



June 24, 2021

California Citizens' Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

RE: Commission Business

Dear Commissioners:

On behalf of the California Business Roundtable (CBRT), thank you for your continued and dedicated work on the critically important mission of developing fair and balanced legislative lines in the face of major uncertainty surrounding census delays, post-pandemic re-opening guidelines, and reimagining public input via Zoom. As early supporters of Proposition 11, we are invested in your collective success – and firmly believe that maps drawn by an independent California commission will yield a strong foundation for equitable and representative government in the decade ahead.

To ensure commission success in the months ahead, we wanted to respectfully bring to your attention a few issues for consideration and review that we believe will further transparency and confidence in your future decisions.

Post Transcripts

For those wanting to get involved mid-stream, being able to review and assess actions taken to date is informative and necessary. In reviewing your [previous meetings](#), we have not seen any transcripts posted since August 7, 2020. While posting videos is a start, posting simple transcripts allows the public to download, search, and review at their own speed. This is particularly important for those with limited bandwidth.

We greatly appreciated the commission's educational briefing earlier this year, and have pledged to help inform our network across the state on your actions. Having the ability to send transcript excerpts to community partners – to better explain your proceedings, actions taken, and requests of the public – will encourage greater understanding and participation.

Post Community of Interest (COI) Submissions

We support your diligent effort to encourage Californians to “skip the line, and go online” to submit communities of interest (COI) information digitally. We would like to inform our colleagues and other statewide partners on the use of this superb tool, but we have not been able to review information that has been submitted nor understand the form in which they will be posted. This has resulted in many of our community partners continuing to take “a wait and see approach” before engaging with the commission.

We respectfully ask that you post all COI submissions as soon as possible, and allow them to be searchable and sortable by Zone, County, and City – similar to how the State Auditor organized your applications for the California Citizens' Redistricting Commission.

Post All Votes and Summarize Actions Taken

It has been challenging to review all of your actions taken to date as only videos are available for review. In addition, some members of the public have also had audio challenges. It is our understanding that all votes are recorded in a spreadsheet by your Executive Director during your deliberations, so we recommend that all of those votes and summaries of actions taken by the commission be posted as soon as possible.

In addition, we recommend revisiting the “lessons learned” [document](#) published by the 2011 commissioners, who provided a roadmap based on their experiences and challenges:

16. Establishing and Ensuring Transparency

Commission Action: The Commission quickly implemented public access to all meetings, as well as videotaped and streaming videos. Given the tight timeline, there were a few instances where agendas were posted late on the website. Due to compliance with Bagley-Keene requirements, standing agendas included broad topic areas and were, therefore, not always specific about items coming up for discussion.

Commissioner Information/Suggestion(s): The process could be improved in regards to timing and posting of meetings (and transcripts) to the website, as well as having increased access and interactive processes for the public. Commissioners suggest posting a five-minute video and/or a one-page executive summary of all actions taken at each meeting. Written transcripts should be posted as soon as practicable, with searchable indexing system capabilities.

Page 14, Summary Report and Compilation Of 2010 Commission Actions and Suggestions for Future Citizens Redistricting Commissions

Require All Subcommittees to Summarize Their Actions and Contacts

The written summaries from your [Public Input Design](#) meetings are an excellent guide, but we hope you will consider having all of your subcommittees publish a summary of all their activities and contacts to date.

It is interesting that the commission has defined “redistricting matters” only to include activities related to “the line-drawing activities.” Again, as early supporters of Proposition 11, we believe that Government Code 8253 is very clear in the need and value of transparency as the foundation for complete public trust in the redistricting process. We urge that you maintain a high standard of reporting ex-parte communications and share all communications and activities done in the privacy of two-person subcommittees.

We also believe that it would be helpful to review these issues with your newly hired counsel to ensure they comply with all legal requirements.

Share the Required Information Regarding Closed Sessions

We agree with our colleagues at the League of Women Voters, with whom we have worked over the years on ballot initiative reform and campaign finance reform, that the commission must announce the nature of its closed session discussions. Per Government Code section 11126.3(a): "Prior to holding

any closed session, the state body shall disclose, in an open meeting, the general nature of the item or items to be discussed in the closed session. The disclosure may take the form of a reference to the item or items as they are listed by number or letter on the agenda."

Outline Ex-Parte Communications

As discussed earlier, we encourage all commissioners and staff to report all ex-parte communications related to their roles as commissioners. This ensures public trust and integrity in all commission actions and decisions.

While local redistricting bodies have differing rules, we urge you to consider and request additional guidance and best practices from your legal counsel regarding ex-parte communications. By way of local example, Strumwasser Woocher presented to the Santa Barbara Redistricting Commission on June 2, 2021, and outlined to the body that,

- Outreach activities outside the context of public meetings are explicitly authorized by the Commission's Ordinance.
 - Subsection (5)(h): "At each public meeting of the commission, each commission member shall clearly disclose the sources and summaries of any ex parte communications they have had concerning the redistricting process."
- You must continue to disclose all ex parte communications during meetings and on the online spreadsheet.

Develop a Social Media Policy

We agree with the several callers, including NALEO, that have indicated the power of social media and how the commission's communications on various social media channels could be misinterpreted, even when well-intentioned. We encourage your commission to develop a uniform policy – for both commissioners and staff – on all engagement with the public.

While we recognize the Brown Act does not directly apply to you, local redistricting commissions around the state must comply with the following social media policies, which again was outlined by Strumwasser Woocher to the Santa Barbara Redistricting Commission on June 2, 2021:

- Regarding social media, the Brown Act does two things:
 1. Authorizes Commissioners to use social media to "answer questions, provide information to the public, and solicit information from the public" regarding Commission business.
 - Great way to keep the public informed about the process and encourage participation. Best to direct public to submit input in writing or during public comment at meetings/hearings, rather than directly on social media. Consider disabling comments in order to appropriately channel input.
 2. Prohibits Commissioners from responding directly to any social media post made or shared by other Commissioners regarding Commission business.
 - In short, no sharing of, "liking," commenting on, or reacting to another Commissioner's social media posts regarding Commission business.

Revisit The Definition of “Redistricting Matters”

As noted earlier, we hope you will consider your very narrow definition of “redistricting matters,” to ensure that public trust and legal compliance is maintained upon the publishing of your maps. The process that informs the final redistricting process is equally important as the final lines themselves to maintain public confidence in the integrity of the process, and we encourage you to review all potential legal risks in your current interpretation and implementation of the law.

In fact, by the very narrow definition you put forth, it could be argued that none of your work to date would fall under the minimalist definition recently adopted. Taking action as mentioned above would officially confirm your intended commitment to transparency, equity and fairness in your process and decisions.

In closing, our extensive past experience has provided us with a clear understanding of the sacrifices you are making to serve the public in this critically important leadership role. Our recommendations are meant to be constructive and helpful since they based on current observations of commission meetings to date. The future of our state depends on your integrity and decision-making and we look forward to your success.

Thank you for your consideration, and we hope that you will not hesitate to reach out with any additional questions.

Sincerely,



Robert Lapsley
President, California Business Roundtable