



**Commission on
Asian & Pacific Islander
American Affairs**

Commission on A&PIA Affairs

Full Commission Meeting

May 11, 2020 Minutes

I. Roll Call:

- A. Attendance: Chris Punongbayan, Ray Buenaventura, Rajan Gill, Helen Lee, Cirian Villavicencio, Johng Ho Song, Jihee Huh, Polly Low, Rachel Buenviaje, Karthick Ramakrishnan, Catherine Ofa Mann
- B. Missing: Simon Pang
- C. Guests: Ted Prim, Milad Dalju (DOJ)

II. Report from Commissioners

- A. Helen - Participated in APILC town hall
- B. Ofa - Commission was highlighted by Bay Area Pacific Islander Association Award
- C. Cirian - Evan Low is championing a budget request for AANAPISI State funds, letters of support includes from the Commission, but Legislature is only hearing bills related to covid 19
- D. Karthick - We are monitoring the budget situation related to future funding for the Commission; AAPIP is doing a fundraiser in May with Asian community foundations, PBS Asian American series

III. Bagley Keene Act Training

- A. Bagley Keene is frustrating and gets in way of natural communication, but is intended to allow the public to be able to participate
- B. Board and Commissions is not like a pyramid with a decision-maker at the top; rather there is debate and deliberation, inherently time consuming; efficiency is not the number one thing from the process
- C. Covered entities
 - 1. 5 types of boards and commissions covered: APIA created by statute and therefore has to adhere
 - 2. Subcommittees are covered by Act: if keep discussions to two people only, then not covered; but if 3 or more, then needs to be public; only advisory
 - 3. Subcommittee of 2 is covered if it has decision making power, it is covered by Bagley Keene
 - 4. Local committees can be covered if Commissioner acts in official capacity and is funded
- D. What are the exemptions?



Commission on Asian & Pacific Islander American Affairs

E. What is a meeting?

1. Regular meeting 10 day notice
2. Special meetings 48 hours notice
3. Teleconference meetings - but currently under new rules due to covid
4. Serial communications- when taken together constitute a majority, A talks to B then talks to C - chain; also A talks to B and then A talks to C - hub; can be by phone and text and any other electronic forms
5. Staff briefing exception - can touch base with staff about basic questions, and this will not be serial; needs to be separate communications from ED to A, and then separately ED to B; message to A cannot be shared with B
6. Pending litigation exception
7. Notice of a procedure is generally fine, not substantive
8. Make email commissioners bcc
9. Doesn't matter if you are using commission email or not
10. If Exec is delegated with decision-making power, no exemption
11. Legislation is an exception
12. What are the powers that can be delegated to the Executive Director aka staff?

F. Notice requirement

1. 10 calendar days, not business days in advance;
2. People can also request to receive written notice, and then it needs to be emailed to them
3. Brief description of 20 words, average layperson should be able to understand
4. Board members may not address anything not on the agenda
5. Generally, meetings need to have a physical location
 - a) Ex for a contract, need to publicly notice a meeting to delegate power to ED to sign a contract, and then after that no need to (assuming ED can be delegated the power); usually ED has authority to sign contracts under a certain dollar amount

G. Public Rights in Connection to Meetings

1. Cannot ask people to ID themselves
2. Can record the meetings so long as not a persistent disruption
3. Remove people from a meeting, carefully document why
4. Public can comment on any item or not on an item, refer to staff or set for future meeting; cannot resolve on the spot
5. Can limit the testimony of the people



Commission on Asian & Pacific Islander American Affairs

6. Majority of the board receives records, members of the public then need to have access as well
7. If someone brings materials, then needs to be publicly available
8. Expert is not a member of the public, so then can speak for a longer time than member of the public
9. Treatment of the public needs to be fair and reasonable
10. Soliciting names is probably fine but then can't have further discussion
11. ED can just have one way conversation with each commissioner

H. Closed Sessions

1. Personnel exception, employment, evaluation, or dismissal
2. Information may not be publicly disclosed, privilege held by commission not by individuals, commission as a whole is the only body that can waive
3. Notice must include closed session including statutory authority
4. Issues must be announced before the closed session and public must be allowed to comment
5. Topic has to maintain within the confines of what was publicly noticed
6. Staff member must record the decisions
7. Open back up to open session before adjourning

I. Remedies

1. Criminal and civil penalties
2. Usually private right of action

J. Questions outstanding

1. Personnel exemption for subcommittee
2. Pending Legislation
3. Delegated authority to ED

IV. Public Comment

- A. No members of the public

V. Closed Session

VI. Open Session Adjournment

- A. Commission voted to empower the Chair and Secretary to do due diligence on ED applications
- B. Next Commission Meeting on May 22