we arrive at that. So Case 3 to me, we would be taking up time that is really meant for public feedback rather than our mapping. So I'm saying that in Case 1 or, well, let's just say in any Case, I would like to be finished with the draft maps no later than November 20th, even if the deadline, the formal deadline for them, were to be November 30th. Does that make sense? Because I'm trying to give more time for the public feedback and we don't really have, we're not really waiting for anything on the front end for 10 more days, you know. It's like the difference between Case 1 and Case 2 is the unadjusted census results versus the, you know, the usable census results. I understand that. But, you know, going out 10 more days, I think we're eating into time that
would better be used for public review rather than our mapping. Thank you.

COMMISSIONER ANDERSEN: Actually, on that, thank you for that question, because that's -- that brings up a point I didn't realize could be viewed that way. The Case 3 is indeed what we're asking for in terms of final date, January 14th. That does not mean, when it says draft maps are due no later than November 30th, that doesn't mean we have to wait until November 30th. So and what the Commissioner, you know, will probably bring forward, but basically, if we stick with the deadline of getting our draft maps out November 12, and that we don't have to finals until January 14, that gives us a much larger window than we have to do final maps by December 27. And that does not mean we push, because you're right, we definitely want more public input. And that's the whole reason why we're extending it, but we're -- it isn't like we're going to kick, it's not what the subcommittee’s been talking about in terms of just getting input. Last time they got input, input, input, and then because it all happened at the same time.

We've actually been fortunate enough to get, pushed this COI input ahead so we can kind of jump into trying to establish a relatively good first draft. And then to possibly have time to do another iteration in there
after there’s a draft map out that we get all this information from the public. And then have the additional time, as oppose, you know, have that additional, was it you know, the two week or the larger window to give the public time to comment during the process. That was the whole idea. So yeah, Case 3 is still what we're looking for, but it doesn't mean we have to take the draft maps all the way back. Does that help? Commissioner --

COMMISSIONER SADHWANI: I think Commissioner Fernandez was next.

COMMISSIONER ANDERSEN: Yeah. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Okay. Thank you. And I want to thank everyone for the conversation. It's -- I actually decided to sit back this time instead of my, what is it, knee-jerk reaction that I normally do. So I started reacting to Commissioner Fornaciari's initial question, I'm like, yeah, that's right. And then Commissioner Sadhwani, and I'm like, yeah, that's right, too. So anyway, so I decided to sit back, take it all in. I think Commissioner Akutagawa and I could go through this together all the time where we talk through it. But I guess the way I look at it with district maps, I just look at it as another [indiscernible]. Right. It's, this is probably the Commissioner Fornaciari, yes, we are. The 14 of us are the
Independent Commission. We are the ones that should have that independent lens, because how I see it is every Community of Interests is not independent. It's their Community of Interest, right. So we have to take all of those. And that's how I see a district map as well because that is a district map based on that body’s or person’s Community of Interest, but it's in a district versus an actual area.

So I think if we just kind of come -- step a few steps back and just realize, yes, we're trying to gather all of this information. Everyone has their vested interest, in terms of who's calling in, which is great. We want to hear from everyone. But at the end of the day, the 14 of us are going to take all of that information and we're going to independently go through it and determine what those maps will look like. And hopefully the 14 of us will come together to that -- the same conclusion. And then also they can submit, it doesn't have to be in a meeting. They can submit it through whatever other forms they want. They can mail it in, email it in, whatever the case may be.

So anyway, that was just kind of my thinking of, oh yeah, it's not -- it's not wait anymore, as Commissioner Sadhwani said, it's another Community of Interest. So I think if we just kind of step back and look at it that way,
I think it's, for me, it's easier to comprehend how us as an independent, then we're tasked with the independence of it all.

COMMISSIONER ANDERSEN: Okay. Oh. Commissioner Yee, and then, oh it was, Commissioner Sadhwani, did you want to comment on, I mean remote or -- Commissioner Yee and then Commissioner Sadhwani.

COMMISSIONER YEE: Yeah. You know, I can see the arguments both ways. But one difference with some of these potential maps is, I mean, as I look at the letter that just got posted from NALEO, and Black Hub, and Asian Americans Advancing Justice, you know, these won’t, some of these won't be just single districts. This is the way I would like my district to look. Yeah, they will be up to and including whole state maps, you know, and, you know, whole plans, whole redistricting plans. And so that does seem to be a different animal and I'm really kind of not sure at all how I feel about how to -- how and when to receive that kind of input. And certainly, of course, I'm grateful for the investment that CBOs and individuals have in, you know, putting that kind of work in, but not quite yet gotten my head around exactly how our posture should be in receiving that input.

COMMISSIONER ANDERSEN: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yeah. I think two
separate points. I think just in response to Commissioner Yee, this concern that you've raised. I think that we're going to get district maps no matter what. Right. There's this redistricting software that's out there and available to folks. We're going to have to receive those somehow, some way, some shape, some form, even if they're just, you know, electronic copies as opposed to having time for folks to present them.

I think half of those days, I mean I think we could go back and forth, right. If we wanted to put out our own draft maps, then we get those district maps from folks and it influences our final maps, or we receive it and maybe it influences our district, or excuse me, our draft maps, and then we're still going to get a whole lot more feedback on those too. Right. So I think no matter what, we're going to receive it, even if we don't allow people the opportunity to present, and no matter what we'll have to weigh how much weight we want to give to anything that we receive. Right. So, you know, if we receive full state maps from sitting legislators, right, we don't have to use it. Right. But we can say, hey, we received it. Okay, thank you. Thanks for your time and we appreciate it. And we're moving on. You know.

So I don't know. Is it better before the draft map or after? I, personally I think it's better before the
draft map because then it can influence us, or not, as
we're developing that draft and we’ll continue to have more
time to think about it. We'll continue to have more time
to get additional public feedback, which I am sure we would
receive if we were to say adopt NALEO’s map. Right. I
don't anticipate us doing that, but you know, if we wanted
to go in that direction, I bet we'd get a whole lot of
public comment. So I think no matter when we do it, you
know, there's going to be pros and cons. And I think as we
had talked more about it, doing it before we get that
draft, you know, seemed to make a lot of sense so that we
can continue to process and think about it, talk about it
in open session. What was good, what wasn't good, what
things did they [indiscernible] weren't necessarily
thinking about ourselves.

Right. We're going to get the VRA analysis for,
you know, in advance of all of this. But if communities of
color come in and say hey, actually in Los Angeles and
South L.A., we want to see a partnership that looks a
little bit differently, we might want to know that. Right.
And whether or not we're going to use it or not, we will
decide that when -- once we get to that place. But I
think -- I think having more information from folks, this
will serve us well. And I think we can always remind
ourselves and kind of check in with ourselves that we have
to be independent in this -- in this and, you know, we're not going to favor one group or another or one individual or another.

The second piece I just wanted to raise was the piece that Commissioner Kennedy raised around November 20th. And I -- I'm not sure if that was that was Case 2. I personally don't have a problem with that. Right. I mean, I think that sounds great. I just wasn't sure if that's what the Commission wanted. And I think it would be helpful to get a little bit more guidance moving forward. If, even if we get the January 14 date from the Supreme Court, do we want to try and have our draft wrapped up prior, for example, to the Thanksgiving holiday, so that it can be out there, and folks can be reviewing it. Or maybe we can enjoy our Thanksgiving holiday? I don't know. I'll just put that out there. But you know, I would love to just get that feedback from the Commission, if we feel like best case scenario we get January 14th, do we still want to try and have the draft maps done by the, say the 20th, so that we can maximize our public input and viewing time towards our final maps? And, or as Commissioner Andersen has mentioned, a secondary draft?

COMMISSIONER ANDERSEN: Right. I might, you know, the -- this topic is going to come up again at like the next meeting. We do have, you know, kind of keeping an
eye on the time here, and I don't mean to cut it short, but at the next meeting, the subcommittee is going to have a lot more information on this in terms of, you know, a little bit more recommendations and in terms of where to go with this. So what I'm hoping to do on this particular document is put the September dates on the calendar, and please get feedback on the other dates in here. If you could make them, you can't make them, because we don't know all these different cases until we actually hear from the state, from the Supreme Court. We just don't know what will happen. So these are to bring this forward, including that, you know, the district maps. This is the first time we've really sort of talked about it at the full Commission level.

Now, the Line Drawing Subcommittee is going to go back and get a little bit more information, in terms of presenting something a little more concrete to work with, as opposed to we're going to just do something. So, we don't have to hash this out today is what I'm saying. So, but I still, I have, I'm not sure who was first, I think it was Commissioner Akutagawa, and then Sinay, and then Fernandez.

CHAIR AKUTAGAWA: Yeah. And I just want to note for everybody, we do have one more very important topic that we do need to address. And we do have a hard stop at
5:30 because we lose our ASL at 5:30. So my question to Commissioners Fernandez and Sinay is, what you have to say, can it be very, very quick so we can move on to incarcerated populations. Okay, Commissioner Sinay and then Fernandez.

COMMISSIONER SINAY: I actually would like to go with what Commissioner Sadhwani was saying, and say hey, we would like to have the first draft up before Thanksgiving and I'd like to actually do it now versus wait until our next meeting. Our meetings are far apart and many of you have gotten to go on vacation, and I give you kudos that you have gone on vacation, but I haven't because we haven't been given time enough. And if we want to go away for Thanksgiving, we need to know now because it gets crowded. And I -- and I know that sounds completely selfish, but it's been over a year and a half and so, and we might not be able to do anything anyway because of the variance. But I would rather know our schedule moving forward sooner rather than later.

And I also would like to encourage us not to cancel meetings because we don't have a full agenda and allow meetings to go and end earlier rather than rush us through meetings, because I'm really not enjoying today's meeting and being rushed.

COMMISSIONER ANDERSEN: Commissioner Fernandez.
COMMISSIONER FERNANDEZ: Yes. Actually, I was going to say the same thing as Commissioners Sinay, except for the rushing part. I kind of like the rushing part, personally, but that's okay. It's just the difference. But I do -- I would prefer to set dates for September and October, and I thought that's what we're going to do. And I do remember at the last meeting, there's quite a few Commissioners also that want to set dates for September, October. I mean, it's kind of early for November, but I really do, would like to have schedule set for the next two months. And I would like to have our goal of the initial draft maps prior to Thanksgiving. I think that's a good deadline so we can take a little breather and then come back reenergized. And I would prefer to do that today versus next week or the following week.

COMMISSIONER ANDERSEN: I'm game. Commissioner Sadhwani but go ahead.

COMMISSIONER SADHWANI: Yeah, so I was just going to say, given that, I don't know if we need -- I don't think we actually need a motion unless, Alvaro, you feel the need to have a motion to like put this all on the website. But my sense is, can we just agree to these dates set forth for September and October and tentatively agreed that we will finish these maps no later than November, the draft map no later than November 20th, as laid out in in
Case number 2. Of course, that would change depending on what the Supreme Court says. If our date if our MAP adoption date ends up being December 27th. Does that sound reasonable to everybody? Are there any objections? And Alvaro, do you feel like you would want a motion to that effect?

EXECUTIVE DIRECTOR HERNANDEZ: I don't think we have to have a motion for that. We had already, through September I believe, we had listed our business meetings, knowing that we would have some line drawers and some other things, so this will encapsulate. What I can do is put that information together on a spreadsheet, similar to what we did for the outreach meetings, and share that with the Commission. If there's any issues then, we can discuss them at that point.

COMMISSIONER SADHWANI: What else needs to be shared with the Commission?

EXECUTIVE DIRECTOR HERNANDEZ: Yeah.

COMMISSIONER SADHWANI: I'm wondering if we can adopt these right now? At least for September and October. November is the crap shoot, right? I mean, I think that's the number one challenge.

EXECUTIVE DIRECTOR HERNANDEZ: Yeah.

COMMISSIONER ANDERSEN: Any conflicts with the dates that are here for October? I guess we,
we’re -- let’s stick with the 25th, on that business
meeting, that fourth week. And sorry, where -- oh that's a
November date, but we would not recommend having a meeting
on Veterans Day.

COMMISSIONER SADHWANI: Correct. And are we all
confident that November 20th is our drop dead date for a
draft? So that folks can plan accordingly.

COMMISSIONER ANDERSEN: Or before.

COMMISSIONER SADHWANI: Or before. Of course.
Or before, but no later than. Not moving into the week of
Thanksgiving.

EXECUTIVE DIRECTOR HERNANDEZ: So Commissioner,
the only caveat I would say we need to have out there is
if, Bagley-Keene. We don't know what's going to happen in
October. So I just kind of want to put it out there that
if we go, or revert back to the Bagley-Keene requirements,
we have to do the in-person, and so that may shift some of
the dates and some of the things that we have scheduled.
So that would be the only caveat I would put out there.

COMMISSIONER ANDERSEN: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I’m just having problems
with my mute. I honestly just feel we just go forward with
the schedule regardless of Bagley-Keene. The dates are
already in this document for September as well. So you've
got September and October. The September dates have the
prior dates we agreed to for our business meetings. And I, even if the Bagley-Keene issue changes our way of meetings, I believe most of the meetings that you scheduled in October are consecutive, so I don't see an issue with that. We have consecutive meetings, which makes sense, have them all at one site.

COMMISSIONER SADHWANI: I would agree, I think if we can't have any resolution on the Bagley-Keene issue, we plan to meet on the steps of the Capitol building.

COMMISSIONER ANDERSEN: Well if, with that -- given that, we're done. You know, let's put these October and September, October on the date, and then we will, the subcommittee will be getting back to you next week with more information.

CHAIR AKUTAGAWA: And we're also just, in spirit I guess, we're agreeing to no later than November 20th, is -- that's correct. Is that correct? All right. All right. Thank you. And I believe then Ravi will be issuing calendar invites so that we could have those dates put on hold. All right, thank you very much.

We do have one more agenda item. Commissioner Sinay, I also want to just acknowledge your feedback. I do also want to note though, that the meeting is to be held if there is action that was going to be held if the RPV analyst was ready. There was feedback that we received
that they were not going to be ready with the RPV analysts due to, I think, a family emergency. And so since there was not going to be an action taken, we felt that we would just then cancel that meeting in the spirit of what that was scheduled for. So that was the reason why it just became, though, much fuller towards the end.

I do believe we, before we move on to the next agenda item, there has been a caller that's been waiting to make a public comment. So, Katie, I'm going to ask you to read it off. But before we do, Commissioner Fernandez, I see you.

COMMISSIONER FERNANDEZ: Yeah. The only thing was on the dates, are we going to leave it up to staff to sign the times or are we just going to leave it open for the -- all the dates in September and October.

CHAIR AKUTAGAWA: I think that's what we did before when you and Commissioner Ahmad did --

COMMISSIONER FERNANDEZ: That’s fine. I just wanted to know.

CHAIR AKUTAGAWA: Okay. I think that, yeah, I think that that’s what you delegated to them is to figure out the times.

Okay, Katy.

PUBLIC COMMENT MODERATOR: May I ask what we are taking public comment on, at this point?
CHAIR AKUTAGAWA: We're taking public comment on, it would be, I believe, agenda item number 6, which is the Line Drawer. And I don't know if you took it separately for VRA compliance, but if not, it would also include that as well, too.

PUBLIC COMMENT MODERATOR: We did take it for VRA Compliance, so we’ll take it for --

CHAIR AKUTAGAWA: Okay, then this would be for the Line Drawer.

PUBLIC COMMENT MODERATOR: Perfect. Okay. The Commission will now be taking public comment on agenda item number six, the Line Drawer. To give comment, please call 877-853-5247 and enter the meeting ID number, 8748740379. Once you have dialed in, please press *9 to enter the comment queue. The full call-in instructions have been read previously in the meeting and are provided in full on the livestream landing page. And caller 2448 if you will, please follow the prompts to unmute at this time by pressing *6. And go ahead, the floor is yours.

MR. CANNON: Yes. And my apologies. I really want my comments to be on the last item about Incarcerated Population. So hello.

CHAIR AKUTAGAWA: Oh, okay. Thank you. So do you just want to wait until after we have our discussion and then make comment at that time?
MR. CANNON: Yes, please, and hopefully there'll be enough time, and I promise you, it's a very quick comment.

CHAIR AKUTAGAWA: Okay. All right. Thank you.

MR. CANNON: Thank you. I'll go back in the queue. Thanks.

CHAIR AKUTAGAWA: Katy, just let us know when the instructions have finished streaming.

MR. MANOFF: The instructions are complete on the [indiscernible].

CHAIR AKUTAGAWA: All right. Thank you.

PUBLIC COMMENT MODERATOR: My voice got deeper.

CHAIR AKUTAGAWA: That's a pretty neat trick.

Okay. Just wait and see. In the meantime, let's see, Commissioner Kennedy or Commissioner Turner, who is going to be leading off agenda item number eight, Incarcerated Populations, Federal Facilities.

COMMISSIONER KENNEDY: Federal, Chief Counsel Pane had asked whether he could, and I believe we agreed that he could lead off.

CHIEF COUNSEL Pane: Okay. Well, thank you. Thank you, Commissioner Kennedy. Some of you, and I’ll -- and I will defer to Karin MacDonald, who's here as well, but it seems like back on January 12th, the Commission addressed inmates in state correctional
facilities. But there was an open question for the Commission, how to address inmates in federal facilities. And because we have the census data coming up soon, the -- Karin MacDonald is going to need direction from the Commission on how to address that issue. And Karin, I'll kick it over to you if you want to further explain.

MS. MACDONALD: Yes. Thank you so much. Hello, Commissioners. I am here with my statewide database hat on and would just like to remind you very quickly about this topic. As you know, under the Voters Choice Act, the legislature is responsible for the building and the public availability of the Official Redistricting Database. And that function, of course, is fulfilled by the statewide database at Berkeley. Our clients, just to remind you, also are not just the Commission, but rather since the Fair Maps Act, local governments, including cities and counties, and of course, also the general public use the -- use the database, of course. General public has always used Statewide Database, but now the cities and counties actually have to use a Statewide Database for their redistricting.

The request from the legislature per the elections code was for the commission to remove the federal incarcerated populations for your work. And just to remind you, again, we're talking about 14,400 persons that are in,
you know, roughly 10 facilities in the state of California. And again, like Anthony just said, the census data, of course, are coming out in a couple of days and we need to figure out what to do. So we would really like your guidance on whether you accept that request from the legislature, and then if you do, then the Statewide Database would apply that to the database accordingly. And that would then become the default dataset that we -- that we make available through all of the access tools. Because remember, we have a couple of access tools still coming, a few GIS tool and also an online redistricting tool that will have the entire dataset in it. So that would then be that the default dataset that we make available through those access tools. And that is pretty much my summary. I'm here for questions, obviously. And David Becker is also here. So thank you.

CHAIR AKUTAGAWA: Commissioner Kennedy and then Commissioner Yee.

COMMISSIONER KENNEDY: Thank you, Chair. So they, as Chief Counsel Pane’s note from earlier set out, the one change that at this point I didn't really expect, but I received an email yesterday from Senator Padilla’s staff saying that the Bureau of Prisons would, in fact, be able to provide us with a list indicating each individual in federal custody’s hometown. Not address, but home town.
You know, I had hoped that we would be able to get the
address so that we could treat those in federal custody the
same as we were treating individuals in state custody. It
appears that that is not going to be possible at this
point. And I guess my question to David Becker would be,
does having the home town enable us to do anything other
than include or exclude? I mean, can we actually
reallocate those individuals to a city, you know, doing it,
and perhaps to a random census block within that city? Is
that going to cause us any problems? I mean, that would be
my preferred solution to this.

CHIEF COUNSEL PAN: So first, let me say, it's
really -- it's really admirable to want to try to allocate
individuals who are incarcerated to where they actually
reside. And I think it's important to note that that
is -- that is something we should be trying to do. The
next question is, does the data currently allow us to do
that in the process? And I think the answer is probably
no. I think we've identified something that we should be
trying to do probably in the next round. But I think
given, and I'm separating out the state -- the state prison
system from the federal prison system, I think those are
two different things, I think we're well situated with
regard to the state prison system. I'm not suggesting any
change there. I think it is appropriate to remove to
exclude federal prisoners, the place in which they're incarcerated, because that might skew the actual voting power within those places.

I also want to note that California law is, this is just, I'm going to share a point of personal opinion, which is I think California law is actually very sound on this, that people who are, as I understand it, people who are incarcerated in California don't have voting rights. But everyone else, if you are not in federal or state prison or in a county jail, their voting rights still exist. And so this is not an issue of enfranchisement or disenfranchisement. This is an issue of where we're allocating individuals for purposes of redistricting. People are -- people who are no longer in prison, people who are no longer in state prison, people who are no longer in county jail are able to vote in California, and that is what California's decided. And I personally think that's a very good rule.

So but, you know, you can imagine for a federal you know, if you have people in federal custody and we're going to try to reallocate them based on the city we know they live in, and just imagine for instance, if that city happens to be Los Angeles, which odds are, it will be. That’s going to be the largest number just because Los Angeles is the largest city. That is not going to help you
from a redistrict perspective. There are so many districts within Los Angeles. And I mean, they could live in Brentwood, they can live in East L.A., they could live in Compton. I mean, we're talking about a vast geographical area where districts are going to be spread out. I personally think this is probably a very nobly intended effort that probably the data is not quite there yet. And I would be very supportive of working to make sure the data will be there for the next round of redistricting.

That's just my, so that's my personal opinion, for whatever it's worth, because I think it is appropriate to exclude these individuals. We do, I think there's a -- it's very appropriate to want to try to allocate them to their last residence, but I don't think the data we're going to have on the federal side is going to be adequate.

Commissioner Sadhwani, I see your hand up as well, as well as Commissioner Fernandez. I don't know who wants to go first.

CHAIR AKUTAGAWA: Yeah, I see -- I see Commissioner Kennedy, Commissioner Fernandez, and Commissioner Sadhwani, and is there anyone else? And Commissioner Yee. So, Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. Just to finish. Yeah. I mean I -- this has been aspirational and the information yesterday that we could get, the cities,
was kind of a, you know, a wonderful surprise and led me down a trail of thinking, you know, if we assigned people to a random block within their home town, that any damage to anyone else would be dominions, you know.

The other thing is, you know, I’ve for years had discussions with colleagues in UN Human Rights units, and I happen to, you know, be convinced in the end that, you know, the approach in Maine and Vermont, which is people are people and people have voting rights, whether they're in prison or not. But I you know, I also don't like looking at the history of this country and reading about, you know, exclusion of Indians not taxed, counting people as three fifths. I would like to count every person as a person.

CHIEF COUNSEL PANE: Right.

COMMISSIONER KENNEDY: So that’s my point.

CHIEF COUNSEL PANE: I can -- I can I just say.

COMMISSIONER KENNEDY: That’s where I’m coming from.

CHIEF COUNSEL PANE: Yeah. I totally, I could not be more appreciative of that. I -- this is why I point out this is not an issue of enfranchisement or disenfranchisement. The felon enfranchisement and disenfranchisement laws, regardless of where we allocate these individuals, and I think the California laws are
among the most enfranchising, and I think appropriately so, whether -- I'm not going to express whether they could even be more so. That's obviously a separate issue. I will also say I think the numbers overall are relatively small relative to the population of California. I think the upside here is relatively little, very close to zero in terms of ability to get a true picture of the California population and draw lines accordingly. I think the downside and the possibility for increased liability, I think there's some open questions as to whether California law permits this. I think there's some open questions as to whether this increases the chance of some claims against the plans.

And so I think ultimately, in balancing out the interests, given where the data is currently, and this is one of the things we haven't even really addressed fully, is we don't know when we'd get the data, we don't know what format that data would be in, and what the compatibility with the Statewide Database would be, whether this would slow down the process. I think all of these things argue in favor of it probably not being quite ready for prime time in this cycle, but something that we should continue to put, make as a focus for future cycles because, and again, California's at the forefront of even considering this. This is something that many other states aren't even
thinking along these lines. And it's a testament to you all and to the state.

CHAIR AKUTAGAWA: All right. Thank you.

COMMISSIONER KENNEDY: Can to Senator Padilla’s office. Sorry, Chair. Just wanting to acknowledge Senator Padilla's staff and their help in this.

CHAIR AKUTAGAWA: Yeah. It was -- it was -- it sounded like there was some hope. And thank you, Commissioner Kennedy, for staying on top of them for that.

Commissioner Fernandez is next, followed by Commissioner Sadhwani, and then Commissioner Yee.

COMMISSIONER FERNANDEZ: Yes. Actually.

CHAIR AKUTAGAWA: And then Commissioner Andersen.

Commissioner Fernandez, yes.

COMMISSIONER FERNANDEZ: Okay, thanks. Thank you, David Becker. I -- you voiced my same concern. I was going to ask Karin, I know her, and her staff, have worked tirelessly on the state database and information and how it's received. And so she's you know, I don't want to say they're ready to go, but they're kind of ready to go once we receive the census data. And my concern is how, if we opted to have Karin do that for the federal, I'm not sure she's ready for it. And what impact that would have in terms of when we will ultimately receive the census data. Thank you.
MS. MACDONALD: Yeah. So I thank you. Thank you for that question, Commissioner Fernandez. Definitely, as David has just mentioned, we, and as Commissioner Kennedy has mentioned, you know this email just came in. We don't even know who the contact person in the federal government or in the Bureau of Prisons might be. You know, these are bureaucracies. There were data sharing agreements that took forever. We're two days from receipt of the census data. We would have to vet the data. We don't know if that dataset that they have just, you know, volunteered. It appears, whether that's a dataset that was actually pulled on Census day, right. Because that was one of the things that we worked very hard with CDCR on to make sure that we would really get a dataset that was current as of Census Day, so that we would minimize the apples and oranges effects. And so, yeah, there will be a lot of open questions. You know, I mean, I love data and I, also I like accurate and correct data even more. So I think there would definitely be some challenges to even figure out whether this is a dataset that could, by any stretch of the imagination under this particular timeframe, be received, be vetted, you know, and be used.

CHAIR AKUTAGAWA: Great. Thank you.

Commissioner Sadhwani.

COMMISSIONER SADHWANI: Yes. Thank you. I, a
couple of thoughts here, I'm really with Commissioner Kennedy on this whole piece, and I see this conversation picking up several different threads. So I wanted to kind of clarify those as I see them. The first one is about the represent, as has been mentioned, the representation or excuse me, the rights of the -- of enfranchisement. I don't think this has anything to do with enfranchisement. This has to do with the right to representation. This is about who is responsible, who is representing those who are incarcerated.

And as I had mentioned in a previous meeting some months ago when we discussed this, it doesn't sit right with me, as Commissioner Kennedy mentioned, that we would simply drop federal prisoners and then they have no one to be accountable to them. Whether or not they have enfranchisement. As far as I'm concerned, they do still have a right to representation. And so simply dropping them from our statewide totals would be really concerning for me and, to me, also sets a dangerous precedent, whether it's ever used or not, about the idea of dropping anyone from the census data. Today, it might be federal prisoners, but tomorrow it could be undocumented immigrants. And so I'm -- that continues to concern me kind of at an ethical level, quite frankly. So I don't think it's about enfranchisement. I think it's about
representation.

Second, we've mentioned the process in which states -- in which we would use their hometown and potentially randomly assigning them to a city. Correct me if I'm wrong, but that was -- that is the process that's being used for state prisoners, those being held in state correctional facilities when there's only a partial address, right. So when we don't have a full, my understanding and please correct me if I'm wrong, was that when we have a partial address, an incomplete former address, then they are being randomized to cities. So I don't see what the problem with that would be. So I think that's a separate component and I don't see how that's a dangerous precedent if we're already doing it with the state, those held in state facilities.

Third, I mean certainly, I think the practical ability to get this work done in time, I can't speak to that, right. I mean, if it's -- if it's -- if we're not able to do it, we're not able to do it. But I still wouldn't feel comfortable simply dropping people entirely. I'm very sensitive and very concerned about the notion of prison gerrymandering, but I'm also very concerned about simply dropping people from our totals, because I think that suggests then that we don't think -- that there are certain people unworthy of representation, and I don't
CHAIR AKUTAGAWA: Thank you, Commissioner, Sadhwani. Commissioner Yee.

COMMISSIONER YEE: Yeah. First, I want to say yes, to Commissioner Sadhwani’s comments, 100%, every word. I feel the same way. But I have a different question for Karin.

So Karin, you started off your comments with listing out the other jurisdictions that also are required to use the database, Statewide Database. And so just trying to make sure I understood that correctly then, so is it a decision that we make here concerning federal prisoners that will affect the redistricting database that others will use as well? Do we -- are we somehow in a privileged position to make that decision at -- for, you know, cities, and counties, and so forth.

MS. MACDONALD: Yeah. Thank you for that question, Commissioner Yee. I think what will probably happen is that we will -- so what we're asking for is, is whether or not you accept this request. And as I said, and if you don't -- if you don't accept the request and we keep the data in, essentially, then that will be the default that is reflected on, in the access tools and so forth. I think what we would probably do is make a list of the facilities, and the numbers, and the census, the
corresponding census blocks available on the Statewide Database so that -- so either that, so that people could essentially remove by themselves, or we would make a second dataset available that basically has those populations removed. Of course, that's going to, you know, cause some confusion and we would have to just make sure that we're clarifying that particular point.

COMMISSIONER YEE: Thank you.

CHAIR AKUTAGAWA: Okay. And we have Commissioner Andersen.

COMMISSIONER ANDERSEN: Yeah. Actually, that kind of comes -- thank you for that. One, I agree with Commissioner Sadhwani. It does bother me, just dropping people but, and it is about representation, not voting. But I -- my question was similar to Commissioner Yee’s in that we as the statewide Commission, had the option of what do we do with the state prisoners, what do we do with prisoners. What, cities and counties, are they only required to consider state prisoners and not federal? Or what is -- what is the rule, because why would there be two sets? I don't quite understand that. I mean would -- are they’re not supposed to consider federal prisoners?

MS. MACDONALD: I'm going to hand this over to one of the attorneys because I think you’re asking for a
legal opinion, but this is all in the Fair Maps Act. And I
mean, I'm happy to pull the section out and read it, but
maybe Anthony might want to speak to that or --

COMMISSIONER ANDERSEN: It isn't, actually, it is
just the from the Pure Map Maps Act is that, because
California, you know, when we started the original state
population issue, my understanding is that at a state
level, we had no actual requirement because our, you know,
the Voters First Act does not include that. However, at a
state level, state, cities, and counties, they must
consider prison reallocation. And so the legislature was
asking us to also do the same. I just want to make sure
that we're not doing one thing, while the -- while the
local cities and counties are required to do another. Does
that make sense? Anybody want to take that one?

CHAIR AKUTAGAWA: Chief Counsel Pain or Mr.
Becker.

CHIEF COUNSEL PANE: Anthony might be better to
take the first stab at that and then I can, perhaps.

COMMISSIONER ANDERSEN: So my, just my thoughts
on that, Commissioner Andersen, or that and you know,
I -- my thoughts are that the locals are going to end up
using -- aren’t they using the same database that you all
are going to be using or helping to fashion, essentially.
So essentially, you're, when the counties are making
decisions, they have to work off that same dataset. So then, I guess one of the possibilities then, would be in a local situation where you have a federal prison, wouldn’t -- doesn't that necessarily mean that they would, that county or that part of the county, would be a bit artificially inflated if they weren't excluded? That would be my thought on that.

COMMISSIONER ANDERSEN: I guess I'm actually more asking questions from back when we made their first decision. I thought it was, we're deciding to do what we're doing based on what the idea of that is what the local and cities are actually required to do. The legislature was asking us to do the same to make it easier so there would be one dataset. That's kind of what I thought was that --

MS. MACDONALD: If you'd like me to read it, I'm looking at it, so.

COMMISSIONER ANDERSEN: Are you looking to the A4 part? Is that the -- is that where we were going?

MS. MACDONALD: The Fair Maps Act section about what the -- what the counties are supposed to do. Would you like me to just read that so you can hear what they're supposed to do? Yes. Okay.

So an incarcerated person, as that term is used in Section 21003, shall not be counted as part of a
county's population, so that’s for counties, except for an
incarcerated person whose last known place of residence may
be assigned to a census block in the county if information
about the last known place of residence for incarcerated
persons is included in the computerized database for
redistricting that is developed in accordance with
Subdivision B of Section 8253 of the government code, and
that database is made publicly available. So.

COMMISSIONER ANDERSEN: All right. So basically,
it says they cannot count them unless it's been
reallocated. Okay, thank you. And I think Commissioner
Fernandez has been waving her hand wildly to --

CHAIR AKUTAGAWA: Yeah. She's next.

COMMISSIONER FERNANDEZ: No. I was just going
to, when Commissioner Sinay and I delved into this, the
reason we had to take action for the state incarcerated
people is because the legislature cannot order us to do
something. They ordered the cities and counties to do it,
and they were just requesting that we also follow suit, and
that's what we voted on, was to follow suit with what the
cities and counties were doing.

COMMISSIONER ANDERSEN: And that's my question.
Was it only state or was it federal as well?

COMMISSIONER ANDERSEN: My understanding,
CHAIR AKUTAGAWA: I think she’s asking --

COMMISSIONER ANDERSEN: Yeah. Commissioner --

CHAIR AKUTAGAWA: Oh, no. Go ahead.

COMMISSIONER ANDERSEN: My understanding, Commissioner Andersen, was that in January, the decision was only on the state portion and not the federal portion, which is why we're here today to address the federal portion of it.

COMMISSIONER ANDERSEN: Of course --

CHAIR AKUTAGAWA: Commissioner Sadhwani, I think, has her hand up --

COMMISSIONER SADHWANI: Sure.

CHAIR AKUTAGAWA: -- and then back to Commissioner Fernandez.

COMMISSIONER SADHWANI: I think Commissioner Fernandez probably is going to say the same thing, but I think the reason is because the state can only direct the state correctional facilities to share that information. The state legislature does not have the authority to direct federal prisons to turn over the prisoner, you know, inmate’s information.

COMMISSIONER FERNANDEZ: Absolutely correct. And that's -- and we attempted to get the information. I shouldn't say we, Karin attempted to get the information. Was unsuccessful. And that's when we came forward
initially and said we're not getting the information, we want to back up the numbers so that it's not, certain areas aren't overinflated with the -- that population. But of course, that piece did not go through.

CHAIR AKUTAGAWA: Commissioner Sinay, did you have your hand up? I wasn’t sure. Okay.

Okay. So just process, do we need to take a vote, overall? I think we do right on this, which direction we're going to go. I guess we'll need a motion. Okay. Commissioner Andersen.

COMMISSIONER ANDERSEN: Actually, I had one more question. How are we doing the state reallocation? If we don't have -- if we only have their hometown, what happened?

CHAIR AKUTAGAWA: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Kari can probably answer this better than myself, but they did, the California Department of Corrections and Rehabilitation, did provide information to the Statewide Database on all of that information. And so that's what Karin was talking about earlier, is that she was working with them on the dataset, and what she needed it to look like. And so they're ready to go in terms of reallocating that information. Is that close enough, Karin?

CHAIR AKUTAGAWA: Thank you.
MS. MACDONALD: That’s perfect. You’re hired.

CHAIR AKUTAGAWA: Karin, if I could just ask, you mentioned that there were some concerns about data quality and, you know, what state it'll come to. So let's just say hypothetically, you could get the data fairly quickly, you know, just in terms of vetting the data or maybe let me just ask it this way. How long did it take you when you received or are receiving data from the state, I guess Bureau of Prisons, I’m not-- or Department of Corrections, I guess, maybe is the proper term? How long did that take in terms of getting their data, processing it, and then now, you know, the next step is once you get the census data, reallocating it.

MS. MACDONALD: So I started working with the CDCR in, about eight years ago on this project. So it did take a little minute and then we had some prototype data that were shared. You know, there was a very fat confidentiality agreement that went back and forth a few times. And, you know, then there were some file issues. What should be in it? What should not be it? You know, how should the columns be organized? I mean, basically, anything that you can think about when you're getting a data file from somebody else who did not, you know, really collect those data for the reasons for which you would like to use it, because they did not collect those data for us,
right. This was dropped on to them with this legislation.
So then we kind of have to just come to an agreement.

I don't know anything about this dataset that
that we just received this email about. I mean, literally
nothing. I have no idea whether they just said, oh yeah,
we could do it and it'll take us six months to do it. I
don't know if they said we can do it and it's going to be
accurate as of today. I just know nothing. I don't know
if it's going to require, you know, a confidentiality
agreement, whether they would share with you and then we
have to work out another confidentiality agreement with us.
I just don't know anything. And you know, census data are
going to be out in a couple of days. So this is -- we're
kind of on a train that's not going to stop for us to
figure this out at this point.

CHAIR AKUTAGAWA: Commissioner Kennedy. And I
just also want to perhaps, Commissioner Kennedy, before you
go, it is I just want to note that we have six minutes and
I need to check in with Kristian.

MR. MANOFF: We need to take a break at 5:30,
Chair.

CHAIR AKUTAGAWA: And I -- my understanding was
that we have ASL only until 5:30. Is there, if we need to
extend, is there -- is there an option? If not, we'll need
to try to figure out how we're going to wrap this up then.
MR. MANOFF: We'll see what we can do during the break.

CHAIR AKUTAGAWA: Okay. Thank you. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. After this, and in the interest of time, I'm going to move that we request Statewide Database to reflect individuals in federal custody at their location on census Day.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Kennedy.

CHAIR AKUTAGAWA: Is there a second? Oh, sorry. Do you need a clarification on the motion?

EXECUTIVE DIRECTOR HERNANDEZ: Yes. Can you repeat the motion one more time, please? Thank you.

COMMISSIONER KENNEDY: Move to request Statewide Database to reflect individuals in federal custody at their location on Census Day.

CHAIR AKUTAGAWA: Okay, and is there a second? Commissioner Sinay, is -- are you seconding?

COMMISSIONER SINAY: Second.

CHAIR AKUTAGAWA: Okay. Any discussion?

Commissioner Sinay.

COMMISSIONER SINAY: Commissioner Kennedy, my only question on this, I think that that works for the 10,000 or 14,000, the California state inmates in, you
know, incarcerated people that are in federal facilities. What do we do with the others in federal facilities that may not be from California? We still, I believe Karin still needs direction from us on what to do with that number. Correct, Karin?

MS. MACDONALD: That is a good question. We had, I think the legislature's request was actually about the entire cohort. We did -- we did receive information from the Bureau of Prisons, and you are correct that they could tell us how many people had their last residence in California, before incarceration. There were some questions about that. I don't have that dataset at this point. So I think, at this point, we would be treating everybody as one whole cohort. But I appreciate this, Commissioner Sinay. Appreciate the follow up question.

COMMISSIONER SINAY: Let me ask you a different way, just to make sure I'm being clear. How many -- how many individuals are incarcerated in federal institutions in the State of California.

MS. MACDONALD: Let me look. It's 14, just one second.

COMMISSIONER SINAY: A total. I mean Californian and non-Californians.

MS. MACDONALD: Yes. The total is 14,494.

COMMISSIONER SINAY: Okay. So.
MS. MACDONALD: As of, that was Census Day.

COMMISSIONER SINAY: Right.

MS. MACDONALD: Mm-hmm.

COMMISSIONER SINAY: And on, and via the email you sent on April 23rd, we know that 10,326 are from California. So the difference is, this is where I was kind of caught up, is those 4,000. What do we do with those plus or minus 4,000?

MS. MACDONALD: Correct. And I appreciate that question and thank you for asking it. We don't know how they were distributed in those facilities. So if you wanted to differentiate, then we could try to go back and figure out, you know, what facilities they were in. Certainly.

CHAIR AKUTAGAWA: Commissioner Fornaciari, and then we do have to take a break at 5:30, and then in the meantime, we could figure out if there's an ability to extend the time further. Commissioner Fornaciari.

VICE CHAIR FORNACIARI: So we'll see, there seems to be a kind of a time component here that we're not considering in the motion. I mean, it's open ended and indefinite, but you know, we need a dataset to start drawing lines, and we have no idea when we're going to get the data from the Bureau of Prisons and how long that's all going to take. So I would think we would want to kind of
include some sort of a deadline in our motion so that Karin
can move forward [indiscernible] dated in time.

CHAIR AKUTAGAWA: And Commissioner Kennedy and
then Commissioner Fernandez.

COMMISSIONER KENNEDY: Thank you, Chair. The
motion requires no additional data beyond what the
Statewide Database will receive on Thursday.

VICE CHAIR FORNACIARI: Oh, I'm sorry. Then I
don't understand what the motion is. I'm sorry. I'm not
understanding.

COMMISSIONER KENNEDY: To reflect individuals in
federal custody at their location on census Day. So they
were counted in the -- in the institutional setting on
census Day, that's the data that Statewide Database is
going to get. And Statewide Database would have to do no
removal, reallocation, or anything.

VICE CHAIR FORNACIARI: Thank you.

CHAIR AKUTAGAWA: Thank you for the
clarification. Commissioner Fernandez.

COMMISSIONER FERNANDEZ: Yes. I just wanted to
reply to you, Commissioner Fornaciari that at this point in
time, it's late in the game to ask for Karin and her group
to try to take that information and scrub it and not impact
what our timelines are at this point, in terms of receiving
the Statewide Database. So it -- we just have to deal with
either we exclude them all, or we keep them in, but we keep them in where they're currently housed.

CHAIR AKUTAGAWA: Commissioner Turner.

COMMISSIONER TURNER: So it is, I think, a question that we've asked for a while, but so our options at this point so that we're all clear, is that we're wanting to either exclude them from being represented or we're wanting to have them gerrymandered where they are.

CHAIR AKUTAGAWA: Commissioner Sinay.

COMMISSIONER SINAY: Just to add something from our past notes, I've been going back and forth to all the different conversations we've had on this. Just a reminder, yes. And that's what prisoner gerrymandering is, that someone had mentioned that term earlier. And this, the prison number, that those in, the incarcerated people, those numbers are really critical at the -- at the city and county level and not as much at the federal level as, you know, as we're hearing, 14000. And Mr. Becker had said it's, the number’s not that much, but it is when the city and the counties are looking at this and there's great videos on this. And, you know, federally they are I mean, by state legislation, they're not -- they are -- they will be not representing them at those levels, but so it's it is different. We're looking at it in two different ways. But yes, those are two choices, Commissioner Turner.
CHIEF COUNSEL PANE: Can I make a quick comment on that, Commissioner.

CHAIR AKUTAGAWA: Yes.

CHIEF COUNSEL PANE: So I, with regard to excluding federal prison populations from the count, it could be impactful because those are concentrated populations. So I think about facilities like Lompoc. I think I've got that right, which, if I'm not mistaken, is in Santa Barbara County. That, if we include that population, it could actually misrepresent minority voting power to some degree and have a negative effect on that because it may be disproportionately minority. I don't know for sure, but that's a possibility. It might also not be. The impact in excluding federal concentrated prison populations could be substantial because they're concentrated. But the impact in allocating them for inclusion randomly, based on the city in which they live, putting aside the data issues there, will have a limited impact, I believe.

And so that's just my advice that I'm offering. I don't want to -- I don't want to derail. Again, I totally appreciate where everyone is coming from on this discussion. It is -- it's an appropriate discussion. I think the question on whether the data, if we had the addresses I might say something different. If we knew what
the data was going to look like, I might say something differently. My understanding is the data we have from the state, from state corrections is, has already been processed and is, or is in the process of being processed. Karin might be able to tell us. But we know what the quality of the data is, and we know we can process it. And whereas the federal data is just a great big question mark. And at best is only going to be allocated by city, which is, I think, problematic. And I apologize. I'm going to have to get off, so hopefully, I'll be happy to answer any questions subsequently if anyone has any.

CHAIR AKUTAGAWA: Thank you very much, Mr. Becker. We do need to also take a break. I know that we do have a caller waiting as well, too, but we're not finished with this conversation. I believe we'll come back, and we'll have some word from Kristian and the -- and the team about whether or not, how much longer we can -- we can keep them, or that they're available to stay. So let's take our 15 minute break now.

(Off the record at 5:35 p.m.)

(On the record at 5:50 p.m.)

VICE CHAIR FORNACIARI: Welcome back, California. We are in agenda item 8, Incarcerated Populations. And let's see, we have a motion and a second on the floor. I wanted to see if there were any further discussion on the
motion at this point. Commissioner Kennedy.

COMMISSIONER KENNEDY: Thank you, Chair. Yeah. I'm not entirely happy with the state of affairs. I would certainly prefer, as I said, my -- the option of randomly assigning individuals in federal custody to random census blocks within their home towns. But given the choice of not assigning them anywhere and having them counted where they were on Census Day, I come down on preferring to have them reflected where they were on Census Day. Especially because we have already taken a decision to press for full reallocation following the 2030 census. And you know, I will commit to continuing to follow this up and pushing for this, you know, for the next nine years, if need be. Thank you.

VICE CHAIR FORNACIARI: Commissioner Turner, and then Commissioner Sadhwani.

COMMISSIONER TURNER: Thank you. I'm certainly not in favor of the current motion and believe that because of the work that's already been done to have it figured out, to me it would just underscore the point. I unlike folk not having representation either, however, it feels to me that we're allowing one more decade of what we know to be a flawed system. And so it's, it doesn't -- it doesn't solve what we would desire for them not to be represented, but I think we should still be pushing for -- if we figured
it out with the state facilities, I think we should still
at least push and ask for the random appropriations that
we've talked about at this level. And then let it -- let's
see what happens with it, as opposed to settling or
determining that it can't happen prematurely? It is -- it
feels like its last minute now because now we have the data
that's going to be released later this week. But this is a
conversation that we've had quite a while back, and I'm not
certain, outside of Commissioner Kennedy's pushing, good
for him, that we, last-minute determined, that we can now
all of a sudden provide it at a city, down to a city, but
not exact address.

I think the timing of the whole thing is
unfortunate. I don't think it's a new conversation. The
call we had a while back. Information is just now
being released late, and now that information is being
released, it feels, again, like a forced choice. And so
just for that, I don't support it and hope we can do
something different. And I'm still wanting to have the
information excluded from where they currently reside, from
where the inmates currently reside, and push to have it
allocated at the city level randomly, if need be and where
need be, because I don't think it was all of the addresses
in some.

VICE CHAIR FORNACIARI: Commissioner Sadhwani.
COMMISSIONER SADHWANI: Thank you and thank you so much for that, Commissioner Turner, because I think that was really helpful for me to hear. In general, I continue to support Commissioner Kennedy's perspective on this, that my preference also would be to randomize at the city level. And I'm wondering, you know, I know Karin, thus far you've said you haven't seen the data, you don't know what it is, and therefore probably it's not feasible. Is it reasonable to say, let's hold off till our next meeting on August 19th so that we can get additional information and then make the decision about whether or not we can move forward with this in any way, shape or form? I know that that is an additional burden to place on you, but we did just receive this information that hometowns would be available. Is that, I mean, what can we reasonably collect, what information can be reasonably collect over the next nine -- is it nine, yes, nine days that might help us -- help inform our decision better. Because I'm with you, Commissioner Turner like, and Commissioner Kennedy, I think what we're actually saying that’s similar things is that the best case scenario is that we could put folks back into the cities where they originated from, from their last known known place of residence.

If it's true that we've exhausted all possibility of doing that, then I would absolutely support this motion.
I, Commissioner Fernandez very kindly pointed me to the document that she and Commissioner Sinay had originally prepared. I forget the date of that meeting, but you know, which provided a breakdown of the populations of inmates in the various 13 facilities. There's about 14,500 inmates as of April 1st, 2020. In general, that's spread about a 1,000-ish people per facility throughout the state. So when, I think coming back to the point Commissioner Sinay had made before the break, when it comes to creating a, for example, congressional district, that's going to be over 700,000 people, 1,000 people, if we, you know keep them in or take them out, does make some difference. It makes less of a difference, though, however, then compared to city redistricting or county redistricting. So I'm still, you know, uncomfortable with dropping folks completely. And if there's any possible way that we can continue to look at this data and assess whether or not it could be possible, I would certainly be in favor of that.

VICE CHAIR FORNACIARI: Commissioner Fernandez. I mean, I don't -- to Karin, did you want to respond to that, or was there anything to respond to there?

MS. MACDONALD: Commissioner Sadhwani, did you want me to respond to that?

COMMISSIONER SADHWANI: If, yeah, if you have any feedback, that'd be great.
MS. MACDONALD: All right. You know, we, so we fulfill a mandate for the state legislature. And I think that if you wanted to do something that's not expressly provided for in the elections code, I, you know, I'm not a lawyer. I keep saying this. I mean, and now, you know, David is not on. Anthony is still on. From where I'm sitting, I think this is a conversation you have to have with the legislature about what could be done. I mean, I could certainly reach out to them and, you know, figure out what they can and cannot provide, but then there is the other step, which is what then do we do with it? So there's two -- there's two different questions, right. Here's one. What can we get? And what does it look like? And then, you know, figuring out the usability and vetting the data, which I think could be considerable, a considerable amount of work. Again, I'd be happy to look into that, but then, you know, what do we do with it. Depending on what we find out and I think, you know, you need to reach out to the legislature and then discuss that piece with them. That's not for me to decide. But thank you.

VICE CHAIR FORNACIARI: I have Commissioner Fernandez, then Lee.

COMMISSIONER FERNANDEZ: Yeah. That was, it was kind of a little bit of a follow up to that. I do believe
Commissioner Kennedy said they didn't provide a date as to when they would provide the city information. So it's still kind of up in the air still in terms of what they're going to provide and if they're going to provide the information by facility or is it just going to be like on a statewide level. So I mean, it just, yeah. I, like what Karin said, we don't know what we're going to get, and we also don't know how that's going to impact the Database and Karin's, if Karin will even be able to do that, how it's going to impact us ultimately, in terms of getting the census data that we can work with to draw lines.

VICE CHAIR FORNACIARI: Commissioner Yee.

COMMISSIONER YEE: Yeah. I'm wondering about something that's only been mentioned in passing, and that is another option, which is to reallocate federal prisoners randomly through the whole state and not depend on this information of uncertain quality and uncertain timing about hometowns. And it also, that would also cover the 4,000 or so non Californians in California federal prisons, right. I mean, the whole prisoner reallocation, ultimately is the national issue because it’s -- you've got people from all different states in all different prisons, right. There's California's in federal prisons outside of California, right, that we would care about if you know, in an ideal situation. If we reallocate people randomly to the whole
state, then we're kind of calling it a wash that
non-Californians in California federal prisons, it's about
equal to Californians in non-California federal prisons.
And we just avoid the question about this data that, you
know, we just don't know when it's coming and what quality
it will be. So what about reallocating randomly through
the state that way, which is what we're doing with prison,
people in state prisons who don't have last-known
addresses. That way, we avoid the gerrymandering, but
people are represented, even if, you know, tenuously, that
by being counted through the state.

I'm also wondering, so Karin, you know you're
under a mandate to produce a certain database with certain
guidelines. What freedom do you have? I mean do -- can we
tell you what to do? Do we have that right even, actually?
Because that's, as you're suggesting, your primary
response, that's a legislative directive, right. I mean,
what to do with federal prisoners, who actually has the
right to make that call.

MS. MACDONALD: Yeah. So thank you for that
question, Commissioner Yee. The legislature is ultimately
responsible for the dataset. So that's not -- that's not
you. They were requesting you to make a decision about
whether or not you wanted us to, you know, basically leave
them in the dataset or not leave them in the dataset. So
that was the question that was posed to you. But it's
ultimately a legislative responsibility to provide an
accurate and computerized dataset that's publicly available
to everybody. You and everybody else in the state of
California.

COMMISSIONER YEE: So just cynically then, to
reallocate those in federal prisons randomly throughout the
state, as you'll have to do with the people in state
prisons who don't have good last-known addresses. Is that
technically [indiscernible]?

MS. MACDONALD: I would not feel comfortable
giving you any feedback on that. As you know, as again, I
am not a lawyer and I wish there would be a lawyer,
preferably one from the legislature sitting here, I will
tell you this right now. But I, when I read the elections
code, it just does, I mean we wouldn't have an issue if it
said, you know, reallocate, you know, people that are
incarcerated in federal prisons in California randomly.
Then we wouldn't have this conversation. We would just do
it. But it doesn't say that. So I mean, I have said this
to some of you before, I think it would be great if this
Commission could work with the legislature and get this law
changed so that there is clarity and that in 10 years,
people are not sitting here exactly the same way, wondering
what to do. But at this point, I would not feel
comfortable. I don't feel like I am able to make that
decision to randomly allocate people when the law does not
really provide for that. And again, I'm not a lawyer.

COMMISSIONER YEE: So you're saying whether or
not it's technically easy or not is irrelevant because you
simply wouldn't feel comfortable doing it.

MS. MACDONALD: No, not without hearing from the
legislature. No.


MS. MACDONALD: Mm-hmm. And I think that's a
conversation that you all should have with the legislature.

COMMISSIONER YEE: Yeah. That's good to know.
Okay. Thank you.

VICE CHAIR FORNACIARI: I have Commissioner
Turner, then Commissioner Toledo, then Commissioner
Vazquez.

COMMISSIONER TURNER: Thank you, and Karin, thank
you and appreciate your responses, for sure. So it sounds
to me that the legislature has given us a decision point of
should we include or exclude, not what to do with them.
And so, again, I'm saying for me, I'd rather have them
excluded from where they currently are, because that is not
accurate, from my perspective. And then if they -- if we
don't have the ability to say where to randomly put it,
then I think it's back on the legislature to figure out how
to make the data accurate at that point and place them somewhere. But for the piece part that we get to make a decision on, it sounds like we need to -- we can agree to remove them, and that corrects part of it. And then they don't have representation, but they're not allocated where they were outside of their home places. Yeah, this is this always gets tricky with questions and decisions that's posed to this Commission by legislature, that is not a full decision. It's a partial decision and so this is another one of those to me, partial decisions. And so we can partially decide whether they should stay where they currently were counted in a federal facility, or we can say to exclude them from the federal facility. But the part two of what to do with them is not for us, apparently, to decide at this point until the law is changed.

And so with that, just for sake of stating so I'd still rather they not be included where they currently are outside of their home area.

VICE CHAIR FORNACIARI: Commissioner Toledo.

COMMISSIONER TOLEDO: I'm just curious if perhaps Marian who was, went through this process 10 years ago, of her opinion on what our discretion is around the reallocation of the -- of the prisoners. If it’s our discretion or the legislature's discretion that -- so if you just have an opinion on that.
MS. JOHNSTON: As I read it, it's your discretion on what you do with them, but you can't tell the Statewide Database to do something that it's not going to otherwise do. It was told by the legislature to redo the state ones. You could, or you could decide to include them or not include the state prisoners, but your only option for federal prisoners is to include them where they are or exclude them because you don't have any other option.

COMMISSIONER TOLEDO: Thank you.

VICE CHAIR FORNACIARI: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Yeah, I -- that, thank you, Marian. That was -- that was helpful because I'm, the more I think about it, the more I am not in favor of, it sounds like we don't have the option, but I'm not in favor of reallocating randomly the federal prisoners, because the fact of the matter is that they're mostly black and brown prisoners, and geography is not racially agnostic. And it feels like we would potentially be reinforcing disenfranchisement of these folks by randomly placing them throughout California. I'm sure, again, data wise, we could probably come up with maybe a metric or an algorithm that like corrects for some of -- for some of that, but then that's not, to me that's not random. And I also know that with algorithms, you know, junk in, junk out, bias in, we could absolutely create a biased algorithm and reinforce
biases there. So I just, I'm not -- it's seeming like I'm not sure there's a path forward to just including them outside of where they currently are.

VICE CHAIR FORNACIARI: Commissioner Andersen.

COMMISSIONER ANDERSEN: You know, I've been listening on this one back and forth because I, you know, I don't like the idea of excluding people, but I see and Marian actually really helped put that, formulated it for me, to leave them where they are, unfortunately, really, really goofs up the state, the local, and the city population distribution. And they have to redistrict where it really doesn't do much for us at all, quite frankly. If we try to, you know, randomize, it's, the number is less. It's .036% of people. So in terms of, I don't like to, but so. I understand the issue, what we will like to do, but we're not going to be able to acquire the information to be able to locate these people. But it is basically, because I understand now, I much understand Karin’s position way more, because what Marian said, is she's not authorized. The Statewide Database is not authorized to do that because their contract essentially is with the legislature. So we would actually have to get the legislature to say, hey, you do that with federal prisoners as well. And I just don't see, I mean unless, you know, in this all of the sudden, you know, Commissioner Kennedy has a chance to go back and
go, hey, we got all the information right here. Wow. It’s perfect. Now we can use it. I think we just have to exclude, which I hate to say, but that’s where I come down on. I don't think we have the authority to do this to the -- to the local redistricting efforts, which the Statewide Database and otherwise it's like, hey, let's do two databases and that's just a disaster.

I feel that would be -- that would be a real problem as far as litigation purposes, and just useful purposes, and total confusion. So, and I really appreciate this conversation, but right now, I feel that it's we have to exclude them, which I hate saying.

VICE CHAIR FORNACIARI: Commissioner Kennedy, then I think we’ll go to the callers.

COMMISSIONER KENNEDY: Just in response to Commissioner Andersen, you know, my understanding of what the, has been done and said was that, you know, that what we do is independent of what counties, cities, and other redistricting bodies in the state need. If we take a decision, she's still going to be able to provide them with what they need, independent of what is provided to us. It is more work, yes. But either a dataset that would enable them to remove the people that, if we decide to keep them in, she would be able to provide those other redistricting bodies with dataset and instructions that would enable them
to remove them. Or Statewide Database would end up having
two versions of the database, one for us, one for everyone
else. Ms. MacDonald, please correct me if I'm wrong.

MS. MACDONALD: Thank you, Commissioner Kennedy.

That is correct. And I would point out that the access
tools that are being developed and that will be published,
they will have the dataset in it that you decide on. So
basically, it would make it very difficult for local
jurisdictions, so people in local jurisdictions to use
those access tools because they would have the wrong
population totals in them.

VICE CHAIR FORNACIARI: Okay. Katy, can we ask
for public comment on the motion at this point, please?

PUBLIC SPEAKER MODERATOR: Yes, Chair. The
Commission will now take public comment on the motion on
the floor. To give comment, please call 877-853-5247 and
enter the meaning ID number 8748744070379. Once you have
dialed in, please press *9 to enter the comment queue.
The full call-in instructions have been read previously in
this meeting and are provided in full on the livestream
landing page. And at this time, we will go to caller 2448.
If you will please follow the prompts to unmute at this
time. Go ahead, the floor is yours.

MR. CANNON: Hi. I'm Peter Cannon, C-A-N-N-O-N,
and I have called in before. I called today to discuss the
federal incarcerated population issue. Respectfully, there has been a lot of wasted time. The original law requesting the exclusion of federal prisoners was adopted in 2012 and supported by the Prison Policy Initiative and the NAACP. Policy positions can evolve over time, but if advocates think a policy change just days before census data is received, rather than mention this issue over the last nine years, then this change seems rushed because it is rushed. In April the Commission decided to seek additional federal data. But in the subsequent four months, there has been almost no debate about how to proceed if data became available or not.

So if finally having that discussion at the end of a long day, versus having an ongoing debate over four months seems rushed, that is because it is rushed. Every person matters. Time is also a precious commodity. 14,494 people is a tiny fraction of the total population. It's a hard choice whether to include or exclude. But it is time to make a decision. Treat this as a lesson learned. Embrace the complexity of our state. But please don't add last-minute complexity to the process, trying to avoid hard choices. Thank you.

VICE CHAIR FORNACIARI: Thank you.
PUBLIC COMMENT MODERATOR: Up next will be caller 3818. If you’ll please follow the prompts to unmute. Go
ahead. The floor is yours.

MS. GARNER: Thank you. Good evening. My name is Grace Garner. I'm calling on behalf of the Black Census and Redistricting Hub. The Black Hub thanks to the Commission and Ms. MacDonald for their work on this issue and we understand the difficulty in this process. We also appreciate the initiative taken to obtain demographic information from the federal government regarding last-known address. We believe the newly received information from Senator Padilla should be used to apportion the federal population. We also supports the continued push to obtain this data, as a matter of course, for the 2030 Redistricting Commission.

If the Senator Padilla data is not available in time, we still believe it is critical for the Commission to adhere to two principles. One, that everyone is counted, and two, that they are counted in the most equitable way possible. In that spirit, we want to offer two solutions for the Commission to consider.

One, the Commission could look into identifying the racial demographics of the California federal population, or, if necessary, use nationwide data and to then reallocate those percentages throughout the state. For example, if 40% of the federal prison population is black, then of the 14,494 federal inmates, we can estimate
that 5,798 are black. So 5,798 individuals should then be --

MR. MANOFF: Thirty seconds.

MS. GARNER: -- apportioned throughout the states in black communities as determined via 2020 census data. If 25% of the black population in California lives in Alameda County, then 25% of the 5,798 individuals --

MR. MANOFF: Fifteen seconds.

MS. GARNER: -- would be counted in Alameda County and apportioned in the census blocks within that county with the highest black population.

The two, the Commission could randomly reallocate the federal prison population throughout the state so that no one district has an outsized advantage simply because it contains a prison within its borders. It is imperative that the federal prison population be counted and reallocated equitably. In years past, the federal population was counted in the location of the facility.

MR. MANOFF: Time, plus 15.

MS. GARNER: Which gave, which gave more political power to areas that lacked any significant black population. The Commission has the opportunity to apportion the federal prison population in a way that benefits communities that have been disproportionately --

MR. MANOFF: Plus 30.
MS. GARNER: -- impacted by the criminal justice system.

Finally, we ask that the Commission consider taking public comment at the top of each section or in the middle to allow individuals and groups to better engage with the Commission. Thank you for your service and you’re careful --

MR. MANOFF: Plus 45.

MS. GARNER: -- consideration of this issue.

VICE CHAIR FORNACIARI: Thank you.

PUBLIC COMMENT MODERATOR: And for those that have called in, please press *9 to raise your hand if you wish to give comment at this time. Caller 2829, if you will please follow the prompts to unmute. Go ahead, the floor is yours.

MS. WESTA-LUSK: Yes. This is Renee Westa-Lusk. I was wondering, is it required absolutely that you have to use the same exact population database to draw all three types of districts, assembly, senate and Congressional? Is there any way that the allocation of the federal prison population that would be from California could be allocated just to congressional districts, and then that data also forwarded to cities and counties for redistricting purposes? It's a shame to let this data go out the door. I would like it allocated if there's any way that it can be
done, at least on congressional district levels. It would
make the most impact, it probably wouldn't have as much
impact or very little on assembly or senate districts,
since they can be plus or minus 5% off in population.
Thank you. That's my comment.

VICE CHAIR FORNACIARI: Thank you. So --
PUBLIC COMMENT MODERATOR: That was all of our
comment at this time, Chair.

VICE CHAIR FORNACIARI: Okay. Thank you, Katy.
So I just want to open it back up to the -- to the
Commission if anyone has any further comments before we go
to the vote. Commissioner Sadhwani.

COMMISSIONER SADHWANI: I just wanted to get a
sense, what I’ve heard in some of the caller's comments is
that perhaps there's some discrepancy between what the
prison gerrymandering folks were suggesting back in 2012,
which was drop federal inmates from the rolls. And what
black communities, as represented by the Black Census and
Redistricting Hub, are requesting, is that what other folks
heard as well? Because what I heard -- what I heard Ms.
Garner say is we should be pushing for a reallocation of
folks, right. That we should not be dropping them from the
rolls. And I just wanted to make sure that that's what
others heard as well that there's perhaps some discrepancy
amongst advocates.
VICE CHAIR FORNACIARI: I think that's what I heard. Commissioner Turner, did you.

COMMISSIONER TURNER: Yeah. I was just going to say, absolutely. Ms. Garner wanted to have, you know, she talked about the percentages or whatever. So she wanted it allocated based on the racial demographics throughout the state.

COMMISSIONER SADHWANI: Which I think makes a whole lot of sense.

VICE CHAIR FORNACIARI: Commissioner Fernandez.

COMMISSIONER FERNANDEZ: I thought she said the racial demographics of the federal incarcerated population, but that they --

COMMISSIONER TURNER: She did. I was saying that she wanted them spread throughout the state. Yes, for federal.

COMMISSIONER FERNANDEZ: Thanks.

COMMISSIONER TURNER: Right.

COMMISSIONER FERNANDEZ: Okay. Again, I’ll have to defer to Karin, but I don't know if we can direct her to do that because that's not part of what the mandate or what the direction or the request was from the legislature to us. So even if we make a decision now or today, it may not get done because we don't have authority. Or am I incorrect, Karin, in that?
VICE CHAIR FORNACIARI: So we have a hard stop at 6:30. So, yeah. Commissioner Turner.

COMMISSIONER TURNER: Thank you. I just wanted to say, I think I'm really clear on what the request was, the forced choice of what can be. And I think as a Commission, I would still like to go on record [indiscernible] to legislature of saying what we'd like to have happen and then let them deal with how they're going to make that happen or not. And what we would like is for federal prisoners to, if, that belong to California, the one -- the numbers that we have, we would like for them to be reallocated. And I actually like the recommendation to have them reallocated percentage wise, based on the demographics. And so we do know state prisons, and it said to even match up the state prisons as far as who's in there and then match it based on where that same population resides in the state of California. So I like that as a suggestion and I think that's, if that's agreeable to the Commission, I think we should just state that's what we'd like to have happen and then legislature can take it from there.

VICE CHAIR FORNACIARI: Commissioner Sadhwani, did you have one last comment? I mean, I feel like we have to take a vote here.

COMMISSIONER SADHWANI: Mm-hmm.
VICE CHAIR FORNACIARI: Because we're up against a deadline at this point.

COMMISSIONER SADHWANI: Yeah. I'm in -- I'm in agreement with Commissioner Turner on that. I would just recommend that none of us Commissioners talk to the legislature and instead perhaps we -- could we instruct the Strumwasser Woocher team to head that up. I know they have been in touch with them on the census issue as well. And perhaps that's a conversation that they could help lead, and or Anthony, you know, just to move it forward. And I think because we're up against a time constraint, it's why we need to gather more information as opposed to making a final decision at the last hour.

VICE CHAIR FORNACIARI: So are you proposing we don't vote at this point? Is that -- is that what you're saying?

COMMISSIONER SADHWANI: We could, I mean I don't know. I think that would depend on whether or not the motion is still on the table or retracted.

VICE CHAIR FORNACIARI: Well Commissioner Kennedy, it’s your motion. Do you want -- do you want to call for the vote at this point.

COMMISSIONER KENNEDY: I would.

VICE CHAIR FORNACIARI: Okay. So I'm going to, Alvaro, if you could put up the motion.
COMMISSIONER SADHWANI: And Chair, there are a
couple extra callers that called in. I don't know if we
want to take them before the vote, but just asking.

VICE CHAIR FORNACIARI: No. I just -- I
don't -- feel like we got to -- got to go. And I apologize
to the callers. We'll get to the callers, but I mean,
we've gotten public input and I feel like we need to go.

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

VICE CHAIR FORNACIARI: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Very well. We'll
begin the vote. So the motion is to request Statewide
Database to reflect the individuals in federal custody at
their location on Census Day. We'll begin the vote.

Commissioner Ahmad.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner
Akutagawa.

CHAIR AKUTAGAWA: [indiscernible].

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner
Andersen?

COMMISSIONER ANDERSEN: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner
Fernandez?

COMMISSIONER FERNANDEZ: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner
Fornaciari.

VICE CHAIR FORNACIARI: Abstain.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Kennedy.

COMMISSIONER KENNEDY: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Le Mons.

COMMISSIONER LE MONS: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Sadhwani.

COMMISSIONER SADHWANI: Abstain.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Sinay.

COMMISSIONER SINAY: Abstain.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Taylor.

Commissioner Toledo.

COMMISSIONER TOLEDO: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Turner.

COMMISSIONER TURNER: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Vasquez.

COMMISSIONER VAZQUEZ: No.

EXECUTIVE DIRECTOR HERNANDEZ: Commissioner Yee.
COMMISSIONER YEE: Yes.

EXECUTIVE DIRECTOR HERNANDEZ: The motion fails.

VICE CHAIR FORNACIARI: Okay. I guess this point will take this topic up again at our next meeting. I want to have Katy read the -- read the instructions for public comment. We’ll take the callers that are in the queue and any others who wish to give comment.

PUBLIC COMMENT MODERATOR: The Commission will now take general public comment on items on the agenda and for all other items wish to be spoken about at this time. To give comment, please call 877-853-5247 and enter the meeting ID number 87487440379. Once you have dialed in, please press *9 to enter the comment queue. The full call-in instructions have been read previously in this meeting and are provided in full on the Livestream landing page. For those that have called in, please press *9 to raise your hand. Right now we have caller 0563. If you will please follow the prompts to unmute at this time. Go ahead. The floor is yours.

MR. WOODSON: Good evening, Commissioners. This is James Woodson from the Black Census and Redistricting Hub. I just wanted to call in and, you know, clarify a comment, particularly the discussion that happened after our comment. You know one, right, we know that this is a difficult decision. What we did is we just offered a few
solutions. To be clear, right, we are concerned about not counting people. We agree with Commissioner Sadhwani that that's a problematic practice in general. What we are asking for is for this Commission to keep fighting for accurate data and to count people where they actually live, the same way that state, you know, prison populations are. We know, right, that there's challenges there. What we tried to do is offer a few solutions that we at least wanted you all to consider.

To be clear, if the choice is between counting folks where they're housed versus random reallocation, we choose random reallocation, but we don't think that those are the only two options on the table. And we are asking for this Commission to continue to fight to make sure that we count votes in an equitable way. So I wouldn't characterize our position as against other advocates that are pushing for excluding prison populations, I would say that we offered other solutions. Again, we know that this is a difficult decision.

MR. MANOFF: Thirty seconds.

MR. WOODSON: But would like the Commission to continue to work to find a solution. Thank you for your time.

VICE CHAIR FORNACIARI: Thank you.

PUBLIC COMMENT MODERATOR: I would like to invite
caller 0514. If you wish to give comment, please press *9 to raise your hand. Thank you so much. I see that hand. If you’ll please follow the prompts to unmute by pressing *6 at this time. The floor is yours.

MS. SHELLENBERGER: Oh, hi. This is Lori Shellenberger, redistricting consultant for Common Cause. And I know it's late, I just wanted to also speak to the end of your discussion and the concern that there could be inconsistency between Prison Policy Initiative, NAACP and others who advocated for the legislative changes [indiscernible], and the position that the Hub took, and I think others take. And I just, I think there is an inconsistency so I just, I'd encourage you to reach out to public -- to the -- to the folks at Prison Policy Initiative because the situation was really such that federal prison data, prisoner data, was not available. And even Maryland as recently as a couple of months ago was trying to get that and couldn't. We're fortunate in California to have a fierce advocate in Senator Padilla and his team, and he's managed to crack that nut for you when folks didn't think it was possible. So I think those policy positions were addressing one piece of the problem when they thought the other piece couldn't be addressed.

So I just wanted to clarify that. I'm not speaking on behalf of a Prison Policy Initiative, but I do
work closely with them on this in other states and I'll reach out to them as well to help them potentially weigh in as you grapple with this issue. And thank you for the thought you're putting into it and have a good evening.

VICE CHAIR FORNACIARI: Thank you. I see Commissioner Fernandez has her hand up.

COMMISSIONER FERNANDEZ: Yes. I know where we’re on time, but I, and we haven't gotten far on, we haven't gotten anywhere on this, but we have. We've discussed it, but my point is, what is our path forward? There needs -- we can't just pick this up in a week or in two weeks without having more information. So I'm just wondering what our path forward is. Are we going to, you know, obviously, I'm assuming that Commissioner Kennedy is going to reach back to Senator Padilla’s office to see one, how quickly we can get that information, and then maybe something else in terms of getting that demographic information for federally incarcerated population to see what that looks like, to see if maybe that's an option for us to redistribute that way or reapportion that way, and then I'm not sure if we still want to talk to, have someone maybe start early discussions with the legislature. But I just don't want to continue on this conversation where we haven't made any headway in terms of what we can’t, and then also, what can we ask the Statewide Database to do
other than take them out, and that's it.

So is there -- can we ask them reapportionment and if that's the case if we can, how is that going to impact the rest of our process, in terms of drawing? So I just want to make sure that we're --

VICE CHAIR FORNACIARI: Yeah.

COMMISSIONER FERNANDEZ: -- moving forward.

VICE CHAIR FORNACIARI: Yeah. I think, yeah. I mean, what are -- what are the options that we really have, you know, would be what would be awesome to come back with. And Sara’s getting ready to open her hand. Commissioner Sadhwani.

COMMISSIONER SADHWANI: I was getting ready to open my big mouth. Yes. I think as, I agree with you, Commissioner Fernandez, completely, that we do need action steps. My sense, if Commissioner Kennedy, and I will leave that to you because this is your subcommittee, but, you know, if you all want governmental affairs to just reach out to the legal team regarding having them do the outreach to the legislature, I think Commissioner Toledo and I could probably do that piece of it.

I think, in response to Ms. Shellenberger’s suggestion of reaching out to organizations, I don't think that that would be -- make a whole lot of sense for us at this point in time, on this redistricting matter. You know
my sense is if groups want to weigh in, they should be
sending us, you know, their thoughts on this matter that we
can discuss in a public forum. And, you know, if
Commissioner Kennedy can, of course, work on the data side
of it, along with the Statewide Database, I think that
those would all be reasonable next steps to continue to
advance this towards our next meeting.

VICE CHAIR FORNACIARI: Yeah. Thank you,
Commissioner Sadhwani. Is that -- feel comfortable with
Commissioner Kennedy and Turner? Are you guys okay with
the direction or, I mean, is that good or what do you
think?

COMMISSIONER TURNER: I think that's -- yes.
Yes. So Commissioner Sadhwani, Commissioner Kennedy, if
I'm understanding, next steps, then we'll have
Commissioners Sadhwani and Toledo reach out through legal.
Okay. And then what is needed of us, next steps,
Commissioner Sadhwani? Say that again.

COMMISSIONER SADHWANI: Well I think to follow up
with Padilla --

COMMISSIONER TURNER: Oh.

COMMISSIONER SADHWANI: -- on actually getting
that data and working with Karin MacDonald --

COMMISSIONER TURNER: Okay.

COMMISSIONER SADHWANI: -- and the Statewide
Database team to actually assess the usability of it and or contemplating other --

COMMISSIONER TURNER: Mm-hmm.

COMMISSIONER SADHWANI: -- what are the possible strategies for this data, right? Like what, or for this population.

COMMISSIONER TURNER: Mm-hmm.

COMMISSIONER SADHWANI: Whether it's randomizing across the state, randomizing it at hometown cities, using the kind of methodology that the Black Census and Redistricting Hub suggested around looking at racial data of the inmate population, and reallocating that way. I mean, I think having some assessment of some of that.

COMMISSIONER TURNER: Mm-hmm.

VICE CHAIR FORNACIARI: And also, what are the constraints that the Statewide Database is under. Right. They have constraints that we need to understand. So, Commissioner Toledo.

COMMISSIONER TOLEDO: I’m just a little bit concerned about the message that we want to convey to the legislature. Is it that -- is it that if we were to move forward with including the prison population in, the federal prison population, into -- including the population, and then using the methodology described by Black Census Hub? You know, I'm just a little bit confused
about the ask to the legislature other than, of course, you
know, giving them early warning that we may, and have a
conversation around that we may ask them to do this and get
a response as to what the -- what, you know, the
relationship between us and the Statewide Database and the
data and what can and cannot be possible based on current
law. So getting an opinion from their council, but. So
and I just want a little bit of clarification on that.

VICE CHAIR FORNACIARI: Commissioner Vazquez.

COMMISSIONER VAZQUEZ: Yeah. I don't have a
solution because I'm not a data algorithm expert. I, when
I in my earlier comments, when I referenced, you know, we
could create some sort of methodology to try to back into a
more equitable reallocation of the federal prison
population, just want to make sure that whomever is
considering a potential mechanism to do that via racial
demographics, that we consider sort of the granularity of
where we're trying to actually allocate folks. Because,
you know, racial demographics at the county level does not
equal census block allocations, right. Again, geography is
not racially agnostic. So if we're going to create or ask
the legislature to create a methodology that hopefully gets
closer to equitable federal prison allocation, like we just
need to -- we need to be really clear about what level of
granularity we're talking about, because county does not
equal census block. And that feels -- that feels like an important thing to not lose sight of if we choose, I think this third way, right, where I think we're trying to find a third way, a path through this. But I don't want to lose sight of more granular geographies and whether we can actually implement this third way equitably.

VICE CHAIR FORNACIARI: Thank you, Commissioner Vasquez. Commissioner Andersen, if you can be really super succinct, that would be awesome.

COMMISSIONER ANDERSEN: Yeah. Basically, I think the number one thing that has to happen is Commissioner Kennedy needs to get back to Padilla and like, what are we going to get and when? Because if it's like well, we could eventually to -- the Statewide Database cannot just hang on, or we can't draw any lines. And so, I mean, if they say, well you know, we'll get to this and, you know, it'll be a month or so -- that ship sailed. And we have been looking for this. I mean, except for this one, all of a sudden right now before the census data’s arrived, we basically had, you know, we can't deal with the federal -- the federal group right now. We sort of had made a decision, is my understanding, which was we don't count them.

So to all of a sudden -- basically, we have to give the Statewide Database a -- an answer, one way or
another, so they can continue their work. Otherwise, you know, I don't see when the line drawings going to start. I don't see what they're going to be able to work on the Database. So [indiscernible].

VICE CHAIR FORNACIARI: Thanks, Commissioner Andersen. Thanks, Commissioner Andersen. We're going to obviously have an opportunity to come to a resolution next week. So I want to thank everyone. I want to thank all the staff and everybody behind the scenes for sticking with us this late. Thank my fellow Commissioners for the robust conversation and thanks to the people of California for participating. I am going to call this meeting adjourned.

(Adjourned at 5:10 p.m.)
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
TRANSCRIBER'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 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.

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MARTHA L. NELSON, CERT**367

September 17, 2021