

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
<i>General Comments . Line-by-line review/ discussion (below).</i>	Larson	Larson – (2:33:52) Regarding Staffing: Since it is an independent Commission, it has the right and authority to appoint an Executive Director to support staff, which is required. It should say that, not for the Commission necessarily this year, but 10 years from now. He'd like the Commission in the future to know that they can start off with an Executive Director, have a support staff, and choose their legislative counsel.	Authority of the IRC in this case is not clear. Refer to legal commentary.	
	Larson	Thinks that commissioners are bound by what they communicate. Would like to see staff and consultants, also restricted the same way as Commissioners are restricted. Does not want information leaked out to the public before the Commission is ready to share information (ex: drawing of lines).	Refer to legal commentary.	
	Ponds	Ponds - (2:36:06) Ponds suggests submitting all red lines/track changes within a week would be the best approach. Wants to stay uniform in their approach.	N/A	
	Diaz	Diaz - (2:36:46) It was difficult to follow along with what were the new changes versus what were in the original bylaws. Diaz suggests there be a red line document circulated amongst the Commission to see what changes, new information, and new sections were made within the original bylaws document.	N/A	
	Surban	Surban - (2:37:58) Likes that we're referencing to various code sections rather than hard deadlines and hard requirements. However, wants to know whether the references to these code sections will stay static, and remain relevant (for example the timing references Election Code Section 21552)? If that deadline moves to another code section, it may become a problem. Suggests changing the language to stay general - ex: "as required by General applicable law," rather than specifying the exact code section for all of these where we do that.	Most references to specific code sections have been deleted and replaced with more general language, as suggested.	
		(2:38:52) In political activity there's some discussion the Commission might want to have as to what constitutes political activity. What is the line? In regard to email, we may want to reference our retention policy and add a line in the bylaws about it. Suggest for further discussion on political activity/disclosing political activity.	See section regarding political activity and added language about email retention policy.	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
ARTICLE I		No Discussion	N/A	
ARTICLE II		No Discussion	N/A	
Section 2.01		No Discussion	N/A	
Section 2.02	Surban Kruglyak	Surban - (EMAIL) "Independence... per Election Code section 21550(b)." The word "per" should be "pursuant."	Change made.	
		Kruglyak - (EMAIL) Please find below draft language attempting to address the point I raised around consultant selection (section 4.06 in the current revision draft of the bylaws). I have added language to the Independence section (Section 2.02 in the current revision) rather than the Consultant section, to try and make the concept very broad. My suggested edits are in italics. <i>Section 2.02. Independence. Fourteen people shall be selected for the Commission in a process intended to ensure independence from the influence of the Board of Supervisors and reasonable representation of the County's diversity, per Election Code section 21550(b). The Commission shall maintain its independence throughout its tenure, with all Commission-related decisions made primarily by Commission members, though not necessarily by a plurality of Commission members in all situations. In situations where it is observed that existing County-related processes would violate this independence requirement (e.g., if Commission-related decisions were made primarily by non-Commission members), the existing process shall be modified as needed to be in compliance. Initiation of such modification shall proceed upon observation of an independence violation and shall not require any formal action by the Commission.</i>	Refer to legal commentary.	Leoni - (3:23:01) Counsel to review confidentiality and communication provisions in consultants' contract including necessary research on existing provisions and report back.
Section 2.03	Surban	Surban - (EMAIL) "The Commission...no later than the date set forth in the California Elections Code section 21552, or as required in any subsequent amendments to the deadline." Suggests adding "by applicable law" instead of reference to specific code section since pertinent code section may change.	change made.	
ARTICLE III		No Discussion	N/A	
Section 3.01		No Discussion	N/A	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 3.02	Surban	Surban - (EMAIL) I'd like to add language to our bylaws to discuss compensation for the members of the IRC. I don't have any specific language proposed, but I would like to have the item discussed when the IRC next takes up the topic of bylaws revisions.	Can discuss. See added language in bylaws.	
Section 3.03		No Discussion	N/A	
(a)		No Discussion	N/A	
(b)		No Discussion	N/A	
Section 3.04	Surban	Surban - (EMAIL) "Commissioners... and shall apply Elections Code sections 21551-21552 in an impartial manner per Elections Code section 21551." The section/sentence "seems wordy."	Revised to address comment.	
Section 3.05		<p>Russ - (2:52:22) Wanted better clarification on no political endorsement for 2 years specific to other elected offices on boundaries that the Commission did not draw (i.e. congressional candidates for the Congress, State Assembly, putting signs up in your yard). Garcia clarified it includes county-wide endorsement.</p> <p>Diaz - (2:53:40) Ballot measures should be included in a different point, unless it is specific to redistricting. (2:58:58) Request legal counsel opinion on this section. This is where the conflict of interest disclosure comes into play - related to economic interests. Wants to know the purpose of the political activity log/political activity policies. Hilary responded stating that this is a topic for discussion by the Commission, but that it is a standard thing to have political activity policies. (3:06:34)</p>	See section regarding political activity.	Bame - (2:54:33) Suggest further discussion at next IRC Meeting on 7/29. (3:08:56) Suggest a vote on timeframe (one year, two years, or before the final map is drawn). (3:13:13) Staff & Counsel to prepare a good discussion with sufficient time to ensure we work through these issues.

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
		<p>This section doesn't address that in code we cannot run for public office after our term expires - she is more afraid of that than endorsing congressional candidates, for example. This section needs to address or include that point.</p> <p>Hansen - (2:57:06) The critical point here is the political activity log. The political activity log is needed in order to know what the Commission is asking for which states political activity and can better track what we are prohibited from doing and what best practices are. Wants to understand what we must report. Garcia clarified that the activity log is new and would include disclosures that commissioners provide to the clerk of the Commission about their public political activity. Wants to understand what the punitive consequences are of logging. Chen clarified it seems to be for disclosure/transparency purposes only.</p>	<p>See section regarding political activity.</p>	<p>Bame - (2:54:33) Suggest further discussion at next IRC Meeting on 7/29. (3:07:19) What items from code need to be included in bylaws and which do not?. (3:09:04)</p>
		<p>Hansen cont'd - (3:10:15) Thinks we should go back and look at the information that we read and agreed to when we applied for this position. It was very clear in that material that there were some conditions to our membership that we agreed to when we applied. We should make sure that what's in our bylaws is consistent with that. Doesn't think IRC should be asked to do anything that we haven't agreed to in the beginning.</p>	<p>See section regarding political activity. Can discuss further.</p>	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
	<p>Russ Diaz Bame Hansen Garcia Kruglyak Ponds Chen Surban</p>	<p>(EMAIL) Hansen crossed out the following text: "Over the same period, Commissioners will disclose within 24 hours any political activity, including any endorsement, support of or opposition to current or declared candidates for elective offices or any ballot measure within the geographical boundaries of the County of San Diego. Such disclosures shall be summarized in writing by that Commissioner and forwarded to the Clerk of the Commission within 24 hours of said activity for posting on the Commission website in a political activity log maintained for that purpose." Hansen stated that this provision does not appear in any election code or other requirement presented to potential Commissioners. "Disclosure requirements" for other government employees are limited to political contributions above a specified limit to candidates or political action groups. This provision is not appropriate unless future laws for similar commissions clearly state it to potential applicants.</p>	<p>See section regarding political activity.</p>	
		<p>Garcia - (2:58:37) Include the word "public" to the statement, "Commissioners will disclose within 24 hours any public political activity, including any endorsement..." (3:07:38) The two-year time period just encompasses one election cycle. We are prohibited from being involved in the 2022 elections at all. This disclosure clause is for that same election period. It's actually an additional year after the year we serve as Commissioners. (3:09:32) Wondering if we don't want to separate out the broad political activity outside of County Board of Supervisors. Garcia would lobby forcefully for the IRC to not really be involved in the first County Board of Supervisors election after we've redrawn the maps. Doesn't think the two-year prohibition is too early.</p>	<p>See section regarding political activity. Can discuss timing further.</p>	
		<p>(EMAIL) Deleted: "...political activity, including any endorsement, support of or opposition contributions" (in kind as well?) Agrees with Commissioner Kruglyak's suggestion to only require financial support.</p>	<p>See section regarding political activity</p>	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
		<p>Kruglyak - (3:02:34) Too broad of a section especially given the time period. Appreciates the distinction between the Board of Supervisors versus the second more general disclosure. Section needs to be very specific and ideally focused on monetary contributions because for the majority of people on this commission, their political affiliation is known and documented. It's clear who the people on this Commission support and do not support, based on their political affiliation on record. She would vote that this is more limited in scope to something very measurable, like a donation or something where you receive some kind of benefit from the political campaign/party in question. As of now, it puts a lot on the Commissioners for a very long period of time.</p>	See section regarding political activity	
		<p>Ponds - (3:06:25) We need to think about how these political policies and time limits impact future commissions. Thinks these political policies are too constrictive. Hard to be both "Citizen Ponds" and "Commissioner Ponds."</p> <p>Chen - (3:08:39) It's hard to separate who we are as Commissioners versus private citizens (agrees with Ponds). For timeframe, suggests we do it for a year to cover us through the drawing of the maps and once we are done drawing the maps, we are done.</p> <p>Surban - (EMAIL) What are the definitions of "census year" and "political activity"?</p>	See section regarding political activity	
Section 3.06		No Discussion	N/A	
Section 3.07	Garcia	Garcia - (EMAIL) Does this include the conflicts of interest that require a Commissioner to recuse from a decision throughout the term or only those that need to be disclosed at the beginning of term?	N/A	
Section 3.08	N/A	No Discussion	N/A	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 3.09		No Discussion	N/A	
(a)		No Discussion	N/A	
(i)		No Discussion	N/A	
(ii)		No Discussion	N/A	
(iii)	Surban	Surban - (EMAIL) "Conviction...involving moral turpitude" - Suggests to add "dishonesty" for clarity.	N/A	
(iv)		No Discussion	N/A	
(v)		No Discussion	N/A	
(b)	Brown Garcia Leoni (Counsel)	<p>Brown - (3:14:46) Does one vacancy have to be filled, or can we operate with 13 Commissioners? (EMAIL) Changed language in section (b) to state, "The Commission must maintain its membership at 14 Commissioners. Any vacancy on the Commission shall be filled by the Commission at a properly noticed meeting called in whole or in part for that purpose within fifteen (15) business days from the vacancy announcement."</p> <p>Garcia - (3:15:09) The law doesn't allow us to not fill a vacancy. The law says we are a 14 member Commission.</p>	See revision in bylaws (changed "may" to "shall.")	Leoni - (3:15:38) The law defines the Commission as 14 members and specifies a particular balance; once that balance is lost, it would impact perceptions of the impartiality of the Commission. Our advice is that the authority be there to fill a vacancy according to the balance set by the legislature.
Section 3.10	Larson	Larson - (EMAIL) Add a new Section 3.10 (f) stating that the communications restrictions contained in Section 3.10 (c) through (e) also apply to all applicable IRC support staff, contractors, consultants, and legal personnel.	See legal commentary.	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
(a)	Inman Leoni (Counsel) Kruglyak Surban	<p>Inman - (3:17:28) Had question about email retention policy. Doesn't know if there's a specific retention policy about what we need to retain and what we don't need to retain.</p> <p>Leoni - (3:18:25) In response to Inman: Commissioners' communications are public record and should absolutely not be deleted. County email must be used--requirement of bylaws. Communication received on your personal email or text must be forward to County email. All communications are public record. The general state law regarding redistricting includes archiving requirements of 10 years, so people can go back and see what happened. The intent is to keep the complete record for the benefit of the public, and the next commission.</p> <p>Kruglyak - (3:20:47) Has been receiving redundant emails sent to personal Gmail account. Barbara responded stating that staff will double check to make sure the distribution lists include only her county email address.</p> <p>Surban - (EMAIL) Suggests we reference the retention policy in section 3.10 (a) "Email."</p>	Language added referecing retention policy and public records state law.	<p>Staff/Counsel to follow up; staff to share the email retention policy with Commissioners again.</p> <p>(3:20:47) Double check that IRC Staff's distribution lists are current/up-to-date. Commissioner Kruglyak shouldn't be receiving duplicates, at least from the team.</p> <p>Bame - (3:21:34) Staff/Counsel, do we have a reference to the retention policy in this clause? Do we attach the retention policy as an annex? How do we capture this info, especially given that there are legitimate questions from Commissioners.</p>
(b)	Garcia	Garcia - (EMAIL) "This provision is not intended to prohibit the discussion of procedural information, such as discussion of the time, place and list of items on the agendas of upcoming meetings, public hearings or other Commission events." Added "public hearings or other Commission events" to the sentence to be consistent with para (e) re social media.	Language added for consistency.	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
(c)	Larson Caterina Leoni (Counsel)	<p>Larson - (3:22:06) Thinks that prohibition should stand with county staff that supports the commission, and also all of the Commission's contractors. (3.24.41) Staff should not discuss confidential matters outside of the Commission itself. We have really privileged information that can affect individuals and elected officials. As such, a lot of pressure can be put on the Commission. Would not feel comfortable if there was a total leakage of privileged/sensitive information. (3:26:47) Been involved with questionable elections where information was leaked out - which really messes up everything.</p> <p>Caterina - (3:22:34) We did discuss this later under the staff component so perhaps we can defer that conversation.</p> <p>Leoni - (3:22:45) There's two separate issues - one is staff, and the other is consultants. Generally ex parte communications only applies to the decision maker, which is not staff. Staff is acting in a confidential capacity with the Commission, but it becomes complicated to put legal requirements that are enforceable on Staff as that would involve resolutions with labor unions on existing regulations and laws. Difficult to resolve before July 29th. (3:26:25) Counsel to take a look at confidentiality provisions in the contract and bring forth more information to the commission in regard to communications with staff. Need to do the necessary research on what already exists.</p>	See legal commentary	Leoni - (3:23:01) Counsel to take a look at confidentiality and communication provisions in the contract and bring forth more information to the Commission in regard to communications with staff. To do the necessary research on what already exists.

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
(d)	<p>Surban Caterina Inman Diaz Garcia Brown</p>	<p>Surban - (2:39:15) The sentence about commissioners promptly reporting all communications regarding the redrawing of district boundaries - Surban takes that sentence to mean that we ought to report communications that are substantive with regard to our work, and we don't necessarily need to report administrative communications. Wants to have a better understanding of what that means and articulate that better in the bylaws. (EMAIL) "...communications regarding the redrawing of district boundaries" - Is this to be construed as meaning communications containing substantive discussion of district boundaries? Because as it's worded everything, including administrative matters, falls under this definition.</p> <p>Caterina - (3:29:09) In response to Inman asking if this was the Ex Parte Communications Log - either we call it ex parte communications log or we call it communications and exparte log - extensively they are the same thing. Do we need to call it out as "ex parte" or include that somewhere in the discussion?</p> <p>Inman - (3:29:35) Inman has been recording all the communications he's had with the legislative delegation to San Diego County in the ex parte communications log, but those conversations aren't really about the line drawing process. Caterina responded stating that going forward, he would not need to be required to submit those communications because he is working on behalf of and Ad Hoc group that has expressed permission from the Commission to operate. Keep in mind, that he would have to report any substantive communications back to the Commission as an Ad Hoc Committee Report at the next IRC meeting.</p> <p>Diaz - (3:31:00) For example, the Chair of Eastern Area Planning Committee inviting Diaz to go to meeting to present. Would we have to put that in Communication Log as well? Or if it's just to talk about what the Commission is doing?</p>	<p>Language added clarifying communications/discussions to be avoided. "ex parte" added throughout.</p>	<p>Garcia - (3:33:49) Staff to confirm if prohibition language is still in Bylaws. If not, prohibition language needs to be included in the bylaws--unintentional communications when other side prompts it first.</p>

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
		<p>Caterina responded that there should be no conversations about line drawing or boundaries in any setting because that should be done in public setting or during mapping hearings. This section is designed to allow Commissioners to operate and have communications with groups to talk generally about what Redistricting is. A presentation would then need to show up as a link on the site. There is still transparency and communicating with Commissioners and community about what is going on. But this would not need to appear on the Log, but the log should highlight conversations about line drawing.</p> <p>Garcia - (3:33:49) In the previous bylaws, there was a prohibition that Commissioners are not allowed to intentionally have a conversation. Need to check if this language is in the bylaws about line drawing or maps outside of a public meeting or hearing. Double check to see if this language was put back into the document. If that conversation should take place, where the other side prompts the conversation first, then you are required to disclose it.</p> <p>Brown- (EMAIL) Added language: "...as specified in sections (i) and (ii) below, and all such communications shall be published on the Commission's "Ex Parte communications log." Added the words "Ex Parte" to the beginning of "communications log."</p>		
(i)		No Discussion	N/A	
(ii)		No Discussion	N/A	
(e)	Surban	<p>Surban - (2:40:09) Fix similar language in this section as well (the subject of redrawing of district boundaries and how that governs our communications). Clarify if we can talk about prior meetings or past proceedings/business conducted.</p> <p>(EMAIL) What is included/not included in the meaning of "subject of the redrawing of district boundaries"?</p> <p>"...of information regarding the time, place and agendas of upcoming Commission meetings, public hearings or other Commission events" - What about recounting prior IRC proceedings/business?</p>	Bylaws indicate which communications are allowed: "upcoming" meetings.	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
ARTICLE IV	Larson	Larson - (EMAIL) Add a new Section 4.08 Executive Director stating that the IRC may engage a qualified professional not otherwise associated with San Diego County government to serve as independent Executive Director to assist in the work of the IRC and its coordination with County staff as well as IRC contractors, consultants, and legal personnel.	Refer to counsel feedback	
Section 4.01		No Discussion	N/A	
Section 4.02	Diaz Caterina Leoni (Counsel)	<p>Diaz - (3:36:03) In regard to what Commissioner Surban had mentioned - referencing existing code to be amended. Would we have to go back and amend the bylaws, because we're referencing this code? Just something to think about.</p> <p>Caterina - (3:36:20) When the legislation does change, it depends on if it's superseded or an amendment, it will redirect you to the next place. If you go to look for code number 12 and code number 12 has been changed to code number 14, it will redirect you to code number 14. If staff or legal can clarify that, that would be helpful.</p> <p>Leoni - (3:37:52) The footnote is on page 1 and is intended to cover that situation. It should be broad enough if the language changes in a subsection but also if it switches from one section to another.</p>	Most references to specific code sections have been deleted and replaced with more general language, as suggested.	Staff/Counsel to follow up on the Footnote on page 1- It should be broad enough to cover, but will look at it again (language and subsection changes).

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 4.03	Inman Leoni (Counsel)	<p>Inman- (3:38:27) There's a lot of work product on my computer (i.e. revisions to documents, spreadsheets). Are there certain requirements about retention of emails for documents that fall under public records/work he's done for the commission (drafts, documents, spreadsheets, etc). (3:40:05) Is there a retention policy of documents on my county computer?</p> <p>Leoni- (3:39:29) The Public Record Act request you get documents using the letter. Generally drafts are not public records. However, in the context of litigation, drafts could be significant and would be a subject of discovery. With regard to public records, drafts are not considered a public record.</p>		Jiménez- (3:40:35) Double check on anything that's non-email related (all data considered by the Commission) and what that retention policy is.
Section 4.04		No Discussion	N/A	
Section 4.05	Bame	Bame - (3:41:16) We need to make sure that there's no adjustments needed to boundaries (theoretically) - assuming it is still clear and consistent with the code citation.	Language in bylaws tracks exactly with Elections Code language.	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 4.06		<p>Kruglyak - (3:41:37) Regarding Ad Hoc Committee for the RFP process. It was clear that what the Commission wanted was the SSC process that was already in place but with commissioners making up the majority of the votes on the SSC as opposed to non majority and mostly being a technical reviewer. We couldn't do that because of Brown Act requirements. Can this be addressed here? (3:42:52) If Commissioners had been a majority, because of the Brown Act requirements, then the SSC meetings would have to be done in public; therefore, privacy and confidentiality of the process could not have been kept within the SSC. If it's done by a decision of the Commission, then suddenly the confidentiality of the Commission goes away.</p> <p>Bame - (3:43:31) Good point on SSC process and confidentiality. In the end, what do we want as a Commission and what ends up being a practical and workable process? Take another look at the SSC process and ask Staff to focus on where the line would have been in separating out from the normal SSC process and could we have possibly used all the other parts that would have been required, including contract negotiation? (3:45:28) There can be other things, lessons learned, recommendations for legislation in what the code should be and considered. Collection of consultants and services providers are on that list. How much goes into the bylaws is another question to consider.</p>	<p>See additions to Article IV powers and duties. Refer also to counsel feedback. Further discussion at meeting.</p>	<p>Chair Bame - (3:44:28) Take another look at the SSC process and ask Staff to take a look at where the line would have been in separating out from the normal SSC process and could we have possibly used all the other parts that would have been required, including contract negotiation? To research and revisit discussion one more time.</p> <p>Leoni - (3:50:08) Will look into Kruglyak's statement and will get back to her whether that is permissible or if it would become an action by the Commission.</p>

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
	<p>Kruglyak Garcia Bame Inman Leoni (Counsel) Surban Hansen Brown</p>	<p>Garcia - (3:46:08) Question to Kruglyak: is there language or a phrase or modifying clause that can help get to the point that she's making.</p> <p>Kruglyak - (3:46:28) States we could make recommendations, but it's more of a legal question. We can state that this is how the IRC operates moving forward in 10 years. Commission will be responsible for picking consultants and for being the majority vote in the review process. That would be the bylaws that the next Commission inherits. They don't make a decision on it. Is that okay for that to be the process that they then execute off of, which allows them to maintain confidentiality of the process?</p> <p>Inman - (3:47:30) States they should give the next commission latitude in deciding how they want to do it. In part of our learnings, we should definitely talk about trials and tribulations we ran into in hiring these consultants.</p> <p>Leoni (3:48:35) What this Commission did is weigh and balance Commission involvement with some modicum of confidentiality. It was an option to do it in public, which would have been completely acceptable, but would have lost the ability to maintain some level of confidentiality. That is not a policy that is anywhere in these bylaws, nor can it be changed - it's the Brown Act that requires that.</p> <p>Kruglyak - (3:49:50) Is it possible to set up for next Commission to be the majority of vote and set up a better process (for SSC) while maintaining confidentiality?</p> <p>Leoni - (3:50:08) Will look into Kruglyak's statement and will get back to her whether that is permissible under County contracting processes or if it would become an action by the Commission. When the whole thing started, the process was brought to the Commission by staff to get the ball rolling.</p>		

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
		<p>Garcia - (3:51:42) The commission shall decide the process for the selection of consultants. That provides plenty of flexibility for the next Commission to understand that they are the responsible party and have all of this authority and duty. If there's some additional language we can put in here that's okay, but don't want to limit a future Commission to follow a particular procedure in any way.</p> <p>Kruglyak - (3:52:25) I don't want to limit. By definition, making the Commission's decision to do what they want to do, they can't do it confidentially unless they offload it to the county. County staff are the ones reviewing the applications, they're the ones voting, while maintaining confidentiality. Unless the county changes its policies specifically related to the IRC, even with all of this latitude written in, that can't happen. Wondering if it's possible to become the de facto for the IRC only without making the county change anything on their end. Wants to have that option developed, if possible.</p> <p>Bame (3:53:50) Recommending Kruglyak provide additional language if possible. Kruglyak agreed will try to do.</p> <p>Surban - (2:40:32) Include language or talk about the selection and hiring of our general counsel for future/next IRC. (EMAIL) Should we add language providing for selection and hiring of IRC general counsel?</p> <p>Hansen - (EMAIL) "...in accordance with all applicable laws and regulations, including those set forth in Elections Code section 21551(d)." Remains unsure as to if all applicable laws and regulations allow this selection.</p>		

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
		<p>Garcia - (EMAIL) Would like to add language to respond to Kristina’s comments. Don’t know what she has suggested. Maybe, including if and whether to use the County procurement process (?). Defer to her comments—just wanted to call this out.</p> <p>Brown - (EMAIL) Added "and general counsel" to sentence, "The Commission shall decide the process for selecting consultants and general counsel and shall be responsible for the selection of consultants and general counsel, in accordance with all applicable laws and regulations, including those set forth in Elections Code section 21551(d)."</p>		
Section 4.07		No Discussion	N/A	
ARTICLE V	Larson Brown	<p>Larson - (EMAIL) Add a new Section 5.07 Budget Development and Financial Oversight stating that the Chair may appoint an ad hoc or permanent Budget and Finance Committee for the purpose of initial and ongoing budget development to ensure that adequate Commission funding is requested from the Board of Supervisors as necessary to conduct required IRC operations. This new Section should also state that the appointed Budget and Finance Committee is also responsible for financial oversight of all IRC activities with respect to approval of contractor, consultant, and legal staff invoices and other allowable IRC expenditures.</p> <p>Brown - (EMAIL) Added "Interim" to Article V title to now read as, "ARTICLE V – INTERIM OFFICERS, SINGLE POINT OF CONTACT, AND STAFF."</p>	<p>Paragraph on power of Commission to form committees (4.07) suffices.</p> <p>Article V title remains (officers are not interim, although provision made for electing interim officers until full commission is seated).</p>	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 5.01	Kruglyak Bame Brown Hansen	<p>Kruglyak - (3:55:15) Suggests it seems to limit the chairperson to a single chairperson and therefore does not allow for potential co chairperson like LA County does. Suggests co chairperson at the discretion of the next Commission. (3:55:49) Reiterates she is referring to "a chairperson and one or more Vice chairperson(s)"</p> <p>Bame - (3:55:35) States he had thought the commissioners officers may rotate the chairs simultaneously but he might have that wrong. (3:55:54) For that it would be a chairperson or co-chair persons. Let's try to include that as something to consider.</p> <p>Brown - (3:56:09) States it is confusing at the beginning where it says "eight randomly selected Commissioners" when that has not been talked about originally. Maybe state "interim" or "initial 8 randomly selected commissioners shall select an Interim Chairperson."</p> <p>Bame - (3:56:48) Suggest maybe adding the word "initial" to "eight randomly selected Commissioners". (3:56:56) States down below it says until "the full commission is selected and seated". Suggest adding "the full commission of 14 Commissioners is selected and seated".</p> <p>Brown - (EMAIL) Added "Interim" and "of 14 members" to section 5.01. Section will now read as, "Section 5.01. Interim Officers. The eight (8) randomly selected Interim Commissioners shall select an Interim Chairperson and an Interim Vice Chairperson who will serve in that capacity until the full Commission of 14 members is selected and seated. Thereafter, the full Commission shall select from its membership a Chairperson and one or more Vice Chairperson(s) and any other officers it deems necessary. The Commission officers may rotate or serve simultaneously as specified by the Commission. These officers may exercise powers and shall perform the duties prescribed by law, these bylaws, and any parliamentary procedures"</p> <p>Hansen - (EMAIL) She prefers that we have one chair person at a time to insure efficient and timely decision-making.</p>	<p>The word "initial" added as suggested.</p> <p>Added (s) in all references to Vice-Chairperson.</p> <p>Added in, full commission of 14 members is seated.</p>	

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 5.02	Bame	Bame - (3:57:21) States there will be a technical adjustment if they were to adopt more than one chair as a model. Will have "chairperson(s)" to make clear that is an option.	No changes made to Chairperson (single). Unclear of Commission direction here. May cause confusion to allow for too many options--future Commissions can amend bylaws if they desire.	Chair Bame - (3:57:30) Information stated by Kruglyak might be something to include.
(a)		No Discussion	N/A	
(b)		No Discussion	N/A	
(c)		No Discussion	N/A	
(d)		No Discussion	N/A	
(e)		No Discussion	N/A	
(f)		No Discussion	N/A	
(g)		No Discussion	N/A	
(h)		No Discussion	N/A	
Section 5.03		No Discussion	N/A	
(a)		No Discussion	N/A	
(b)		No Discussion	N/A	
(c)		No Discussion	N/A	
Section 5.04	Kruglyak Bame Brown	Kruglyak - (3:58:16) Suggests this section should also state "Vice-Chairperson(s)". Bame - (3:58:32) Agrees and states the change will be made all the way through for Vice-Chairperson(s) Brown - (EMAIL) Added "(s)" to the word "Chairperson." Section 5.04 now reads as, "Officer Vacancy. If the office of the Chairperson(s) is vacated, the Vice Chairperson(s) will assume the duties of the Chairperson(s) until a Chairperson is selected by the Commission at the next regular meeting. If the office of a Vice Chairperson is vacated, the Chairperson may temporarily appoint a member of the Commission to fill the vacancy until a new Vice Chair is selected by the Commission."	see comments above.	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 5.05	Hansen	Hansen - (EMAIL) "Legal counsel retained to represent the Commission is not subject to this section." Is the Commission prohibited from having a SPOC with all legal counsel. Why is that? Aren't they providing services to the commission?	See legal commentary.	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
Section 5.06	Diaz Caterina Garcia Brown	<p>Diaz - (3:58:56) Asks if legal counsel is included in this section. States legal counsel are in essence our staff as well, and the commission can select their own legal counsel.</p> <p>Caterina - (3:59:38) States that legal counsel is up in 4.06 and they are exempt from ex parte in 4.06. Clarifies that legal counsel are not staff, they are consultants.</p> <p>Garcia - (4:00:46) Asks if Diaz thinks there should be a specific section that specifies that the Commission has an authority to hire their own legal counsel.</p> <p>Diaz - (4:00:56) States legal counsel should be in the beginning - it would make sense to know that. Commissioner Surban brought this up as well.</p> <p>Brown - (4:01:20) States it should be in "Consultants" (Section 4.06).</p> <p>Inman - (4:01:45) Suggest that with legal counsel, the commission should aim to hire. States it might be prudent to have legal counsel present at the very first meeting and meetings before they even hire said legal counsel. Not sure if County should amend to state County should provide legal representation until IRC hires legal counsel.</p> <p>Bame - (4:02:39) States they're getting into a very prescriptive role and doesn't want Barbara or anyone to have to review the long history of how they got to this point. Asks Marguerite and Hilary, about the Commission's power to choose to hire its own counsel - if that would be placed under consultants or would that be best placed somewhere else?</p> <p>Leoni - (4:03:04) States it could potentially be under "Consultants". Addresses Commissioner's Inman's concern, and states it is reasonable and</p>	<p>See revised bylaws language regarding general counsel, bylaws section 5.06(a). See legal commentary.</p>	<p>Chair Bame - (4:03:56) Counsel and Staff to develop 4.06a on Counsel, and 4.06b on Executive Director in short language to make it clear this were an option, and when and how this would work.</p> <p>Leoni- (4:05:31)- States Counsel would need to look at what authority looks like compared to the statutory requirement that the county staff provides. Counsel to look at laws of hiring an executive director.</p> <p>Leoni- (4:08:52) Information regarding Brown's concern of legal liability may be found in other existing laws/policies and may not need to be included in bylaws. Counsel will look into existing laws/policies on legal representation for Commissioners/those serving in public capacity.</p>

Proposed Revisions to IRC Bylaws

Proposed Article/ Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
	Brown Inman Bame Leoni (Counsel)	<p>Bame - (4:03:56) Reiterates to confirm with counsel and staff to address both concerns. The Commission's ability to hire counsel and the commissioner's ability to choose to hire an outside executive director, if that were the decision, would be to include it as subsections 4.06(a) on counsel and 4.06(b) on executive director in short language, that would make it clear that is an option. Decision would be by the full Commission, not by initial interim Commission.</p> <p>Leoni - (4:05:22) States we need to look at what that authority looks like compared to the statutory requirement that the County provide staff to you.</p> <p>Bame - (4:05:38) Agrees and states it's where we have that mix that other commissions that have an executive director don't have the same prescription and whether that prescription belong to us or not. This may not be material for the bylaws, we may place this on "lessons learned and suggestions for legislation"</p> <p>Leoni - (4:06:04) States LA has an executive director that was hired by the County, and because of that mandate, you have to staff and fund them. Other Commissions are not constrained by the same laws, so we'll take a look.</p> <p>Brown - (4:06:41) Personal liability for litigation, post map-drawing. Continues to have personal liability and lawsuits. Should this be addressed in bylaws? Should County provide legal help to the Commission? As per Leoni, if there were lawsuits, you would be sued in individual capacity and would be provided defense by the County. Brown would like to see that written in the bylaws, but Leoni mentioned that may be included in laws outside of these bylaws--laws or policies, etc., that do not need to be in</p>		
(a)		No Discussion	N/A	
(b)		No Discussion	N/A	
(c)		No Discussion	N/A	
(d)		No Discussion	N/A	

Proposed Revisions to IRC Bylaws

Proposed Article/Section	Commissioner(s)	Discussion Points/Summary of Suggestions	Response	Follow-Up
(i)		No Discussion	N/A	
(ii)		No Discussion	N/A	
(iii)		No Discussion	N/A	
(iv)		No Discussion	N/A	
(v)		No Discussion	N/A	
(vi)		No Discussion	N/A	
(vii)		No Discussion	N/A	
ARTICLE VI		No Discussion	N/A	
Section 6.01		No Discussion	N/A	
Section 6.02		No Discussion	N/A	
Section 6.03		No Discussion	N/A	
Section 6.04		No Discussion	N/A	
Section 6.05		No Discussion	N/A	
Section 6.06		No Discussion	N/A	
Section 6.07		No Discussion	N/A	
Section 6.08		No Discussion	N/A	
ARTICLE VII		No Discussion	N/A	
Section 7.01.		No Discussion	N/A	
Section 7.02		No Discussion	N/A	
Section 7.03		No Discussion	N/A	
Section 7.04		No Discussion	N/A	