

**BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION**

**In the Matter of
Full Commission Business Meeting**

Santa Rosa City Council Chambers
Santa Rosa, California

Friday, May 20, 2011

Reported by:
Debra Aubert

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APPEARANCES

Commissioners Present:

Maria Blanco
Gilbert R. "Gil" Ontai
Connie Galambos-Malloy
Michael Ward
Stanley Forbes
Cynthia Dai
Vincent Barabba
Michelle DiGuilio
Peter Yao
Angelo Ancheta
Jodie Filkins-Webber
M. Andre Parvenu
Jeanne Raya

COMMISSIONERS ABSENT:

Gabino T. Aguirre

STAFF PRESENT:

Dan Claypool, Executive Director
Kirk Miller, Legal Counsel
Janece Sargis, Commission Liaison
Ms. Davis

ALSO PRESENT:

PUBLIC COMMENT:

Unidentified Female Speaker
Peter Alexander Cherideth

I N D E X

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Page

Proceedings.....2

Technical Outreach Discussions.....4

Public Input Schedule July 13th - July 20th40

Recess.....50

Use of Inline Process Reviewer50

Line Drawing Hearings Expected Procedure97

Additional Data Sources.....158

Finance and Administration.....167

Legal.....203

Adjournment.....240

Transcriber Certification.....241

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P R O C E E D I N G S1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON ANCHETA: Again, for those of you who are in the audience, and also those of you who are watching on the internet, we apologize for our starting late. There was some traffic -- serious traffic delays coming into Santa Rosa this morning. So, we do have a quorum, so why don't we begin by taking role.

COMMISSION LIAISON SARGIS: Commissioner Aguirre.
Commissioner Ancheta.

CHAIRPERSON ANCHETA: Here.

COMMISSION LIAISON SARGIS: Commissioner Barabba.

COMMISSIONER BARABBA: Here.

COMMISSION LIAISON SARGIS: Commissioner Blanco.

COMMISSIONER BLANCO: Here.

COMMISSION LIAISON SARGIS: Commissioner Dai.

COMMISSIONER DAI: Here.

COMMISSION LIAISON SARGIS: Commissioner
DiGuilio.

COMMISSIONER DIGUILIO: Here.

COMMISSION LIAISON SARGIS: Commissioner Filkins-
Webber.

COMMISSIONER FILKINS-WEBBER: Here.

COMMISSION LIAISON SARGIS: Commissioner Forbes.
Commissioner Galambos-Malloy.

COMMISSIONER GALAMBOS-MALLOY: Here.

1 **COMMISSION LIAISON SARGIS:** Commissioner Ontai.

2 **COMMISSIONER ONTAI:** Here.

3 **COMMISSION LIAISON SARGIS:** Commissioner Parvenu.

4 **COMMISSIONER PARVENU:** Here.

5 **COMMISSION LIAISON SARGIS:** Commissioner Raya.

6 **COMMISSIONER RAYA:** Here.

7 **COMMISSION LIAISON SARGIS:** Commissioner Ward.

8 **COMMISSIONER WARD:** Here.

9 **COMMISSION LIAISON SARGIS:** Commissioner Yao.

10 **COMMISSIONER YAO:** Here.

11 **COMMISSION LIAISON SARGIS:** We've got a quorum.

12 **CHAIRPERSON ANCHETA:** All right. Good morning,
13 again. This is a business meeting of the Citizens
14 Redistricting Commission. We will be presenting a public
15 input hearing at 6:00 p.m. this evening. We'll also be
16 taking public comment later in the day, so we are going
17 to have (inaudible) with the business part of it, but we
18 will take public around the 4:30, 4:45 mark, ideally, but
19 it will be at the close of the business meeting this
20 afternoon.

21 So, let's just launch into it, shall we. We
22 normally meet (inaudible) because of logistical limits we
23 are (inaudible) largely as a committee of whole and
24 having specific topics related to normal committee
25 discussions. So, we will start with the technical

1 outreach discussion topics. Commissioner DiGuilio and
2 Commissioner Ontai will get it going, and we'll start
3 with Commissioner DiGuilio.

4 **COMMISSIONER DIGUILIO:** Well, I think --

5 **CHAIRPERSON ANCHETA:** I'm sorry.

6 **COMMISSIONER DIGUILIO:** Yeah. I was going to
7 say, actually, I think I may -- the first one would be an
8 update on the May (inaudible).

9 **CHAIRPERSON ANCHETA:** Hold on.

10 **UNIDENTIFIED MALE SPEAKER:** (Inaudible).

11 **COMMISSIONER DIGUILIO:** Okay. Is it okay now?
12 It's on. The green light is on. (Inaudible) eat it if I
13 got any closer.

14 **UNIDENTIFIED MALE SPEAKER:** Yes, ma'am.
15 (Inaudible).

16 **CHAIRPERSON ANCHETA:** Okay.

17 **COMMISSIONER DIGUILIO:** Okay. The first one
18 would be updating the 24th and 26th Statewide hearings.
19 And, actually (inaudible) Commissioner Barabba will have
20 a little more update on that, so I think I'm going to go
21 back to you.

22 **CHAIRPERSON ANCHETA:** Okay. So, just as a
23 general update, I'll ask Mr. Claypool to give us more
24 specific information regarding scheduling. We do have
25 two hearings scheduled on the 24th and 26th for group

1 presentations. Guidelines of (inaudible) would be
2 submissions and for the hearings themselves. Those are
3 fully booked at this point. There has been an issue
4 regarding particularly on the 26th and whether we can
5 accommodate all groups that are requesting slots. And
6 maybe Mr. Claypool, if there is an update to where things
7 stand in terms of supply and demand on the groups.

8 **EXECUTIVE DIRECTOR CLAYPOOL:** We have tremendous
9 demand, and (inaudible) on supply. Actually, this mic, I
10 have been told is close enough to hear me.

11 **CHAIRPERSON ANCHETA:** As long as the video can
12 pick you up. We can hear you fine up here.

13 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. (Inaudible).
14 We ended up (inaudible) fully booked, and they just
15 finished. We want to thank you, Commissioner Ontari, for
16 making it all happen. It's -- We are able to accommodate
17 all of the groups that wish to speak there. At
18 Northridge we have eight presentations beyond the limit
19 of 8:30. If (inaudible) of nine o'clock.

20 By the way, both of these (inaudible) hard
21 starts, just walk in and presentations begin, because
22 that gives us an extra half hour, perhaps. Then if we
23 start that way, the only -- we could only accommodate
24 additional groups at Northridge if you were willing to
25 work through lunch, work through dinner, which I think is

1 a tough proposition for you. I think on a day that long
2 you really -- personally, I would think you would need to
3 get up and go someplace for an hour and come back at noon
4 just for the fresh air.

5 So, that would put us at being able to
6 accommodate one of the groups, but the next group in line
7 is a three map presentation. If we have a hard start and
8 work until 9:30 rather than 8:30, then you could
9 accommodate that group. The next group behind that is
10 actually four maps, and that just takes you, I think, way
11 into the evening.

12 Now, as far as the venue itself, it's open all
13 the way until you quit. So, thank you, Commissioner
14 Barabba, on that one.

15 **CHAIRPERSON ANCHETA:** Commissioner Yao.

16 **COMMISSIONER YAO:** The group that's making the
17 presentation on the four maps, my question is to whether
18 we really want to go into the Board of Equalization map
19 at this point in time with the concept that we already
20 stated that we're going to be nesting the Senate
21 districts into the Board of Equalization districts. I
22 don't know whether we really want to take out -- take an
23 extra 20 minutes or half an hour to address the last
24 issue. So, maybe we can make sort of a group decision so
25 that we can adjust the agenda (inaudible).

1 **CHAIRPERSON ANCHETA:** Mr. Claypool.

2 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, it may seem
3 to be a good point, because that takes you -- that's
4 after 9:30. Those four maps would be carrying you all
5 the way to 11:30, if you gave them the full amount of
6 time. I think this Commission has to make a decision as
7 to how far they're willing to carry that day. And then
8 the rest of the -- We said it was a first come, first
9 serve, and then we did say there was a time limit, and
10 our time limit we had set at slots was with an 8:30
11 finish. So --

12 **CHAIRPERSON ANCHETA:** Just as a reminder, we have
13 two full days following that date, the 27th and the
14 (inaudible) both days for wrap up and line drawing
15 readings. So, we have to consider realistically pacing
16 ourselves as well. Commissioner Dai?

17 **COMMISSIONER DAI:** Yes, I (inaudible) we have
18 that information, now is the time to assess whether we
19 want to provide that much time.

20 **CHAIRPERSON ANCHETA:** And it's a good question,
21 because we certainly posted and because we're noticing --
22 noticed 15 minutes plus 10 minutes of Q&A. We can shave
23 quite a bit of time if we limit the time period. So, any
24 suggestions or -- One is the question, do we feel
25 comfortable changing it for given the reason we have

1 notice to attend, but, again, there was some --

2 **COMMISSIONER DIGUILIO:** (Inaudible).

3 **CHAIRPERSON ANCHETA:** -- with the caveat --

4 **COMMISSIONER DAI:** Yeah, we were going to take a
5 look at it in terms of (inaudible).

6 **CHAIRPERSON ANCHETA:** And I don't see a problem
7 with that, necessarily.

8 **COMMISSIONER DIGUILIO:** And, again --

9 **CHAIRPERSON ANCHETA:** Giving a reasonable amount
10 of time. These are only five minutes. We can only shave
11 so much off the clock, but --

12 **COMMISSIONER DAI:** Well, I see two possibilities.
13 One is we could, you know, reduce the highlights
14 presentation down to 10 minutes or we can reduce our Q&A
15 down. So, it depends on that. I mean, I think it's one
16 or the other. It's either we give them more time to do
17 their presentation, therefore, not allowing as many
18 clarifying questions, or we give them less time to
19 present (inaudible) questions. I personally would kind
20 of be more in favor of letting them do more of their
21 presentation and limiting our questions.

22 **CHAIRPERSON ANCHETA:** So, something along the
23 lines of maybe 15 plus five?

24 **COMMISSIONER DAI:** Something like that.

25 **CHAIRPERSON ANCHETA:** Any thoughts or comments

1 from the Commission or staff?

2 **COMMISSIONER DIGUILIO:** So, what will that do in
3 terms of other (inaudible) 15 minutes off of each group?
4 Where would that put us time wise?

5 **EXECUTIVE DIRECTOR CLAYPOOL:** You gain 10 minutes
6 per hour. You know, you'll be there eight hours, so
7 you're getting 80 minutes. You don't -- You gain the
8 ability to maybe move that last group in and still carry
9 it for a long day. I just would like this Commission to
10 consider that that Q&A is going to be very short at 10
11 minutes, because you're going to have -- you typically
12 have many questions, many thoughtful questions. And so
13 I'm not sure that your best alternative might be a third
14 one, which is to simply tell the groups that are
15 remaining, you may submit yours online, and they will be
16 given consideration as well, but we simply don't have
17 enough time for it. And if you don't want to extend late
18 into the evening.

19 **CHAIRPERSON ANCHETA:** Well, another idea that
20 Mr. Claypool had suggested to a couple of us was the
21 possibility of for those groups that are basically last
22 in the queue to suggest to them that they could present
23 or put together a video presentation. In other words,
24 you can film yourselves for 15 minutes and then submit it
25 to us, and maybe be available via youtube or some other

1 way of posting it publicly. I mean, you're not going to
2 get a Q&A from us, but at least you can give us a
3 highlight reel, basically. That's another possibility if
4 we feel we have to ultimately leave a couple groups off
5 the list. Commissioner Dai then DiGuilio.

6 **COMMISSIONER DAI:** Yeah. I mean, I guess have a
7 question when you talked about, you know, a screening
8 process to make sure that each of these groups are
9 legitimately presenting either Statewide or regional
10 maps. Is that -- I guess the question should be directed
11 to staff here. Has there been some kind of screening
12 done on that, because -- or is it just first come, first
13 serve?

14 **EXECUTIVE DIRECTOR CLAYPOOL:** No, absolutely
15 there is screening, but the end -- the groups that -- I
16 think there were only two that were what I would say were
17 kind of suspect, and Christina Shoop went back and
18 checked them, and they do -- they are parts of legitimate
19 groups. Fortunately, those two were also ones that fell
20 after -- will fall off the list on the first come, first
21 serve. But all of the groups that initially filed with
22 you are all groups that you've seen before, and they're
23 legitimate.

24 **COMMISSIONER DIGUILIO:** And along those same
25 lines is they have all stated that they would like to

1 present at least three maps, or is someone presenting
2 only two or --

3 **EXECUTIVE DIRECTOR CLAYPOOL:** It's a mixture, and
4 some of them are presenting -- are presenting just
5 regional maps, not Statewide maps. So, it's quite a
6 mixture. And Christina is also asking each group that
7 has less than a Statewide presentation whether they would
8 be willing to have less presentation time. We have,
9 however, never entertained the thought that we would
10 reduce question and answers.

11 **COMMISSIONER DIGUILIO:** And another question, I
12 would just like to raise the fact that Commissioner Dai
13 mentioned, the preference -- possibly the preference
14 would be the full amount of time for the presentation and
15 less for question and answer, and I'm just wondering
16 whether -- I see the benefit, because they probably feel
17 like they have a long presentation, but they can always
18 submit a presentation at any point, but the opportunity
19 for us to engage them in questions, this is it. So, I'm
20 wondering --

21 I don't want to speak for them. Maybe some of
22 the groups would prefer to do that. Maybe there is, you
23 know, we give them the option. You either choose five
24 minutes less on your presentation or five minutes less on
25 your questions. I don't know. I just feel like as a

1 Commissioner I'm going to get more information if we have
2 the ability to ask them questions. And they could always
3 submit -- I still think on a Statewide map 15 minutes is
4 not going to be that much period anyway. So, it's not
5 like they can get -- accomplish a lot more, otherwise I
6 think we get more (inaudible) detail on the questions.
7 That's just my -- I want to throw that out and see if
8 anyone else is contemplating (inaudible).

9 **CHAIRPERSON ANCHETA:** Commissioner (inaudible).

10 **COMMISSIONER GALAMBOS-MALLOY:** I would also like,
11 I think, if we have a -- I don't know the nature of the
12 pool in terms of how many are presenting Statewide versus
13 how many presenting regional, so it may not make as large
14 an impact, but I do think if a group is presenting purely
15 regional maps that we should rate the time accordingly.
16 So, you know, proportionately, I don't know what we would
17 want to consider, but I would not think that a Statewide
18 group and a regional group would need the same amount of
19 time.

20 **CHAIRPERSON ANCHETA:** You know, one possibility,
21 since there is a 20 minute block, you decide. You can
22 give us a five minute presentation, take 15 minutes of
23 questions. You could do -- I guess we could say you
24 could do 20 minutes. I mean, I don't know if anybody
25 wants to do that, but at least it sets a firm time, but

1 also leaves some flexibility. It leaves more control
2 within the groups' hands in terms of the amount of time.
3 It gives some flexibility.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** The only thing I
5 would say is that we've already received some comment
6 from some of these presenters that 15 minutes isn't
7 enough time for them to do what they want to do, and
8 they're -- and we have advertised a 15 minute time
9 period, and they have started gearing their presentations
10 towards 15 minutes. So, I realize that we could go back
11 to them and start telling them to cut them back, but I
12 think that there will be a human cry on that one.

13 **COMMISSIONER DIGUILIO:** Well, then, we have to
14 make a decision, right, in terms of whether we
15 accommodate those that have already spoken. It's
16 quantity versus quality, I guess, I mean, in terms of
17 quantity of speakers versus the amount of time each
18 speaker is given.

19 **CHAIRPERSON ANCHETA:** I'm yielding a lot to
20 Commissioner Barabba since he's chairing the more crowded
21 meeting. Do you have any thoughts at this point?

22 **COMMISSIONER BARABBA:** Yeah. I mean, I think we
23 should stick with the plan. We made it very clear that
24 the first come, first serve, and if we run out of time
25 that's the end of it. And a lot of these groups have

1 spent a considerable amount of time preparing for this,
2 and to change the rules at the end of the game I think
3 would not be appropriate. So, I say we stick with the
4 plan, and if you could have the last ones show up, but we
5 can't guarantee that they'll have a chance at a
6 presentation, but it depends how the day goes. And then
7 we stop it. And I don't mind going until 9:30. I mean,
8 that's not a problem. After that, I think we're asking
9 for trouble.

10 **CHAIRPERSON ANCHETA:** Commissioner Yao.

11 **COMMISSIONER YAO:** One other consideration is the
12 fact that we have been focusing our attention on mainly
13 the Congressional map and the Assembly maps. Again, the
14 initial intent of nesting the Assembly into the Senate.
15 And so, and based on all of our wrap up discussions, we
16 really have not addressed the Senate maps directly. So,
17 if we want to maximize the input, we can perhaps take a
18 different approach when we accept the inputs on the State
19 Senate maps. So, that's another area that, perhaps, we
20 can give it some consideration. I know we advertise it
21 in terms of, you know, we want to hear each of these
22 individually. But --

23 **COMMISSIONER BARABBA:** Actually, I think seeing
24 the Senate map is going to be quite important, because
25 all of the reports are nesting is not going to be as easy

1 as it sounds, and that we should see what the
2 distinctions are from people who have gone through it.

3 **CHAIRPERSON ANCHETA:** There is also this --
4 Although we're not requiring it, I don't think -- I have
5 to go through the latest set of guidelines, but I missed
6 the meeting where there was re-working of those
7 guidelines. There is this numbering question.

8 **COMMISSIONER BARABBA:** Yeah.

9 **CHAIRPERSON ANCHETA:** We don't have to require
10 anybody to number them, but we are all set to number
11 them. And it is a significant consideration in terms of
12 the lag between the even and odd numbered districts. So,
13 anyway, but there is some important consideration in
14 Senate districts. Does anyone put either a motion or a
15 firm suggestion that we can proceed forward?

16 **COMMISSIONER BLANCO:** (Inaudible).

17 **CHAIRPERSON BARABBA:** (Inaudible).

18 **CHAIRPERSON ANCHETA:** Okay.

19 **COMMISSIONER BLANCO:** I just wanted to get some
20 clarification. We're saying that we might just have --
21 we end at 9:30? Is that -- If we did that, can you just
22 say again, Mr. Claypool, where that -- do we have some
23 groups that can't (inaudible) 9:30 with the time that
24 we've agreed upon? What if we have -- What does that
25 mean (inaudible) for us?

1 **EXECUTIVE DIRECTOR CLAYPOOL:** The last time I
2 looked at the presentation you -- or the list, you would
3 lose four presentations if you quit at 10:00. So, you
4 would lose one group that was going to -- actually by a
5 presentation, but I will explain. You'll lose one group
6 that was going to present three or -- four -- four maps.
7 I'm sorry. And then you will lose one group that was
8 going to present a map, but was also wanted to do a
9 presentation on communities of interest. Was not
10 presenting that, but it listed specifically a
11 presentation on communities of interest, but that was
12 from the, I think, Mortgage Brokers Association. And so
13 that was one of the ones where we weren't sure whether
14 the individual was simply using his affiliation with the
15 Mortgage Brokers to represent as a group or not. So, you
16 would lose those five -- actually, six presentations. I
17 apologize. But one of them was not specifically a map.

18 **CHAIRPERSON ANCHETA:** Okay. Commissioner Dai.

19 **COMMISSIONER DAI:** Yeah. I thought we were
20 pretty clear, this is a presentation of maps. So, that
21 (inaudible) would be out anyway. There is only maps,
22 Statewide maps and regional maps.

23 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, we weren't --
24 First, we had to -- we can certainly do that and make
25 that decision here. We wanted to present what was

1 presented to us to you so that you could make the
2 decision. And we also realized that because of that
3 person's position in the line or in the queue that it
4 might be a moot point anyway, and that they could submit
5 that online.

6 **CHAIRPERSON ANCHETA:** Okay. So, the current
7 policy is basically 25 minutes per organization, 15 and
8 10 presentation and Q&A, and it's first come, first
9 serve, and we stop at a given point. That's the current
10 policy. If there is any suggestion we change the policy
11 we better get a motion. If there is no interest in
12 changing it, we will go with that.

13 **COMMISSIONER DAI:** I just want to verify, because
14 I think originally we (inaudible) posted time of six
15 o'clock (inaudible). So --

16 **CHAIRPERSON ANCHETA:** That's a good point.
17 That's a good point.

18 **COMMISSIONER DAI:** -- I think this is a change,
19 so --

20 **COMMISSIONER DIGUILIO:** Yeah.

21 **COMMISSIONER DAI:** And I just want to raise it
22 for the Commission. You know, I know that we want to
23 hear (inaudible). This is part of a long (inaudible) and
24 I do think, I mean (inaudible) yesterday (inaudible) we
25 were not being as productive as we could be. And it's

1 just, you know, it's going to be a long scheduled
2 meeting, so I think that's just a consideration for us to
3 think about.

4 **CHAIRPERSON ANCHETA:** Okay. So, that's an
5 important clarification. Actually, the original design
6 was to end at 6:00 p.m., so that's (inaudible).

7 **COMMISSIONER DAI:** Right.

8 **CHAIRPERSON ANCHETA:** If we want to go to 9:00,
9 we have to change that as well.

10 **COMMISSIONER DAI:** Yes.

11 **COMMISSIONER BARABBA:** I would suggest we go to
12 9:00, and because we're there, and we're not that far
13 from the hotel. We ought to be able to handle it.

14 **CHAIRPERSON ANCHETA:** Mr. Claypool, if you can
15 see clear, is it 9:00 or 10:00 on the 26th?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** Originally when we
17 presented the policy and procedures to you we said it was
18 until 6:00, and then we were going to have individual
19 presentations after that. And so, we had taken that off
20 because you had said you don't want individual
21 presentations. So, that was kind of the genesis of where
22 we thought we could build into that time, and so that was
23 all I was going to say.

24 **CHAIRPERSON ANCHETA:** Anything else (inaudible)
25 nine o'clock. We'll get is a motion or --

1 **UNIDENTIFIED FEMALE SPEAKER:** (Inaudible).

2 **COMMISSIONER BARABBA:** I would move that we
3 follow the guidelines that we set earlier, except that we
4 extend the time to 9:00 p.m.

5 **COMMISSIONER GALAMBOS-MALLOY:** Second.

6 **CHAIRPERSON ANCHETA:** So, Commissioner Galambos-
7 Malloy seconded it. Any discussion at this point?
8 Further discussion?

9 **COMMISSIONER FILKINS-WEBBER:** I just have one
10 question. In looking at the presentation schedule that
11 we received, I noticed that, for instance, and this may
12 have just been tentative and subject to change,
13 Mr. Claypool, but we had, for instance, on both the 26th
14 and the 24th, the last speaker commences at 8:00. And so,
15 by extending this to nine o'clock, will we be able to
16 move up the schedule to at least accommodate one of the
17 four that remain at the bottom of the list?

18 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes, because one of
19 the things that we're going to try to do is to get some
20 of these speakers to -- that have regional maps to
21 compress theirs. And so, while I say yes, we -- a hard
22 start gives us one presentation additional. We were
23 going to end at 8:30. We'll just have to tell the last
24 group with the three maps that they will have to compress
25 that into -- I mean, if they want the slot, then they

1 need to -- they're going to need to compress. Isn't that
2 -- I mean, that's --

3 **COMMISSIONER FILKINS-WEBBER:** I guess my question
4 is, is that we are accommodating, and we are extending it
5 to nine o'clock, but we are recognizing that there is at
6 least four groups that are at the end of the queue. So,
7 I'm just trying to understand, if we extend it to 9:00,
8 and you have this discussion with the presenters to
9 compress, are we making room for at least one, and then
10 there is only three that would not be able to present?
11 Or is that still too up in the air right now even with us
12 extending into 9:00?

13 **EXECUTIVE DIRECTOR CLAYPOOL:** That's too up in
14 the air at this point. We -- Christina needs to see who
15 is willing to compress, and then we need to make that
16 offer and see what we can do. But what I would say is,
17 we'll work with the nine o'clock deadline. We know what
18 remains, and we know the time we're picking up with a
19 hard start, and we'll try to compress it into that
20 timeframe. If there is a problem it would only be a
21 problem on one half hour additional, and we can come back
22 to you and you can make a decision, and I'll call
23 Christina in between and just find out.

24 **COMMISSIONER FILKINS-WEBBER:** Thank you.

25 **CHAIRPERSON ANCHETA:** Commissioner Ontai.

1 **COMMISSIONER ONTAI:** Dan, I'm still not clear.
2 So, if we've got the 24th and the 26th set aside for these
3 presentations, so on the 24th and the 26th, who is
4 presenting on the 24th and who is presenting on the 26th?

5 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. On the --
6 Clearly, it's in Northern California, Southern
7 California. I need to pull up the schedule.

8 **COMMISSIONER FILKINS-WEBBER:** I have a list right
9 here.

10 **EXECUTIVE DIRECTOR CLAYPOOL:** You do have it?

11 **COMMISSIONER FILKINS-WEBBER:** If you just want me
12 to rattle it off.

13 **EXECUTIVE DIRECTOR CLAYPOOL:** Go ahead.

14 **COMMISSIONER FILKINS-WEBBER:** And, again, I'm
15 going off of what was sent to us. I don't remember the
16 date, but I don't think there has been any variations. I
17 have May 24th, the California Chamber of Commerce. I have
18 California Institute on Jobs, an unidentified inquiry,
19 San Joaquin County Citizens for Constitutional
20 Redistricting, California Conversation Action Group,
21 California Senior Advocates League and Sierra Club, all
22 on the 24th. May 26th is the Asian Pacific American Legal
23 Center, African American Redistricting Collaborative,
24 Mexican American Legal Defense and Educational Fund,
25 Central Coast Alliance United for a Sustainable Economy,

1 Valley Industry and Commerce Association, and Inland
2 Empire African American Redistricting Coalition. The
3 four remaining that did not make it are Coalition of
4 Suburban Communities for Fair Representation, Citizens
5 for California Reform, The Peoples' Advocate, and
6 California Organization of Mortgage Professionals. So,
7 those last four are the ones that didn't make it on the
8 other day.

9 **COMMISSIONER ONTAI:** (Inaudible).

10 **EXECUTIVE DIRECTOR CLAYPOOL:** Right. And I
11 wanted to make that one correction on the NAACP was added
12 in because we had some slots. Christine had some slots,
13 and so they had requested the final slot there. So, they
14 are also on the 24th.

15 **COMMISSIONER ONTAI:** All right. So, before
16 (inaudible) are we saying they could not make a
17 presentation or possibly would not make a presentation on
18 the 24th or the 26th or both? How does that work?

19 **EXECUTIVE DIRECTOR CLAYPOOL:** There will be --
20 With the format you have right now, there will be no time
21 available for them to make a presentation. They would
22 have to -- they would have to send you their presentation
23 online.

24 **COMMISSIONER ONTAI:** Either case?

25 **EXECUTIVE DIRECTOR CLAYPOOL:** Either case. With

1 this -- With the time we've allotted and this timeframe,
2 that's all the time -- There is -- Laney College is a
3 hard stop, and we've filled everything there. So, we
4 have a hard deadline at Laney. And then -- Well, we
5 have, actually, a nuance here. Cal Chamber won't be
6 presenting. So, we have -- we have those --

7 **CHAIRPERSON ANCHETA:** Thank you. Thank you,
8 Debra.

9 **EXECUTIVE DIRECTOR CLAYPOOL:** We have those slots
10 available on the 24th. There were some groups in Southern
11 California that said if there were Northern California
12 slots that opened, then they would take them. So, we can
13 now make this offer for the Cal Chamber slots to a
14 Southern California group. So, I don't know how that's
15 going to -- how that's going to bring it down, whether
16 they can make the trip or not, but if they can't, then
17 those groups in Southern California that are off the
18 bubble after nine o'clock will not have an opportunity to
19 present.

20 **COMMISSIONER ONTAI:** Okay. In an off chance, is
21 there any possibility that some of the groups that are
22 scheduled to make presentations shorten their
23 presentation?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** And that's what I
25 was saying. Christina Shoop is -- That's why I couldn't

1 give you a hard time for each one of these groups. She's
2 calling each one, particularly on the regional maps, and
3 asking if they would shorten their time so that we could
4 compress in additional presentations. But until we've
5 contacted them I can't tell you that, but what I can tell
6 you is, most of the major organized groups, such as
7 MALDEF, don't believe that 15 minutes is enough time and
8 would be unwilling to compress theirs, because they've
9 spent a lot of time on these presentations and they need
10 all the time they can get.

11 **COMMISSIONER ONTAI:** Unless there is a variation
12 in the presentations, but there is a possibility that we
13 could get one or two more in then if one of these
14 organizations shortened their presentations.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes, and there is
16 also a possibility -- Remember, you have five -- we're
17 scheduling two per hour with five minutes to kind of
18 transition people. If they shorten, if the transition
19 isn't much, yeah, then maybe we could get somebody in.
20 But I hesitate to, and I think the Commission should
21 hesitate, to invite somebody to speak on the chance that
22 they might have the opportunity if we compress to that
23 point. I just think if they're standing there and we've
24 invited them, then they're going to want to make the
25 presentation regardless of what time it is.

1 **COMMISSIONER ONTAI:** Unless we told them up front
2 that there is a possibility their chance (inaudible)
3 having an opportunity to make their presentation
4 (inaudible).

5 **EXECUTIVE DIRECTOR CLAYPOOL:** True.

6 **COMMISSIONER ONTAI:** The motion on the floor does
7 not affect that (inaudible).

8 **COMMISSIONER BARABBA:** No, it doesn't.

9 **EXECUTIVE DIRECTOR CLAYPOOL:** No.

10 **CHAIRPERSON ANCHETA:** Commissioner Yao.

11 **COMMISSIONER YAO:** Question for Mr. Claypool.
12 The last time we had a group presentation there were a
13 number of no shows. How do we deal with that scenario if
14 it were to happen again?

15 **EXECUTIVE DIRECTOR CLAYPOOL:** I think -- I think
16 that this Commission wants to had people a time and tell
17 them, this is your slot, this is when you should be
18 there, this is when we will expect your presentation. I
19 think it's unrealistic to tell individuals that if
20 someone doesn't show up then they need to expect to move
21 forward.

22 **COMMISSIONER YAO:** That's not what the intent of
23 my question -- the intent is. We end up having the three
24 times half hour slot because somebody pull out the very
25 last minute. I'm not forecasting that it will, but if

1 that were to happen, how does this Commission or how do
2 we plan to handle that open timeslot?

3 **EXECUTIVE DIRECTOR CLAYPOOL:** Depending on the
4 amount of time that that no show gives us, we would try
5 to take one of the groups that wanted to present and get
6 them into that slot.

7 **COMMISSIONER YAO:** Okay.

8 **EXECUTIVE DIRECTOR CLAYPOOL:** But if they -- if
9 they don't walk through the door that day, then you
10 simply have an hour and a half open spot.

11 **COMMISSIONER YAO:** Thank you.

12 **CHAIRPERSON ANCHETA:** Okay. Commissioner Dai and
13 then (inaudible).

14 **COMMISSIONER DAI:** Yeah. I just have a question,
15 because the tentative schedules that Commissioner
16 DiGuilio just forwarded me actually shows us ending at
17 9:00 at Laney College, and you said there was a hard stop
18 at 6:00. Is that because this was preliminary and we
19 didn't know how maps were being presented?

20 **EXECUTIVE DIRECTOR CLAYPOOL:** No, the hard stop
21 at Laney is 10:00. We have to be out by 10:00.

22 **COMMISSIONER DAI:** Got it. Okay. So, we are, at
23 this point, expecting to end at 9:00 in both locations?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes.

25 **CHAIRPERSON ANCHETA:** Is there any public comment

1 -- Give me two minutes.

2 **COMMISSIONER BLANCO:** While we're waiting, is
3 there -- Could we all have that list of the -- no, there
4 is those of us who don't have it, and I'm not really sure
5 why, but it would be great to have it.

6 **UNIDENTIFIED FEMALE SPEAKER:** Hi there. I just
7 want to say that I would urge you to think about you have
8 a concrete number of groups who want to present. It's
9 probably doable, so I'd kind of like to have you try to
10 tease that out a little bit. And then my other thought
11 on holding the time, I think there are two kinds of maps.
12 There is the legislative maps for California, State
13 Assembly -- or Senate Assembly and Board of Equalization.
14 And that's one set, and then there is Congress. And so
15 even groups, like MALDEF and CCAUSE, who I suspect have
16 been working on this for three years since 2008, they
17 could probably talk about those three sets of maps in one
18 unit and Congress in another, which might be another way
19 of breaking your time up. I just wanted to offer that
20 out. Thanks.

21 **CHAIRPERSON ANCHETA:** Thank you. Mr. Claypool,
22 did you want to answer Commissioner Blanco's question?

23 **EXECUTIVE DIRECTOR CLAYPOOL:** Absolutely. The
24 reason we didn't distribute the list was because the
25 deadline was just yesterday at 5:00 or the 23rd at 5:00,

1 and then we were still solidifying who was going to be --
2 you know, who had applied and so forth and whether we
3 could compact it before we came to you and said this is
4 the absolute list. And we were also checking those
5 individuals. So, we had sent the list to the Chair and
6 the Vice-Chair, and we will supply that list. I've just
7 sent a message to Christina asking her for the final list
8 as of right now. But that list won't tell us who is
9 willing, if anyone, to compress, and I'm going to back to
10 the thing, at least one group, MALDEF, has said
11 absolutely they want their time slot for each one of
12 their maps, because they spent a couple of years working
13 on them.

14 **CHAIRPERSON ANCHETA:** So, Ms. Sargis, will you
15 read the motion (inaudible).

16 **COMMISSION LIAISON SARGIS:** (Inaudible) restate
17 it, but the motion, as I have written it, is to extend
18 the time of the meeting until 9:00 p.m. And they're just
19 indicating that that would be the group meeting for
20 Northridge on the 26th; is that correct? And then --

21 **CHAIRPERSON ANCHETA:** And the 24th.

22 **COMMISSION LIAISON SARGIS:** And the 24th?

23 **UNIDENTIFIED FEMALE SPEAKER:** Yes.

24 **CHAIRPERSON ANCHETA:** I think the motion didn't
25 specify the dates, but it was just --

1 **COMMISSION LIAISON SARGIS:** For both.

2 **CHAIRPERSON ANCHETA:** -- for the Statewide
3 hearings.

4 **COMMISSIONER BARABBA:** Both dates.

5 **COMMISSIONER DIGUILIO:** For those organized group
6 meetings.

7 **COMMISSION LIAISON SARGIS:** Okay.

8 **COMMISSIONER DIGUILIO:** Thank you.

9 **COMMISSION LIAISON SARGIS:** And also the end
10 time, is that the end time that you want to be done with
11 the meeting, or is that last slot that you're going to
12 accept?

13 **COMMISSIONER BARABBA:** I wasn't aware of Laney
14 being at 10:00, but I think we should stop at 9:00 is my
15 feeling.

16 **COMMISSIONER DIGUILIO:** Yeah.

17 **COMMISSION LIAISON SARGIS:** Okay. All right.

18 **CHAIRPERSON ANCHETA:** So, can you --

19 **COMMISSIONER BARABBA:** That we end the meeting at
20 nine o'clock.

21 **COMMISSION LIAISON SARGIS:** End the meeting.
22 Okay. So, the motion, then, would be to extend the time
23 of the group meeting presentation on both 5/24 and 5/26
24 at nine o'clock?

25 **CHAIRPERSON ANCHETA:** Yes.

1 **COMMISSIONER ONTAI:** Ending at nine o'clock.

2 **MR. SARGIS:** End the time at nine o'clock.

3 **COMMISSIONER BLANCO:** And one more question. In
4 the document we also have the May 27th. Why? Is that
5 just still --

6 **CHAIRPERSON ANCHETA:** Ignore that. That's not on
7 the table (inaudible).

8 **COMMISSIONER BLANCO:** Okay. It's just that that
9 was on there still.

10 **CHAIRPERSON ANCHETA:** It's (inaudible).

11 **COMMISSIONER BLANCO:** Okay.

12 **CHAIRPERSON ANCHETA:** Okay. Actually, per
13 request of the staff, we're going to take a roll call
14 (inaudible) clear it up.

15 **COMMISSION LIAISON SARGIS:** Commissioner Ancheta.

16 **CHAIRPERSON ANCHETA:** Yes.

17 **COMMISSION LIAISON SARGIS:** Barabba.

18 **COMMISSIONER BARABBA:** Yes.

19 **COMMISSION LIAISON SARGIS:** Commissioner Blanco.

20 **COMMISSIONER BLANCO:** Yes.

21 **COMMISSION LIAISON SARGIS:** Commissioner Dai.

22 **COMMISSIONER DAI:** Yes.

23 **COMMISSION LIAISON SARGIS:** Commissioner
24 DiGuilio.

25 **COMMISSIONER DIGUILIO:** Yes.

1 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

2 **COMMISSIONER FILKINS-WEBBER:** Yes.

3 **COMMISSION LIAISON SARGIS:** Commissioner
4 Galambos-Malloy.

5 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

6 **COMMISSION LIAISON SARGIS:** Ontai.

7 **COMMISSIONER ONTAI:** Yes.

8 **COMMISSION LIAISON SARGIS:** Excuse me. Raya.

9 **COMMISSIONER RAYA:** Yes.

10 **COMMISSION LIAISON SARGIS:** Parvenu.

11 **COMMISSIONER PARVENU:** Yes.

12 **COMMISSION LIAISON SARGIS:** Ward.

13 **COMMISSIONER WARD:** Yes.

14 **COMMISSION LIAISON SARGIS:** And Commissioner Yao.

15 **COMMISSIONER YAO:** Yes.

16 **COMMISSION LIAISON SARGIS:** Motion passes.

17 **CHAIRPERSON ANCHETA:** And I should note that
18 we're going to have that request of staff for clarity in
19 terms of keeping records of all of these votes
20 (inaudible) roll call (inaudible). I think it's an
21 additional minute or so. I think that's a good
22 suggestion. And for future Chairs I want to keep that
23 going, encourage that. Commissioner Galambos-Malloy.

24 **COMMISSIONER GALAMBOS-MALLOY:** So, it still
25 (inaudible) question of how many presentations we're

1 going to accommodate, and, in my perspective, our goal in
2 the Commission has been to hear from as diverse a cross
3 section of the State as possible. And if we had, you
4 know, 10 additional groups more than we could feasibly
5 accommodate, I would say, well, you know, we've got to
6 cut it and look at another option. But I think we're
7 close enough to being able to accommodate it.

8 I would wonder if we could request our staff to,
9 you know, really go back and look at the schedule knowing
10 that we just had one cancellation, and look at what would
11 it actually take to accommodate across the two days, and
12 we could come back and see whether that's something that
13 we're willing to do as a Commission. Because the reality
14 is we can offer alternatives to the groups to say you can
15 post something to youtube, of course you can submit your
16 written maps, but given how close to crunch time we're
17 really getting, when will we review those materials?
18 We're talking about going, you know, adjourning at 9:00,
19 going home, you know, really not -- I think it's
20 unrealistic to think that we're going to be able to
21 process all of that information in time to do the
22 deliberations that we will be doing in Northridge. And
23 so, that would be my perspective. I think we should give
24 it another push if we agree in principle that that is a
25 goal, and then see what it actually looks like to

1 accomplish that goal.

2 **CHAIRPERSON ANCHETA:** (Inaudible) Commissioner
3 Barabba assisted with your motion.

4 **COMMISSIONER BARABBA:** Yeah. I think anything
5 that the staff could do to fit as many people in that
6 timeframe is a good thing to do, and as you get
7 information as time progresses from various groups, if
8 you have an opportunity to bring somebody else in, bring
9 them in, as long as we end at the time that we
10 designated.

11 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. So, I
12 understand that completely. We had a nine o'clock end
13 date. We already had one cancellation, and we -- and I
14 know that Christina had already began to call people to
15 try to fit as many as possible in. As soon as we had
16 that information we'll distribute it to the entire
17 Commission and you'll see who is off the bubble and how
18 much time we would need in addition, if any, to
19 accommodate them.

20 **CHAIRPERSON ANCHETA:** Commissioner Yao.

21 **COMMISSIONER YAO:** All right. Let me see if I
22 can propose a simple motion and maybe save half an hour.
23 I'd like to make a motion for staff to request the
24 (inaudible) by submitting the Board of Equalization
25 presentation to submit it to us either in writing or in

1 video, and we free up that time slot for one of the
2 potential speakers.

3 **CHAIRPERSON ANCHETA:** Do we have a second?

4 **COMMISSIONER BARABBA:** I'll second that.

5 **CHAIRPERSON ANCHETA:** Commissioner Barabba
6 seconded. Discussion? Public comment? (Inaudible).

7 **UNIDENTIFIED FEMALE SPEAKER:** Is that motion
8 (inaudible)?

9 **COMMISSION LIAISON SARGIS:** Yes, I was to request
10 the organizations that are presenting Board of
11 Equalization maps to submit them an alternative forum?

12 **CHAIRPERSON ANCHETA:** Call the roll.

13 **COMMISSION LIAISON SARGIS:** Ancheta.

14 **CHAIRPERSON ANCHETA:** Yes.

15 **COMMISSION LIAISON SARGIS:** Barabba.

16 **COMMISSIONER BARABBA:** Yes.

17 **COMMISSION LIAISON SARGIS:** Blanco.

18 **COMMISSIONER BLANCO:** Yes.

19 **COMMISSION LIAISON SARGIS:** Dai.

20 **COMMISSIONER DAI:** Yes.

21 **COMMISSION LIAISON SARGIS:** DiGuilio.

22 **COMMISSIONER DIGUILIO:** Yes.

23 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

24 **COMMISSIONER FILKINS-WEBBER:** Yes.

25 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

1 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

2 **COMMISSION LIAISON SARGIS:** Ontai.

3 **COMMISSIONER ONTAI:** Yes.

4 **COMMISSION LIAISON SARGIS:** Parvenu.

5 **COMMISSIONER PARVENU:** Yes.

6 **COMMISSION LIAISON SARGIS:** Raya.

7 **COMMISSIONER RAYA:** Yes.

8 **COMMISSION LIAISON SARGIS:** Ward.

9 **COMMISSIONER WARD:** Yes.

10 **COMMISSION LIAISON SARGIS:** Yao.

11 **COMMISSIONER YAO:** Yes.

12 **COMMISSION LIAISON SARGIS:** Motion passes.

13 **CHAIRPERSON ANCHETA:** Thank you. We'll now move
14 on. Oh, I'm sorry. One more update. Gibson Dunn has
15 prepared a draft set of questions that could be applied
16 to --

17 **COMMISSIONER DIGUILIO:** Wait, I'm sorry. Before
18 we move on, did we have any resolution as to what we were
19 doing with the time, the amount of time we were giving
20 them? I mean, did we decide on --

21 **CHAIRPERSON ANCHETA:** I think we --

22 **COMMISSIONER DIGUILIO:** -- a full 20 minutes?

23 **COMMISSIONER BARABBA:** He stayed with what was
24 published.

25 **CHAIRPERSON ANCHETA:** Yeah.

1 **COMMISSIONER BARABBA:** The motion was to stay
2 with the current published --

3 **COMMISSIONER DIGUILIO:** Well, I think the time
4 was the end time.

5 **COMMISSIONER BARABBA:** But preceding that, we
6 said we would stay with what was published, which are
7 those times.

8 **COMMISSIONER DIGUILIO:** So (inaudible).

9 **COMMISSIONER GALAMBOS-MALLOY:** What I also heard,
10 though, was that we directed staff to revisit the
11 schedule and look at what it would take to actually
12 accommodate all the groups that are interested in giving
13 presentations, and they're going to bring that
14 information back to the Commission this afternoon so that
15 we can make a final call.

16 **COMMISSIONER BARABBA:** We're not insisting
17 anybody change their schedule that they prepared for.

18 **EXECUTIVE DIRECTOR CLAYPOOL:** So, I didn't
19 understand the afternoon deadline, because, again,
20 Christina is going to have to call all of these groups to
21 find out who is willing to compact their time. She is
22 also interviewing staff today to replace one of our
23 contract staff that's off. So, I don't know that we can
24 give you a hard decision this afternoon, because we have
25 so many groups to call and to make these requests from.

1 **COMMISSIONER DIGUILIO:** Practically (inaudible)
2 though, our only agenda is (inaudible) business today; is
3 that correct, Commissioner Ancheta?

4 **CHAIRPERSON ANCHETA:** Correct.

5 **COMMISSIONER DIGUILIO:** So, we do actually have a
6 hard deadline, and it might not be complete or perfect,
7 but whatever information you're able to give us by the
8 close of our business meeting, I think we do need to make
9 some --

10 **CHAIRPERSON ANCHETA:** I think staff can give us a
11 report at our close (inaudible) see where we're at.

12 **EXECUTIVE DIRECTOR CLAYPOOL:** Exactly, as long as
13 we understand it will be imperfect.

14 **COMMISSIONER DIGUILIO:** Well, and we can also
15 just delegate to the Chair -- the Chair and Vice-Chair
16 officially to get on that and make whatever calls need to
17 be made.

18 **CHAIRPERSON ANCHETA:** Yeah. Okay. Let me
19 provide one last (inaudible). This is an update. Gibson
20 Dunn has drafted us a set of examples of questions that
21 we might (inaudible). We're still looking at that, and
22 we'll send it to all the Commissioners later either today
23 or tomorrow. It's still in draft form. Just (inaudible)
24 some questions that Gibson Dunn has put together.

25 **COMMISSIONER DIGUILIO:** Commissioners, do you

1 want to explain why we asked them to do that, why we were
2 trying --

3 **CHAIRPERSON ANCHETA:** I don't --

4 **COMMISSIONER DIGUILIO:** -- (inaudible) guidance
5 for us.

6 **CHAIRPERSON ANCHETA:** I'm not sure if we asked.
7 Was that solicited by us or did they generate it?
8 Mr. Miller can answer this.

9 **MR. MILLER:** It is an outcome that stemmed from
10 one of our weekly conference calls as a suggestion to
11 facilitate the exchange at the forthcoming meetings.

12 **COMMISSIONER BLANCO:** I couldn't hear.

13 **MR. MILLER:** Sorry. The questions that have been
14 prepared are the result of one of the weekly conference
15 calls that we had begun in anticipation of the
16 presentation of the Statewide maps.

17 **CHAIRPERSON ANCHETA:** And Mr. Miller,
18 Commissioner Barabba had (inaudible) put some additional
19 preparatory remarks on the (inaudible).

20 **MR. MILLER:** One thought that occurred to me, the
21 questions are excellent. There are too many to be
22 effectively used. So, I would think of it much more as a
23 smorgasbord than a procedure. The questions highlight
24 issues that the Commission will have to consider in
25 drawing the maps. That's a short preview. So, hence,

1 it's appropriate that they all be identified, because
2 they'll be part of the recipe when the final maps are
3 delivered is to try to the extent we can to address each
4 of the questions or issues raised by (inaudible).

5 **CHAIRPERSON ANCHETA:** Just so you -- There are
6 about seven pages of questions, which, of course, we're
7 not going to ask in 10 minutes, obviously, but they're
8 very useful questions, not only for consideration but
9 also our work in terms of drawing maps. But we
10 (inaudible) as a preparatory (inaudible) for shipping
11 those out because there is so many of them and it's
12 really (inaudible) or asking just a couple.

13 **UNIDENTIFIED MALE SPEAKER:** And, again, when I
14 was (inaudible).

15 **CHAIRPERSON ANCHETA:** Just hopefully some point
16 later today or tomorrow.

17 **MR. MILLER:** I have a couple of additional ideas
18 that I'd like to review with the Chair. I think that
19 would be the more efficient way, and then we'll make them
20 available to the full Commission.

21 **CHAIRPERSON ANCHETA:** We're not going to -- Just
22 we (inaudible) again, what are we looking for and what
23 would we need to do (inaudible). It's more introductory.

24 **COMMISSIONER GALAMOS-MALLOY:** Commissioner
25 Ancheta, is the thought that those questions are going to

1 be available to the presenters prior to them making their
2 presentation so they could be able to anticipate the
3 types of issues that might arise.

4 **CHAIRPERSON ANCHETA:** I think that's right. And,
5 again, there is a (inaudible) question. Too many
6 questions are not applicable to all groups. Some of them
7 are challenging questions, and (inaudible) groups don't
8 feel that they're required to do. They're very good
9 questions, but we don't want (inaudible) in the legal
10 field what are called interrogatories. They're a bunch
11 of questions you have to answer every single one in
12 detail. So, we want to convey that to the public. And
13 this will be posted as well for distribution. But we
14 want to (inaudible) give them to us.

15 Okay. I'm going to take one thing out of order.
16 Can we go to 1C. We're also bumping up against the lunch
17 time. We have to discuss the input schedule for July 13th
18 to the 20th. Those are all to be determined dates, which
19 means we can use them all or we can use none of them or
20 we can develop some balance of them. And I'm not sure if
21 Mr. Claypool -- You've mentioned that there has been some
22 staff work in terms of venues, but, again, it's very
23 preliminary (inaudible) possible, available (inaudible).
24 But this one, again, we had (inaudible) does not
25 determine anything. I just want to know if the staff has

1 anything to give us.

2 **EXECUTIVE DIRECTOR CLAYPOOL:** Only in that we
3 anticipated that at least one of those to be determined
4 would be in the Inland Empire, and so we have looked at
5 one venue in San Bernardino, although certainly there are
6 enough venues in either San Bernardino or Riverside to
7 accommodate us. But that's the only thing that we have
8 done.

9 **CHAIRPERSON ANCHETA:** Okay. So, either
10 Commissioner DiGuilio or Commissioner Ontai.

11 **COMMISSIONER ONTAI:** I'll (inaudible) some
12 questions. So, July 7th is our second (inaudible) of the
13 maps, and immediately it goes to the public review
14 process at that point. Then we have July 13th through the
15 20th for us, then, to meet again at various venues to
16 further get public response to the July 7th map readings.
17 So, we've had two requests from our colleagues that we
18 have two possible input hearings during that time, one in
19 Los Angeles and one in Santa Cruz. So, I'm going to ask
20 -- We can take it either way. We can discuss the topic.
21 I'd like to have the two Commissioners talk about these
22 two other venues.

23 **COMMISSIONER PARVENU:** Okay. I'll start. I
24 would like to suggest to the Commission that we return to
25 Los Angeles, possibly Saturday, July the 16th or Sunday

1 the 17th (inaudible) ability to have a Saturday venue in
2 Los Angeles to allow individuals who have not had an
3 opportunity to provide testimony on a weekend from 2:00
4 to 5:00. Previous engagements we've had in Los Angeles
5 went from 6:00 to 9:00, of course, in Downtown Los
6 Angeles. A lot went wrong with that venue. It's very
7 small. A small venue. There was some other issues of
8 parking.

9 I would like to propose that we return to Los
10 Angeles either Saturday, July the 16th, or Sunday the 17th
11 and have a venue -- The venue that I have in mind is the
12 Watts Community (inaudible) Action Committee Venue,
13 Phoenix Hall. It seats 600. Parking is available for
14 free for 300. And it's close to the freeway, the 105
15 Freeway, and it's right in an area that is -- that's
16 segmented in terms of districting currently. I think
17 there are three assembly districts, two senatorial
18 districts. It's right at the crossroads. It's pretty
19 much at the epicenter, so I'd like to forward that to the
20 Commission for consideration on either of those two days.

21 **CHAIRPERSON ANCHETA:** And just procedurally, I'd
22 recommend we get the discussion so it gives us the block,
23 and then try to get either an integrated motion or
24 (inaudible). Where was the second (inaudible).

25 **COMMISSIONER BARABBA:** (Inaudible).

1 **CHAIRPERSON ANCHETA:** (Inaudible).

2 **COMMISSIONER BARABBA:** I think you also have the
3 (inaudible) in Santa Cruz County sent in a message
4 indicating that they would like to have a hearing in
5 Santa Cruz as well. And there is a pretty broad
6 coalition of interest groups that are interested in doing
7 that. And the other aspect of it is is that, relative to
8 the community of interest, it might be one of the more
9 interesting ones because it's called Monterey Bay, and
10 it's a very large area. And traditionally those counties
11 have been held together, but in the last redistricting
12 they were really torn apart.

13 I mean, my Senator lives in -- used to live in
14 Santa Maria. Now he's moved all the way up to San Luis
15 Obispo, and that's a long way from the District. So,
16 it's really been an area that's -- and we have another
17 Senator that lives up in Santa Clara. So, it's an area
18 that's really been deprived of that quality of contact
19 district, and there is significant issues of water and
20 agriculture and things that I think would be a value to
21 the group.

22 **CHAIRPERSON ANCHETA:** Okay.

23 **COMMISSIONER ONTAI:** I'm (inaudible) other
24 venues.

25 **COMMISSIONER GALAMBOS-MALLOY:** No, I apologize.

1 I was not aware of the process to send in our ideas. I
2 think that my request for consideration is also coming on
3 the heels of our San Diego hearing and our deliberations
4 regarding the Portola Valley, Imperial Valley, San Diego
5 Region. And I think that we're considering some markedly
6 different ways of dividing those areas up.

7 And the thing that concerns me is that I feel
8 like we had very minimal input from the actual residents
9 of the Imperial Valley who are really at the crux of some
10 of the decisions that we have to make. And that pool
11 has, both in person and e-mail, very little input over
12 all of the hearings that we have had in the nearby
13 vicinity or in San Diego and Portola Valley, which
14 clearly are the largest regional hubs near the Imperial
15 Valley, but, still, it's a very significant haul to get
16 there.

17 So, given that we are considering being in
18 Southern California now, potentially for the Los Angeles,
19 I wanted to throw out the idea of us going, actually, out
20 to Imperial County to do a hearing sometime during this
21 block.

22 **CHAIRPERSON ANCHETA:** I think we have
23 Commissioner Ward then Commissioner Dai then Commissioner
24 DiGuilio.

25 **COMMISSIONER WARD:** (Inaudible) isn't it?

1 **CHAIRPERSON ANCHETA:** You're on right now.

2 **COMMISSIONER DIGUILIO:** Maybe we should mention
3 (inaudible) considering these locations. (Inaudible) had
4 some session about these locations when considering
5 venues too. The idea that there is not -- if you look at
6 the last bit of time we have for our schedule, there is
7 not a traditional end of hearing like we've had in the
8 past. There is not going to be the time to incorporate
9 past the second draft map. These are really, I mean
10 really a fine tuned (inaudible).

11 And our discussion was that Commissioner Ontai
12 and I had talked with (inaudible) briefly about some of
13 the mechanical things (inaudible) he said that is going
14 to come up. The suggestion was is we should focus on the
15 area (inaudible) but we're considering these areas that
16 will really need fine tuning at the edges and the
17 periphery of these locations. Let's not go to a place
18 that we're soliciting, you know, for the first time,
19 necessarily. Some of those places could still be places
20 that are on the edges, but if you look at the schedule
21 there is -- we can (inaudible) that. And we have -- The
22 final maps, we have four days with line drawers
23 incorporating anything. And that's -- and that includes
24 the last day of the draft map that's supposed to be
25 released on the 28th.

1 Personally, I (inaudible) that when we're
2 considering these locations that we keep in mind
3 (inaudible) that this is -- it's not simply, okay, we're
4 presenting it, that's all we're doing, but so we'll take
5 some input. It's going to be very limited in what we can
6 do to incorporate that.

7 **CHAIRPERSON ANCHETA:** Commissioner Ontai, do you
8 want to control the queue? You want me to just --

9 **COMMISSIONER ONTAI:** Yeah, sure.

10 **CHAIRPERSON ANCHETA:** So, I have Commissioner
11 Ward then Commissioner Dai then Commissioner Yao then
12 Commissioner Blanco.

13 **COMMISSIONER WARD:** That shows a (inaudible) into
14 my thoughts as the (inaudible). And we have literally
15 this whole week, and giving some careful consideration
16 any time my fellow Commissioners (inaudible) insightful
17 analysis on this topic. And, you know, I kind of echo
18 some of what Michelle was saying with when you look at
19 the schedule and where we're at, actually around two
20 weeks basically until -- When we look at our process for
21 collecting public input, to date and probably up through
22 about the middle of that month, it seems to be pretty
23 solid. I mean, we've come up with a great process. We
24 shouldn't be expected any bombshells, you know, in that
25 last week that's going to radically shift what we've done

1 with the careful contemplation we use to blanket the
2 State.

3 So, in consideration of that, and, as the FNA,
4 looking at the extent that goes into putting on each of
5 these input meetings, I was kind of wanting to start the
6 conversation, or try to point it back toward the Chair,
7 kind of initiating the conversation and talking about as
8 a block how many input meetings, these fine tuned
9 meetings, do we want to commit to. And then, maybe, we
10 can digress into determining where those should be. But
11 as the FNA, I'd like to make a suggestion that we
12 consider paring those back, again, in light of the fact
13 that when you look at the expense and the time it's going
14 to take in that particular season of the process is --
15 that monument of time and resource could be better
16 (inaudible) at that point, considering all of the input
17 we're going to be receiving prior to that.

18 **COMMISSIONER ONTAI:** Commissioner Dai.

19 **COMMISSIONER DAI:** Thank you. Yes, I agree with
20 Commissioner Ward, also sitting Financing Committee. You
21 know, looking at the schedule I think we need to be
22 realistic about what's going to be accomplished at that
23 late point in the process.

24 I also think we need to be very selective,
25 because it is essentially troubleshooting at that point

1 where we've really gone into some trouble between some
2 public input that's conflicting, and there is a border
3 region problem or something like that. If we're not
4 going to get significant new information, you know, we're
5 here to listen, but, again, this is a modern age. We all
6 know by the volume of public input we've been receiving
7 over e-mail that the public is fully utilizing those
8 channels. But, again, thinking about us, I mean, we have
9 to have the ability to process all that information, and
10 the current schedule, essentially, has us going straight
11 through and then immediately going into another map --
12 final map drawing session.

13 So, I just question the utility of a schedule
14 like that. As much as I'm sure all of us enjoying a
15 different hotel every night, I think that we need to
16 really think about what is the value of that information.
17 I mean, I think these are perfectly fine proposals for
18 locations, and, you know, we've talked before about how
19 the North Coast has asked for a meeting. But what is our
20 criteria for making a decision on, you know, this last
21 stretch of TVD dates. What are we trying to get about of
22 it? I mean, I don't think we should just be, you know,
23 taking first come, first serve at this decision.

24 **COMMISSIONER ONTAI:** I believe it's Commissioner
25 Yao next.

1 **COMMISSIONER YAO:** Yes, it's really, on the same
2 topic that Commissioner Dai addressed, so far we have had
3 -- we have been calling these the input meetings, in
4 other words, soliciting input. But I think we probably
5 need to have a small discussion as to what we want these
6 serious of meetings to be like after the draft release,
7 and also after the second draft, and right before we
8 finalize the final draft so that we can set the
9 expectation. Again, there is some things that we would
10 love to hear, but the opportunity is perhaps gone in
11 terms of being able to do anything about it. So, I
12 wanted, perhaps, (inaudible) us to kind of define that a
13 little better before we proceed and set the agenda.

14 **COMMISSIONER ONTAI:** Commissioner Blanco.

15 **COMMISSIONER BLANCO:** Well (inaudible) the first
16 point, just to ask the folks that have been thinking
17 about the July meetings that are now called -- what it
18 means to fine tune. What was really envisioned as the
19 purpose of that last round? Because that, I think, would
20 help some of us, you know, figure out are we being
21 realistic by trying to put somebody in there. So, one
22 would be saying we should spend some time explaining to
23 the rest of us just what the thinking is about that, or
24 just all of us together thinking about what the purpose
25 of that very final stretch.

1 But the other, given those comments about that
2 those are various refinement meetings, I'm thinking, and
3 I was just consulting with my neighbor here to the right,
4 that perhaps the suggestion for Imperial Valley --
5 Imperial County could then be a swap where San Diego gets
6 a second shot on June 28th, which is now scheduled, and
7 that maybe that date for San Diego becomes Imperial
8 County. And if the folks in San Diego think Imperial
9 County is their neighbor they'll go to Imperial County to
10 make their comments. So, we could, you know, not have to
11 add something for the refinement stage, but maybe swap
12 the San Diego meeting for Imperial County. It's just a
13 thought.

14 **COMMISSIONER ONTAI:** Commissioner Filkins-Webber.

15 **CHAIRPERSON ANCHETA:** Oh, I'm sorry. Was
16 Commissioner Barabba next?

17 **COMMISSIONER BARABBA:** No, I think (inaudible).

18 **CHAIRPERSON ANCHETA:** Okay. I'm sorry.

19 **COMMISSIONER FILKINS-WEBBER:** I was also thinking
20 that these dates were for refinement. And I think before
21 we commit to any location that we're going to have at
22 least -- all the public comments, we're going to have all
23 of the inquiry and all the input for Q2 to show us where
24 we have a lack of information, where we have disputes
25 regarding the manner in which they have been directed to

1 draw the lines. I think it's too preliminary at this
2 point, even though we're providing staff with available
3 venues, but I think we really need to see what happens
4 after June (inaudible) and then readdress the issue.

5 I concur wholeheartedly with Commissioner Ward,
6 as well, regarding a financial aspect. So, again, it's
7 not an opportunity for a full public input hearing. This
8 is really probably to narrow down areas where Q2 is going
9 to say, and Gibson Dunn, for that matter, on Section 2,
10 maybe Section 5. I mean, maybe we -- We've already done
11 our Section 5 areas, except for Monterey, but we know
12 what result we got there, and I really think that we
13 might have to have some consideration in going back into
14 some of those areas.

15 So, I think it's too preliminary. Let's hear
16 from our experts and then we can make a final decision on
17 locations.

18 **COMMISSIONER ONTAI:** Commissioner Barabba.

19 **COMMISSIONER BARABBA:** Yeah. I concur with the
20 spirit of the comments that have been made. I would just
21 like to point out that it's not only Santa Cruz, but it's
22 Monterey, and Monterey is a Section 5 District. And the
23 community of Watsonville, which is adjacent to Monterey,
24 is going to really pose some interesting questions
25 relative to the VRA. And even if we had everything

1 drawn, I think the ability to explain what we've done in
2 that very sensitive area would be very important.

3 **CHAIRPERSON ANCHETA:** So, Commissioner Ontai, do
4 you want to structure something here?

5 **COMMISSIONER ONTAI:** Yeah. Well, I think the
6 just of what I'm hearing is that we need to have
7 (inaudible) discussions of what this period means, what
8 we want to have out of them. It sounds like it isn't
9 final at this point, because it's not (inaudible) going
10 out and getting broad based input information but
11 reflections from our stakeholders on those maps, July 7th,
12 I think (inaudible) refinements. And I think out of that
13 discussion we can then revisit again as to where we can
14 best get that response in the manner that it's the most
15 people and the most regional (inaudible) that says yes,
16 we agree with these maps, yes, we think (inaudible). So,
17 maybe we'd start the session on what the nature of what
18 these meetings should be about.

19 **CHAIRPERSON ANCHETA:** And do you want to initiate
20 this discussion -- Because I'm looking at the clock. Do
21 you want to initiate this discussion now or do you want
22 to initiate -- Because my support staff doesn't need to
23 start looking at these venues. We're (inaudible)
24 business meeting until I think June 1st. We do have
25 (inaudible) as well. Mr. Claypool.

1 **EXECUTIVE DIRECTOR CLAYPOOL:** (Inaudible) at the
2 calendar, so you have time to consider this. We'll have
3 to start noticing not later than June 29th, so you do have
4 -- we can go through the actual line drawing at
5 Northridge and so forth, and you can come away with that
6 information and then make this decision following that at
7 one of the business meetings.

8 **CHAIRPERSON ANCHETA:** The one thing I might also
9 note, because Ms. MacDonald will be in this afternoon, we
10 might want just to ask her as part of this whole -- just
11 giving us more detail regarding the upcoming process
12 (inaudible). I would just want to ask her what are you
13 thinking down the -- We did have a preliminary
14 conversation, but we could ask her what are you thinking?

15 **COMMISSIONER ONTAI:** Yeah, I think that would be
16 appropriate to get her response.

17 **CHAIRPERSON ANCHETA:** And then we could push back
18 the discussion, the full discussion at the next --

19 **COMMISSIONER ONTAI:** Okay. So, we'll jump into
20 the meaning of this hearing, Commissioner Dai.

21 **COMMISSIONER DAI:** Yeah, I was just going to say
22 there is currently a business meeting that is scheduled
23 for June 23rd, and at that point we will have, I'm sure,
24 heard a lot of response to our first draft maps, and that
25 might give us a very good sense of -- To Commissioner

1 Filkins-Webber's point, I mean, we don't really what the
2 problem areas are yet. You know, we think we're
3 listening well and getting pretty good input, but I think
4 the real reaction is going to be after the first draft
5 maps, and then we'll see where there is real conflict and
6 where there are going to be problems that we might need
7 to, you know, have a mutual problem solving session in a
8 particular region and get some suggestion on how we need
9 to tweak things.

10 **COMMISSIONER DIGUILIO:** And not to beat the horse
11 too much into the ground, but just to elaborate on
12 Commissioner Blanco's questions in our discussion,
13 Ms. MacDonald had mentioned that when she was commenting
14 that we, as a Commission, would be after we had gone
15 through the first (inaudible) and after we started to get
16 some initial feedback. I think we'll get it -- we're
17 already starting to get feedback based on some of that
18 individual issues (inaudible). So, I think she felt that
19 it would be best to (inaudible). I think it doesn't hurt
20 to have special (inaudible) areas that we keep in
21 consideration (inaudible).

22 **COMMISSIONER ONTAI:** All right. Anyone else?

23 **COMMISSIONER DAI:** Makes sense.

24 **CHAIRPERSON ANCHETA:** So, just in terms -- We're
25 at 12:30. We did (inaudible) stomach have their own

1 clocks when we start. (Inaudible) at 1:15. Is that all
2 right?

3 **COMMISSIONER ONTAI:** Yes.

4 **CHAIRPERSON ANCHETA:** Okay. We'll recess until
5 1:15.

6 **(Off the record for**
7 **lunch recess)**

8 **CHAIRPERSON ANCHETA:** We are reconvening. We are
9 still on the technical outreach discussion agenda.
10 Mr. Claypool, is there any -- in terms of the inline
11 review or IFB, is there any just very brief updates that
12 you wanted to give us in terms of progress?

13 **EXECUTIVE DIRECTOR CLAYPOOL:** Only that the --
14 that our first IFB took precedent, the one for
15 (inaudible) voting analysis. But Raul has finished the
16 outline, and we anticipate sending that over to the
17 Office of Legal Services for review Monday or Tuesday.

18 **CHAIRPERSON ANCHETA:** Okay.

19 **EXECUTIVE DIRECTOR CLAYPOOL:** So, that's the
20 update.

21 **COMMISSIONER BLANCO:** I can't hear you very well.

22 **EXECUTIVE DIRECTOR CLAYPOOL:** I apologize.

23 **CHAIRPERSON ANCHETA:** So, let's leave it inline
24 review, and we'll certainly update the staff where things
25 are. I wanted to make sure that the Commission, in terms

1 of if it was working with staff on this, that things are
2 -- but I wanted to get sort of where we are currently
3 with that particular IFB.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** So, what I said is
5 if the (inaudible) IFB took precedent, and so we're
6 moving that now through DGS. And then the inline
7 reviewer process we hope to move over to DGS Office of
8 Legal Services for review Monday or Tuesday. So, that's
9 -- And then once they -- one they finish it we can go
10 ahead and let it, and see what responses we receive.

11 **CHAIRPERSON ANCHETA:** And we will have a little
12 more discussion (inaudible). Commissioner Filkins-
13 Webber.

14 **COMMISSIONER FILKINS-WEBBER:** I had not had an
15 opportunity to talk to you about some of the questions
16 that I had. And that was, I think, following Santa Ana.
17 But has a draft been sent out to at least me as the lead
18 on legal, or may I at least have a copy before you submit
19 it to DGS?

20 **EXECUTIVE DIRECTOR CLAYPOOL:** Absolutely.
21 Absolutely. I was just thinking in terms of where we
22 would send it, but I'll make a note and you'll see it
23 first.

24 **COMMISSIONER FILKINS-WEBBER:** Thank you.

25 **CHAIRPERSON ANCHETA:** Commissioner Ward.

1 **COMMISSIONER WARD:** Yes, sir. In regards to the
2 Inline process reviewer, and (inaudible) several issues
3 regarding that, some related to budget. And something
4 that would be very helpful is at this point (inaudible)
5 we've actually taken a motion, and maybe at the direction
6 of staff, and it would be very helpful on a number of
7 reasons if we could get that accomplished. I'd like to,
8 if the Chair willing, try to (inaudible).

9 **CHAIRPERSON ANCHETA:** Well, just in terms of
10 time, because I think what we have done on a couple of
11 these was at least get the process going so we could get
12 to this point where we could have (inaudible) and
13 discussion. And this is a timing question that we have.
14 Is this right now for -- to set a discussion? Do we
15 finalize anything?

16 **COMMISSIONER WARD:** And then, not -- I'm
17 suggesting, if possible, if it's something that we could
18 do quickly that we do, and the reason for that is, is
19 again, that's a budget line item that is -- has money
20 allocated to it that we need to make some decisions with.
21 And at this point, again, we're having staff building an
22 IFB and all these kinds of things, so there is this staff
23 work going into this, there is money kind of lingering in
24 limbo with this, and it seems like it would be an
25 appropriate time to go ahead and just commit to this or

1 not and move forward.

2 **CHAIRPERSON ANCHETA:** Commissioner Filkins-
3 Webber.

4 **COMMISSIONER FILKINS-WEBBER:** I agree as well,
5 for two reasons. We've seen this issue going on with DGS
6 reviewing our documents and it being a long process.
7 There is no sense in going through all of this if the
8 decision is going to be made by the Commission not to do
9 it. But and we also do have a line item in the budget if
10 the Commission is, at this point, considering that they
11 were not going to retain the Inline process reviewer,
12 then we free up monetary funds.

13 So, I think we need to make a decision so that we
14 can direct staff on how much time they should be spending
15 on working with this issue, and obviously the budget
16 issue. So, I think it's ripe for discussion now. Thank
17 you.

18 **CHAIRPERSON ANCHETA:** (Inaudible).

19 **COMMISSIONER FILKINS-WEBBER:** Am I yelling? I'm
20 only doing it because (inaudible).

21 **CHAIRPERSON ANCHETA:** Oh, that's just you.

22 **COMMISSIONER FILKINS-WEBBER:** That's just me.

23 **CHAIRPERSON ANCHETA:** Just you. Well, could
24 entertain a motion. Mr. Claypool, do you have any
25 comments on this point?

1 **EXECUTIVE DIRECTOR CLAYPOOL:** It would be helpful
2 for us to agree on at least a budget amount for this
3 process. And as we had always understood it, it was
4 going to be to let this IFB, and then it would be with
5 the proviso that if they were needed then we would use
6 their services. So, I think that if we have an agreed
7 upon amount we can let it, you can -- we can go through
8 the individual who applied to provide a service, and the
9 Commission could select -- We could put it all in place
10 as long as we knew that we had a cap. Office of Legal
11 Services is going to require a cap for these services.
12 So, we would have a cap, and then we could have it in
13 place for you, and then you could pull the trigger if you
14 needed to.

15 **COMMISSIONER WARD:** We already have -- What's the
16 amount that we had on (inaudible)?

17 **EXECUTIVE DIRECTOR CLAYPOOL:** We took --
18 originally we had reduced it because we were moving line
19 items, and we reduced it \$23,000, but we had increased
20 that in this last one after a discussion with you, and we
21 had increased it to the same amount that we had for the
22 racially voter --

23 **COMMISSIONER DIGUILIO:** (Inaudible).

24 **EXECUTIVE DIRECTOR CLAYPOOL:** With that study
25 that we're going to do to \$50,000. So, we have -- we

1 placed \$50,000 in it, and so that's where it stands right
2 now. It just seemed an appropriate amount if we just
3 equated the two. But you can tell us what amount, and
4 then we can look for it and bless it.

5 **CHAIRPERSON ANCHETA:** Well, I'll entertain a
6 motion if you want to move something more specific so
7 that we can get something to discuss specifically.

8 **COMMISSIONER WARD:** I haven't thought the motion
9 (inaudible).

10 **CHAIRPERSON ANCHETA:** I could take --

11 **COMMISSIONER WARD:** You want to take it up?

12 **CHAIRPERSON ANCHETA:** We could table this for a
13 few minutes, and you can think about it and come back to
14 it.

15 **COMMISSIONER FILKINS-WEBBER:** I would move that
16 this Commission retain the services of Inline process
17 reviewer, by virtue of the IFB that will be approved
18 through DGS, with further instructions to that individual
19 as issues arise.

20 **CHAIRPERSON ANCHETA:** Is there a second?

21 **COMMISSIONER WARD:** Second.

22 **CHAIRPERSON ANCHETA:** Commissioner Ward seconded
23 it. Commissioner Filkins-Webber posed the motion. Could
24 -- Let's make sure that, first, that Ms. Sargis has the
25 motion.

1 **COMMISSION LIAISON SARGIS:** I have part of it.
2 So, it's that the Commission retain the services of the
3 Inline process reviewer through the IFB process with
4 further instruction. I lost it there.

5 **COMMISSIONER FILKINS-WEBBER:** That's it. That's
6 good.

7 **COMMISSION LIAISON SARGIS:** Okay. So, the
8 Commission retains services of the Inline process
9 reviewer through the IFB process. Is that it?

10 **COMMISSIONER FILKINS-WEBBER:** Yes.

11 **COMMISSION LIAISON SARGIS:** Okay.

12 **CHAIRPERSON ANCHETA:** Okay. Discussion on this
13 motion? Commissioner Blanco.

14 **COMMISSIONER BLANCO:** So, previously we had said
15 this was an as needed?

16 **COMMISSIONER WARD:** Yes, it was.

17 **COMMISSIONER BLANCO:** Correct? Are we changing
18 that to now saying we shall retain? That's my question.

19 **CHAIRPERSON ANCHETA:** Well, I believe that the
20 question -- the motion goes to that there is a
21 determination that there is a need, and discuss whether
22 we agree that there is a need to do it. I think that's
23 what the motion is going to.

24 **COMMISSIONER WARD:** I can speak to, you know, the
25 need for it from the standpoint of I think there is --

1 there is a multitude of reasons. Just in summary,
2 though, I think that it's in the Commission -- the
3 interest of the body to do this, being a first time
4 process and trying to keep with that transparency theme
5 with the bulk of the critique and everything else that
6 the Commission, the Commission staff, and everyone else
7 that's been under a small peer review seems to be an
8 appropriate way to assure all of California that we're
9 open, transparent, and (inaudible).

10 **CHAIRPERSON ANCHETA:** Okay. Commissioner
11 Barabba.

12 **COMMISSIONER BARABBA:** Yeah. I agreed to it when
13 it was as needed. I would oppose it as a requirement for
14 the following reasons. To the points that have been made
15 by Commissioner Ward is that the transparent process in
16 place is that the one we already have. We are going to
17 publish the directions to the line drawer, we will see
18 the results of that, submit the maps. Then we give
19 people a chance to review it, and then it comes back, and
20 then do the whole process twice. And so, why, given the
21 budget constraints we're facing, why we need to go the
22 extra step is I think outside of being reasonable.

23 **CHAIRPERSON ANCHETA:** Additional comments?
24 Commissioner DiGuilio and then Commissioner Ward.

25 **COMMISSIONER DIGUILIO:** So, as I understand it,

1 this motion is -- the motion says that we would actually
2 go through the hiring; is that correct? That's what
3 we're voting on with this motion? So, if you've got --

4 **COMMISSIONER BARABBA:** Unless --

5 **COMMISSIONER BLANCO:** Can't hear you.

6 **CHAIRPERSON ANCHETA:** I'm sorry. So, if -- so if
7 this motion is that if you vote in favor of the motion is
8 that you want to hire (inaudible) right now. Is that --

9 **COMMISSIONER WARD:** The committee (inaudible) the
10 IFB.

11 **COMMISSIONER BARABBA:** That's different.

12 **COMMISSIONER DIGUILIO:** Well, that's different.
13 That's what I'm asking. Is it that we're releasing the
14 IFB so we can get a listed pool of names of people that
15 we can use as needed or are we saying we're hiring --
16 we're going to release that and hire (inaudible).

17 **COMMISSIONER WARD:** I understood the motion,
18 seconding it, as we were going via committee to letting
19 the IFB with the intent to hire it. Yes, so we're
20 committing to hire (inaudible).

21 **CHAIRPERSON ANCHETA:** So, Commissioner Filkins-
22 Weber (inaudible).

23 **COMMISSIONER FILKINS-WEBBER:** Yes, it's my -- We
24 have not committed to the decision of retaining the
25 Inline process reviewer, and I feel that it's necessary

1 that we make that decision. The intent of my motion was
2 for this Commission to render a decision that we have
3 agreed to hire the Inline process reviewer.

4 **COMMISSIONER DIGUILIO:** I guess for me, then, in
5 terms of just my opinion on this, I feel this is an as
6 needed basis, and I don't feel like I know enough yet to
7 know if we need it. So, I'm reluctant to go -- It's not
8 onto that we may not have a need at some point, but, for
9 me, it's timing right now.

10 **CHAIRPERSON ANCHETA:** (Inaudible) Commissioner
11 Ward, Ontai and (inaudible) Commissioner Dai.

12 **COMMISSIONER WARD:** I appreciate Commissioner
13 Barabba's comments. I think what I saw the utility of
14 this inline review being is a peer review, not something
15 where this person is coming in and assessing where, you
16 know, we decided to draw a line or something like that.
17 It's not another cog in determining where the lines go.
18 We're talking about a peer review of the process.

19 That's not something that's currently being done,
20 and that's not something that's being done through public
21 feedback. This is something that we don't have
22 (inaudible) right now, and it adds legitimacy to our
23 work. This is going to help us after the fact, tell me
24 if our map is legitimate, and not only (inaudible) but I
25 also think in court. And this person would be coming in

1 and working with you two, again, looking at a process
2 review and a peer review of how we're going about taking
3 information, applying it, and the processes of line
4 drawing and making the decisions. That's very different
5 from what we've done.

6 **CHAIRPERSON ANCHETA:** And so the queue at this
7 point is Commissioner Ontai then Dai and then Barabba
8 (inaudible) Commissioner Raya.

9 **COMMISSIONER ONTAI:** My understanding,
10 Mr. Claypool, is that we're going to complete this RFQ,
11 send it off to candidates who meet that profile. We
12 would, then, or you would then recommend one party, and
13 then that person or that company would be on hold in
14 terms of signing any contracts at that point until there
15 is a need for us to call upon their expertise. That was
16 my understanding. As long as we don't have a signed
17 contract, we don't have a relationship with any
18 consultant. But we want to bring it up to that point so
19 that if there is a need we don't have to go through a
20 whole DGS process.

21 **CHAIRPERSON ANCHETA:** Go ahead, Mr. Claypool.

22 **EXECUTIVE DIRECTOR CLAYPOOL:** I understood it
23 that we would ask for -- we would make a Request for
24 Qualifications, but that the Commission would actually
25 review those qualifications, not necessarily myself, and

1 that you would then make a recommendation as to who you
2 wish to retain, and that retention would be based on
3 whether or not you needed them to do -- to do this
4 process for you.

5 **COMMISSIONER ONTAI:** I understand, but up until
6 that point we would not sign a contract to bring that
7 consulting firm on board until there is a natural need.

8 **EXECUTIVE DIRECTOR CLAYPOOL:** I would -- I have
9 to see how that works. I was always under the
10 understanding that we would actually contract with them,
11 but only contract with them for services that we
12 requested that they do for us. So, we would say, you are
13 the person, in essence, that we are going to use if we
14 use this function. So, in my mind, it would be a
15 contract, but it would be based on whether or not you
16 chose to use their services.

17 **COMMISSIONER ONTAI:** Okay. I guess, are we
18 saying the same thing?

19 **EXECUTIVE DIRECTOR CLAYPOOL:** I think that I'm
20 saying that we would contract with this individual, but
21 the contract would specify that we would only use those
22 services if we requested them, and that's --

23 **COMMISSIONER ONTAI:** Okay. I think we're saying
24 the same thing.

25 **EXECUTIVE DIRECTOR CLAYPOOL:** -- what I thought

1 we were aiming for.

2 **COMMISSIONER ONTAI:** All right. I think we're
3 saying the same thing.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay.

5 **CHAIRPERSON ANCHETA:** Commissioner Dai.

6 **COMMISSIONER DAI:** Yeah. I mean, that's where
7 the confusion is, because that still, to me, sounds like
8 an as needed basis. In other words, the whole reason I
9 thought we initiated, kick started this process is that
10 it takes time to put the fee together, and we wanted to
11 kind of get that in the queue just in case we actually
12 decided we did need someone. So, that's why we put money
13 aside in the budget, that's why we kicked off the
14 proposal, you know, documentation, but, you know, if we
15 can contract with someone and decide that we don't need
16 their services, then we don't have to pull the trigger,
17 if that's my understanding.

18 **CHAIRPERSON ANCHETA:** Let me interject something
19 (inaudible). What is your understanding? Is it that
20 you've made a determination that there is, in fact, a
21 need and (inaudible) we can go forward to the point where
22 we get a contractor, or is it further down that, in fact,
23 there is a need to do it? In other words, we haven't
24 done a need determination to let's say, here, do X, Y, Z,
25 but we (inaudible) to say we need you now to be on call.

1 So, the question is, which -- if you accept those two
2 variations, which one is it?

3 **COMMISSIONER FILKINS-WEBBER:** This is how I see
4 it. I believe throughout the entire process and where
5 the Inline Reviewer discussion came up was when we were
6 considering the bids of our other experts. So, we
7 haven't taken that next step to determine necessity, but
8 it's creating two problems. You've got a budget, you've
9 got a line item in the budget that we need to address.
10 But we're also talking about a circumstance of the actual
11 bid and this ongoing process with DGS that we have to
12 have that ready.

13 I believe that we do have a necessity. And this
14 is the reason of the necessity. Even though we haven't
15 identified any actual areas where this particular
16 individual will be conducting a review, but let me tell
17 you where we're getting that is that we're going -- the
18 time crunch is on now, ladies and gentlemen, and what's
19 going to happen is is that we're going to be faced with
20 decisions that will need to be made. And this Inline
21 process reviewer will be adding potentially additional
22 layers of options if this Commission gets stuck in making
23 decisions.

24 We do not have the time when we come across that
25 period to then say, oh, well, now we need the inline

1 process reviewer, so now we need to vote that we're going
2 to need them, and now we need to vote to say that we need
3 to put the IFB process through DGS, and now we can get it
4 released. And then we're going to be two or three weeks
5 behind when we realize this, quote, unquote, necessity.
6 So, my point is, we need to make a decision that we agree
7 that we will have an inline process reviewer for those --
8 on all of those occasions in which we need -- or we see
9 and desire the necessity for this inline process reviewer
10 to feel comfortable, even at our pre-map stages.

11 We've got two pre-map stages, and I think even
12 based on some of the conversations we've had with Gibson
13 Dunn in our conference calls and how they view the pre-
14 maps themselves and how they wish -- I think we need to
15 have somebody lined up. I think we need to make a
16 decision on that, and that's the purpose of making a
17 decision now so that we don't forego what we have told
18 the public we intended on doing when we retain the
19 services of our other experts.

20 **CHAIRPERSON ANCHETA:** Let me go back to the
21 queue. I think it's (inaudible) Commissioner Barabba
22 (inaudible).

23 **COMMISSIONER BARABBA:** I want to make sure I
24 understood you. If we go through with this motion, we
25 are agreeing to put out the bid and the FI -- a peer

1 review that we need to. We have not committed as to
2 exactly what we're going to ask that person to do or
3 whether we would ask them to do anything?

4 **COMMISSIONER FILKINS-WEBBER:** Correct.

5 **COMMISSIONER BARABBA:** Okay. Thank you.

6 **CHAIRPERSON ANCHETA:** Commissioner Galambos-
7 Malloy.

8 **COMMISSIONER GALAMBOS-MALLOY:** Okay. I think --
9 I think we're all trying to if we're saying the same
10 thing, and I'm still hearing that we are not actually
11 saying the same thing. So, the question that I hear
12 Commissioner Barabba ask was whether, to rephrase, was is
13 there some flexibility in the event that we identify that
14 there is not an urgent need to actually do the review,
15 have we already locked ourselves into the contract where
16 we've hired that person to do it? And that's -- I feel
17 like I know we've asked it a couple different ways, but
18 could you clarify it again whether that is the case, that
19 we are, in effect, by this motion hiring on the reviewer
20 and saying we will work with them, even --

21 **COMMISSIONER FILKINS-WEBBER:** As I understand,
22 the terms of the bid are based on the directions provided
23 by the Commission. So, if the Commission, through this
24 entire process come, you know, July 13th, we don't see a
25 necessity, then there wouldn't be any directive to the

1 inline process reviewer that the bid -- you know, the bid
2 we granted to to actually perform any services. And we
3 have that qualification in the bid, if I'm not mistaken.
4 It's based on the direction of the Commission.

5 **COMMISSIONER WARD:** Correct.

6 **COMMISSIONER FILKINS-WEBBER:** Thank you.

7 **COMMISSIONER GALAMBOS-MALLOY:** May I ask, so my
8 initial question I actually would like to direct it to
9 the technical team, because not knowing this area of the
10 work as well, with the inline review there are certain
11 aspects of our work that have different specialties
12 embedded within, and I question the idea of having a
13 contract in place and already identifying our consultant
14 where, again, we have not identified what the specific
15 issues are that we would need them to focus on, and,
16 therefore, we're kind of predetermining who we're working
17 with before we know what we need them to work with us on.
18 And so, that's really to the technical team, I feel like,
19 to provide us a little more guidance in terms of how
20 you're thinking about this issue.

21 **CHAIRPERSON ANCHETA:** So, Commissioner DiGuilio
22 (inaudible) and then we're back to the queue.

23 **COMMISSIONER DIGUILIO:** Well, I guess -- Well,
24 let me put it this way. Or Commissioner Barabba, do you
25 want to be the one to answer that? I mean, I (inaudible)

1 the technical committee?

2 **COMMISSIONER BARABBA:** I think there is no way of
3 knowing in advance specifically what we're going to ask
4 this person to do. So, the criteria in selecting someone
5 is someone who is sufficiently capable of handling
6 aspects of redistricting in the technical way. And that
7 should be part of the criteria in their selection. It's
8 somebody who we could go to, assuming that we need a peer
9 review, to comment. And my guess, there are people out
10 there who are capable of doing it.

11 **CHAIRPERSON ANCHETA:** Okay. So, we have
12 Commissioner Raya, Commissioner Blanco and Commissioner
13 (inaudible).

14 **COMMISSIONER RAYA:** Okay. I'm still having
15 trouble just -- I have the same concern that Commissioner
16 Galambos-Malloy does. And when Commissioner Filkins-
17 Webber describes this, and tell me if I didn't get this
18 right, if the Commission gets stuck we need a person to
19 come in and do new maps? That's what it sounded like to
20 me. Or do another version of maps? I'd still like --
21 Because I'm still unclear on what this person is going to
22 do, how they're going to evaluate the process, and what
23 they're going to tell us. You know, I just feel like I'm
24 lacking so much information here. In reference to
25 conference calls with the attorneys and how they view the

1 pre-maps, I don't have any idea how they view the pre-
2 maps, so I'm completely lost on that point.

3 I'm still a little unclear, I guess, as to the
4 whole time table as well, if we do or don't make his
5 decision right at this moment. The technical committee
6 hasn't really addressed something more specific about the
7 job description, so to speak, and we would be asking
8 someone to just more or less sit on hold, I guess; is
9 that correct? And I just don't know how -- maybe that
10 works, but I just feel like I'm really shooting in the
11 dark.

12 **CHAIRPERSON ANCHETA:** Mr. Claypool, do you want
13 to (inaudible)?

14 **EXECUTIVE DIRECTOR CLAYPOOL:** The scope, as we
15 have it now, would require this person to look at any map
16 or any district or anything that you've drawn at any
17 level, and then make a qualitative statement as to
18 whether or not it met, in their mind, you know, the
19 requirements -- whatever requirements you gave, then.
20 So, if you said there were -- we gave specifications for
21 this particular district, do you -- did this follow the
22 specifications. At which point, if there were some
23 disagreement, that person would be required to simply say
24 this is -- this is something where we're not sure, and
25 then you could direct them to possibly recommend an

1 enhancement. But it was never, and it was very specific
2 to us, that this person was never going to draw another
3 map or another district for you. It was only to look at
4 the instructions given and then make a qualitative
5 statement.

6 **CHAIRPERSON ANCHETA:** Okay. I've got
7 Commissioner Blanco, Commissioner Yao, Commissioner
8 Ontai. Is there anybody else? Commissioner Ward. And
9 (inaudible) close out discussion, if you want
10 (inaudible).

11 **COMMISSIONER BLANCO:** Okay. So, I am confused.
12 We had an existing vote and decision that we were going
13 to follow -- set everything up ready for this to happen
14 if we needed it, but that it was as needed. But then
15 there is -- seemed to be a decision to go further. There
16 is a motion. If it's just as needed we already have
17 voted on that, and what I heard differently, what I
18 understood the motion was is that we -- that was seconded
19 was that we need to decide to today, and the motion was
20 that we will require an inline review. I'm not talking
21 about -- But that we now are voting that, in fact, we are
22 -- we'll be deciding that we do require -- That's what I
23 heard Commissioner Ward say, that we -- the vote is about
24 now. The time has come to decide if we need an inline
25 review of the maps. And that's what I thought I heard

1 Commissioner Filkins-Webber say, that the time had come
2 now to pull the trigger and say we need the inline
3 review.

4 If it's not that, then we already have a policy
5 in place that says let's get everything going, and if we
6 feel we need it then we'll get to that point. So, can
7 somebody clarify, whether the person who made the motion
8 or the person who seconded it, whether the intent is that
9 today we are saying, yes, we've decided an inline review?

10 **CHAIRPERSON ANCHETA:** Okay. And I'll ask
11 Commissioner Filkins-Webber to just absorb the comments
12 first, and then we'll let you take it and give us an
13 answer to the various comments. So, Commissioner Yao.

14 **COMMISSIONER YAO:** I was the strong proponent in
15 terms of having an inline review person when we discussed
16 it months ago. And the way I saw the need was that the
17 issue, a single source contract, which is the Q2 to do
18 the map for us, and we have every confidence that it's
19 going to get done well. The inline reviewer, at that
20 point in time my thinking was twofold. Number one is,
21 just like you would go to a second opinion on a medical
22 service, you want somebody to be able to look at
23 something independently and offer up a second opinion.
24 So, one of the tasks that we can ask the reviewer to do
25 was to do that.

1 And then, also, another thing, a second potential
2 use of this inline reviewer is, if we ever come to a
3 situation where we have to make a tough decision, then
4 the inline reviewer can be consulted as to whether that
5 is the right decision or not. So, in order to have this
6 inline reviewer in place to help us make those kind of
7 decisions, they have to be selected ahead of time. By
8 the time that you need this inline reviewer, and you
9 start going through the selection process. We just
10 simply don't have time to go through that cycle so that
11 we can leverage that opportunity.

12 Now, this inline reviewer, the way I understand
13 the contract is, they'll be somebody that we preselect,
14 but the task that we assign to this reviewer is subject
15 to this Commission's option. In other words, we have to
16 issue the work order to them before they work for us, but
17 in the meantime, we select them as being qualified, being
18 ready and committed to do the work for us if we need them
19 to perform such work for us.

20 And I think at this point in time the
21 consideration is this. If you already decided that you
22 don't want an inline reviewer, then kill this thing,
23 because it doesn't do any good to us to try to issue an
24 RFQ or RFP to somebody that's hopeful that we'll use
25 them, and then if we don't have the intention of every

1 using them it's the wrong thing to do. But if you
2 subscribe to the fact that we want somebody to be able to
3 help us on a standby basis as needed, then this is the
4 absolutely essential step to take, because without taking
5 it we might as well saying that we don't want an inline
6 reviewer. Okay?

7 But, again, it's not quite a chicken and egg
8 situation, but it is somewhat in that family. If you
9 don't have it ready, you have no option of using it. If
10 you have it ready then you have the potential of using
11 it, and the work that we assign to them is -- has to be
12 decided by this Commission as a whole, even though we
13 have this person on retainer or on contact.

14 **CHAIRPERSON ANCHETA:** Commissioner Ontai then
15 Ward, then we'll take one or two, but then I want to
16 (inaudible) time.

17 **COMMISSIONER YAO:** Commissioner Yao answered my
18 question, but let me ask Mr. Claypool, do you have any
19 idea what the retainer would be?

20 **CHAIRPERSON ANCHETA:** Could you repeat the
21 question, Commissioner Yao?

22 **COMMISSIONER YAO:** Do you have any idea what the
23 retainer would be?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** No, that was -- I
25 had just been thinking in terms of a cap on services.

1 That's why I had -- That's why we had set aside \$50,000
2 and recommended \$50,000. I don't -- I hadn't thought of
3 it in terms of a retainer. I thought of it in terms of
4 just payment for services rendered.

5 **COMMISSIONER YAO:** Okay. Thank you.

6 **CHAIRPERSON ANCHETA:** Commissioner Ward.

7 **COMMISSIONER WARD:** Yeah. I appreciate my
8 colleagues' on the Commission comments. I echo them,
9 although I do know that when in healthcare and someone
10 comes to me for a second opinion, it's because they don't
11 like the one they have. And I don't see that as the
12 point of this. I don't think any of us envision this
13 inline process reviewer as someone that we call in to
14 break a tie or call in to because we don't like the
15 answers we have. That certainly wasn't my vision.

16 We're at a point where we've got budget decisions
17 to make and we've got staff that is stretched to the
18 limit. And I think that Commissioner Blanco is right.
19 We need to make a decision. Is this a good use of their
20 time, and is this money we need (inaudible) or not? We
21 need to, you know, commit as a body that we're going to
22 use this and we're going to need this or not. And,
23 obviously, I feel that -- that we do, and I've given you
24 a number of reasons. We've talked about the yin and the
25 yang, the fact that we're a new process, we can't please

1 everybody, but, certainly, there is skeptics and people
2 whose trust and confidence that a peer review earns.
3 That's what peer reviews do.

4 The way I saw this person assisting us is, being
5 on board as soon as possible, looking at the directions
6 giving to line drawings, the processes used to implement
7 those and to produce options for the Commissioner. And
8 where there are tough issues, again, they can review the
9 process we're using to look at the community input that's
10 applied, look at the direction that's been given, and
11 provide other options by which to come to conclusions.
12 Not somebody, like Mr. Claypool said, who is going to
13 present us with alternative maps. I didn't think that
14 was ever the point of it. It's a peer review.

15 There is nobody -- I mean, we've got professors,
16 lawyers on this panel. A peer review is never a bad
17 thing. That can only enhance our product. That can only
18 help us, not just in the court of public opinion, but I
19 think in a legal court after our maps are produced as
20 bolsters of the things that we don't currently have
21 support on. Again, we're talking about the internal
22 processes. We're talking about the directions on the
23 line drawings. Are they adequate? How are those being
24 implemented? How are those being used to actually
25 produce options to the Commission?

1 That's what I was hoping to see out of this IFB
2 and out of this hire. And I think it is true that we
3 can't wait down the road to see, especially considering
4 what I think is of real importance, not just to the lines
5 but to the Commission as a body, as an entity, to have
6 somebody who -- an independent peer who can come in and
7 who has knowledge and ability to provide us with -- and
8 the public, an independent thumbs up and a validation,
9 and that's it.

10 **CHAIRPERSON ANCHETA:** So, I understand the motion
11 to be one where we are talking about hiring (inaudible)
12 will most likely (inaudible) a review (inaudible)
13 specifics on the review at this (inaudible) but there are
14 some generalities. And I would support the motion to
15 hiring a reviewer, given that we will have some
16 discussion later to assess more specifics of the actual
17 need and level of -- Presumably there will be somebody.
18 I'm presuming that the specifics are not yet worked out,
19 but I think we can work with that as we move forward
20 (inaudible).

21 **COMMISSIONER BARABBA:** I'd like to correct one
22 statement that was made. Q2 was not hired as a sole
23 source. It was a (inaudible) bid.

24 **CHAIRPERSON ANCHETA:** That's right. Okay. So,
25 Commissioner Filkins-Webber, why don't --

1 **COMMISSIONER DIGUILIO:** (Inaudible) question
2 (inaudible). If we vote no on this, does that kill the
3 inline process or are you going to continue -- I mean,
4 Commissioner Yao (inaudible) the result is it's going to
5 kill the process, and I don't see it as that way. I see
6 -- I guess I felt like it doesn't kill it. We're talking
7 that inline process review. But, again, I go back to
8 what Commissioner Blanco said, is if we're voting on an
9 as needed basis why are we voting on this again?

10 If we're going to continue this process, roll
11 out, get a pool, then we'll have to choose. I'm hoping
12 we have a pool of people from which to choose. We'll use
13 them on an as needed basis. So, why are we voting on
14 something that could potentially kill something when we
15 already have something in place that says use it as on an
16 as needed basis?

17 **EXECUTIVE DIRECTOR CLAYPOOL:** I don't have the
18 original motion in front of me, but my thought of that
19 motion, and it has always been since we've started this,
20 was that we were going to complete this RFQ, RFP, send it
21 out, find a selection of candidates, you were going to
22 review it, you were going to select one or two or however
23 many if there were a split in it, because you had also
24 said at one time that you wanted to see people with
25 different qualifications and those individuals who might

1 be able to perform all services. And then we were going
2 to retain -- or not retain them. I shouldn't use the
3 word, but have a contract with them, and that contract
4 would be on an as needed basis, and then they would be
5 paid for services rendered.

6 That's the direction we've been headed in. I
7 don't know that we're not -- that with this motion we're
8 not simply reaffirming that direction, because the
9 contract that you're talking -- we're talking about
10 putting in place would still be on an as needed basis.
11 So, if you didn't need them, then we weren't going to use
12 them.

13 Now, that may restrict the number of candidates
14 you receive. I don't know. If they know that they may
15 not be used they may be reluctant, but that's the
16 direction we've been headed in.

17 **COMMISSIONER DIGUILIO:** So, basically, though,
18 what we're saying if we vote no it doesn't kill the
19 process. It just that right now the motion is to
20 absolutely hire somebody. Whether we use them or not is
21 still on an as needed. So --

22 **EXECUTIVE DIRECTOR CLAYPOOL:** So, this motion
23 supports what we believe we were doing all along, which
24 is to retain someone under contract on an as needed
25 basis. However, I'm also hearing that we need possibly

1 to pledge those services. I don't know. But this
2 motion, as it's written right now, simply, in my mind,
3 reinforces what we were going to do anyway.

4 **COMMISSIONER DAI:** Point of order. I mean,
5 Commissioner Barabba is absolutely right. We already
6 have a motion in place that directs staff to prepare an
7 IFB for an as needed process. This is -- This, by the
8 way, is a very common process. I mean, I know because
9 I'm qualified to -- my firm is qualified to contract with
10 the City of San Francisco. They put as needed contracts
11 out all the time, and it's just to get yourself on a
12 short list of vendors so if the City actually needs you
13 -- And they'll give you a time period. They'll say an as
14 needed basis for two years. You're on that short list
15 for two years, so when someone needs you they don't have
16 to go through this process again. They have a short list
17 of people who have already been pre-approved.

18 So, this is not unusual at all to put an as
19 needed contract out. It's very common in municipal
20 contracting, and I'm presuming Statewide contracting as
21 well. I only can speak for municipal contracting. So,
22 we have -- we have that motion that we already passed a
23 month ago. That's why we have -- we have it so far. I
24 mean, that's why we've had something to review, because
25 staff was directed to go ahead and present this to us.

1 **CHAIRPERSON ANCHETA:** Okay. So, Commissioner
2 Filkins-Webber, given this most recent discussion, why
3 don't you comment on earlier comments -- earlier comments
4 as well as whether you feel the motion still just sort of
5 over (inaudible) add anything new to this (inaudible).

6 **COMMISSIONER FILKINS-WEBBER:** Sure.

7 **COMMISSIONER WARD:** Chair, I'm sorry to interrupt
8 you, but before she does that (inaudible) some
9 information that I just wanted to clear up for being --
10 because I (inaudible).

11 **CHAIRPERSON ANCHETA:** Go ahead. Just go ahead
12 and say it.

13 **COMMISSIONER WARD:** Thank you. My understanding
14 from prior conversation this week is that the financing
15 for the inline process reviewer at this point was in
16 jeopardy, and when it comes to priority, with all that
17 staff has on its plate, with this rigorous schedule, that
18 the priority of the IFB for the inline process reviewer
19 certainly isn't at the top of the list. And with this --
20 my point in bringing it up, and one of the reasons why I
21 understood the motion, was primarily based off some
22 conversation that we had that gave me a different
23 impression that was we need to make the decision to help
24 staff understand the level of importance.

25 If this is just an as -- if we need it, when we

1 decide we might, whatever the case may be, that puts it
2 on a very low level of importance as far as what staff
3 has to accomplish right now. Also, when it comes to the
4 funding issues that we've been talking about, and the
5 fact that, at this point, that's -- that might not be
6 funded either, if the Commission actually makes a
7 determination that this is something that we are going to
8 definitely let an IFB out on, that, to me, changes what
9 we have to do from the financial arena. Can you comment
10 on those two items?

11 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes, and we had
12 that conversation. The conversation went like -- was
13 this, that we have to appropriate money for different
14 things, and we have different budget items that are
15 running higher than we thought last week. Last time we
16 talked about it, we talked about per diems running much
17 higher than we had expected in some other areas.

18 If we have a pool of money, like this \$50,000,
19 and it's sitting there and it's unused, and we get to
20 this process and we haven't -- and we need money, that
21 would be one of the areas that we would tap in order to
22 keep this commission running so that you could succeed by
23 August 15th. If you confirm that this is something that
24 you are going to use, then that money would stay there,
25 and we would have to look at other options in order to

1 cover any of the shortfalls we might have.

2 We have certain contracts right now that are
3 absolutely encumbered that have to be paid. Our line
4 drawers, our VRA attorney, our videography and so forth,
5 those monies are encumbered. If this money -- we can
6 encumber this money and say that you're going to use it,
7 but if it's sitting there and not used, and we get to a
8 point where we have no funds, this would be one of the --
9 this would be one of the pools of money that we would
10 reach to and pull money out of.

11 So, you're absolutely right. It is in jeopardy
12 if it sits there and you have no intention of using it
13 and we run short of money, or you can say that you intend
14 to use it, in which case we would have to cut funds from
15 others if we run short of money. So, that's just -- that
16 was the conversation we had.

17 **COMMISSIONER WARD:** I have notes that show that
18 that position was now contingent upon an additional
19 supplement to be funded, \$400,000, something that we're
20 going to be talking about in the finance committee. But
21 my notes, and that was why this was an issue of urgency
22 to me, was that that position was now, because of the
23 amazing juggling act you've been able to accomplish with
24 the budget --

25 **EXECUTIVE DIRECTOR CLAYPOOL:** Right.

1 **COMMISSIONER WARD:** -- was now in a place where
2 it was dependent upon additional augmentation. And,
3 again, primarily because there was not commitment from
4 the Commission that this was something that we needed.
5 I'm hearing something that is not (inaudible) now.

6 **EXECUTIVE DIRECTOR CLAYPOOL:** No, it is -- it is
7 -- The \$400,000 that you're referring to is the \$400,000
8 that is in the May revision that would fund us after end
9 of the current year, and then there is another 1.5
10 million dollars that is proposed as being in provisional
11 language that we would have to -- we would have to
12 justify, the same as we had to justify for the million
13 dollars that we currently are waiting for a release on
14 and that we anticipate a release on. And, yes, we had
15 shifted \$23,000 of the original amount into that fund as
16 we balanced the amount that we needed to have for that.

17 What I'm saying now is, we can find the \$50,000
18 for this, and we have shifted that money into it to cover
19 that amount, but it's going to come from other areas that
20 we will have to cover in that \$400,000. So, we're in the
21 process of shifting money back and forth between these
22 line items to make sure that we can cover the different
23 expenditures.

24 So, yes, it is in the \$400,000. We would cover
25 it out of that if we had to, but if you commit to it,

1 then we're going to cover it out of something else, and
2 that \$400,000 is going to have to cover something else.
3 If you remember when we had the discussion, we had a
4 \$300,000 shortfall between what we expected to spend by
5 August 15th and what we had, and that's why we have --
6 that's why the Department of Finance has put the \$400,000
7 into the May revise to help us cover that amount plus the
8 \$100,000 that would also help us carry over until we
9 could justify expenditures out of the 1.5 million. It's
10 a complicated issue, but it was used as justification for
11 the \$400,000. But we will have to cover something else.

12 **CHAIRPERSON ANCHETA:** All right. (Inaudible).

13 **COMMISSIONER WARD:** (Inaudible) the issue is is
14 that if we don't commit to it the way that -- All of that
15 conversation resonated with me was that it's in jeopardy
16 being an unfunded item. So, should we decide we want it,
17 the funding is not there, whereas if we commit to it now,
18 that money has to be committed and directed to that.
19 That's why this vote matters.

20 **CHAIRPERSON ANCHETA:** Okay. I want to go to
21 Commissioner Filkins-Webber.

22 **COMMISSIONER FILKINS-WEBBER:** The -- If you
23 recall, and the purpose of the motion is because we
24 probably do not have clarity among this Commission that
25 we've actually agreed we will retain an inline process

1 reviewer. Now, whatever you're referring to earlier that
2 we would, you know, consider an inline process reviewer
3 on an as needed basis. If you recall, and I'll take you
4 back, the concern initially at this point in making this
5 decision is because we don't want this inline process
6 peer review to be overlooked. We've discussed using
7 this, and the reason that this came up, is if you recall,
8 is that we provided this as an option to give confidence
9 to the members of the public because of the controversy
10 that has arisen out of the retention of our two experts.
11 That includes Gibson, Dunn and Crutcher and Q2.

12 So, the entire discussion of peer review came
13 about to provide an option and some, I guess, observation
14 to the public that we will have, to the extent in which
15 they had criticism of those experts that we retained that
16 we would provide this as an option. So, that's why we've
17 always looked at it, not as an official decision that we
18 would do it, but we did it to console the members of the
19 public that we would consider this inline process review.
20 We put it in the budget, again, in light of the
21 controversy that arose, but this Commission has not made
22 an official decision that they would do that.

23 Number two, in the IFB, the scope of the work for
24 the peer review is to provide the independent evaluation
25 of the extent to which any map developed by the

1 Commission's technical line drawer conforms to the
2 criteria that has been delineated by the Commission for
3 the map. The inline reviewer will also consider the
4 map's compliance with State and Federal laws and the
5 regulations in that evaluation. And the reason that's in
6 there is because we've retained experts to do the same
7 thing, but, again, in light of the controversy and the
8 criticism of those we selected, this was what we decided
9 to console the citizens of the State of California's
10 concerns regarding our selection.

11 The role in the IFB of this particular person
12 also is that the inline review services would be used by
13 the Commission to evaluate the extent to which, again,
14 the map, developed by the Commission's technical line
15 drawer, conforms to the criteria delineated by the
16 Commission. The results of the review will consist of
17 the inline reviewer's determination of the extent to
18 which the map under review conforms to the Commission's
19 stated criteria and suggestions, if any, for improving
20 the map's conformity to the Commission's stated criteria.

21 And one further point, as part of the
22 contractor's responsibilities, they would be presenting
23 suggestions for improvements via onscreen movement of the
24 affected lines so the Commission may better evaluate the
25 substance of the suggestions of our retained experts. I

1 agree with Commissioner Yao that we have to make this
2 decision, and I think that it does result in effectively
3 killing the idea of inline process review if this motion
4 is not passed.

5 And let me tell you the fourth reason why.
6 Timing. Commissioner Dai is right. We need to have
7 these people lined up. We have to make the decision now.
8 Our pre-maps are going to go out without the inline
9 process peer review, the first draft, on June 10th. We
10 have three weeks in that period of time before we're
11 going to consider the second draft maps. Three weeks
12 during that time we're going to get an enormous amount of
13 probably comments, criticisms from members of the public
14 regarding our first draft.

15 During those three weeks we're going to have
16 additional suggestions from hopefully maybe a racial
17 polarized voting analysis on controversial issues, and
18 that's only a three week period of time that if we found
19 out we needed additional options, suggestions or needs,
20 we needed to have this person lined up to do it, because
21 after that we only have two weeks in which -- actually,
22 another three weeks, that's it, before we're releasing
23 the final maps. So, we only have five weeks that this
24 individual would need to actually consider any affected
25 areas.

1 So, you know, we, at this point, only have until
2 -- I mean, we need to pull the trigger. We don't even
3 have approval from DGS. So, I think we need to make a
4 decision that we're going to do this. The purpose of
5 doing so was to console the public on the controversy,
6 and we need to make a decision now. That's the purpose
7 of the motion. I think if this motion does not pass that
8 we have effectively killed it, because we're not going to
9 have time to go back and have staff work up the IFB
10 again, get it to DGS and have somebody in line to do it.
11 The timing just isn't there.

12 **CHAIRPERSON ANCHETA:** I'm going to Commissioner
13 Raya to the question of counsel, and then I'm going to go
14 public comment.

15 **COMMISSIONER RAYA:** My question to our counsel,
16 if we vote no on this motion, why -- well, does it, or if
17 it does, why does it kill the previous action that we
18 took?

19 **MR. MILLER:** I think the best way to resolve that
20 issue is simply to ask the Commission what it would like
21 us to do rather than comparing any nuanced difference
22 between the first motion and the motion on the table. As
23 I understand it, and I'm not sure there is 14 people who
24 all see it the same way, so I'm just going to offer what
25 I think is the difference is that the first motion

1 authorizes to go forward with the process and get a
2 collection of candidates who are deemed qualified. I
3 believe this motion does the same but says the Commission
4 will, in fact, retain one of those candidates. Maybe I
5 could ask Commissioner Filkins-Webber if that is a
6 correct understanding as to the author of the motion.

7 **COMMISSIONER FILKINS-WEBBER:** Yes.

8 **MR. MILLER:** So, what I'm hearing as an observer
9 here, and it obviously is not a legal opinion, is that we
10 would continue with the process of identifying
11 candidates. Given the difference between identification
12 of candidates and selecting candidates, if we don't also
13 have a process -- a pathway to finish, that is to say,
14 this is the person we want, and aren't able to establish
15 that perhaps at this meeting, then time gets away from us
16 and we don't have the real opportunity to come back, make
17 the final selection, and then if the Commission wishes to
18 give instructions to do work, to go ahead and do that.

19 I'm sorry. That is outside the scope of the
20 legal opinion, but I think that's the best answer as to
21 what the choice of the Commission is, which, in turn,
22 informs how staff will proceed.

23 **CHAIRPERSON ANCHETA:** I'm going to call this
24 discussion closed and go to the public comment. Is there
25 any comment on this motion? All right. Ms. Sargis,

1 could you read back the motion?

2 **COMMISSION LIAISON SARGIS:** The Commission shall
3 retain the services of the inline process reviewer
4 through the IFB process.

5 **CHAIRPERSON ANCHETA:** Call for a vote.

6 **COMMISSION LIAISON SARGIS:** Commissioner Ancheta.

7 **CHAIRPERSON ANCHETA:** Yes.

8 **COMMISSION LIAISON SARGIS:** Barabba.

9 **COMMISSIONER BARABBA:** No.

10 **COMMISSION LIAISON SARGIS:** Blanco.

11 **COMMISSIONER BLANCO:** No.

12 **COMMISSION LIAISON SARGIS:** Dai.

13 **COMMISSIONER DAI:** Yes.

14 **COMMISSION LIAISON SARGIS:** DiGuilio.

15 **COMMISSIONER DIGUILIO:** No.

16 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

17 **COMMISSIONER FILKINS-WEBBER:** Yes.

18 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

19 **COMMISSIONER GALAMBOS-MALLOY:** No.

20 **COMMISSION LIAISON SARGIS:** Ontai.

21 **COMMISSIONER ONTAI:** Yes.

22 **COMMISSION LIAISON SARGIS:** Parvenu.

23 **COMMISSIONER PARVENU:** Yes.

24 **COMMISSION LIAISON SARGIS:** Raya.

25 **COMMISSIONER RAYA:** No.

1 **COMMISSION LIAISON SARGIS:** Ward.

2 **COMMISSIONER WARD:** Yes.

3 **COMMISSION LIAISON SARGIS:** Yao.

4 **COMMISSIONER YAO:** Yes.

5 **COMMISSION LIAISON SARGIS:** Seven to five.

6 Motion fails.

7 **CHAIRPERSON ANCHETA:** Okay. Thank you. We will
8 move on to the -- I'd like to, since Ms. MacDonald is
9 here, and you're ready to go at this point, we do need to
10 discuss, because it's coming up next week, our process
11 for our line drawing construction meetings. We haven't
12 quite mapped out a lot of -- No pun intended, mapped out.
13 I use mapped out all the time in my (inaudible). Forgive
14 me. We do need to put together a bit more specific set
15 of guidelines for ourselves and for the Q2 team in terms
16 of how we're actually going to give them direction.

17 We do have -- As you recall, we did adopt a
18 voting procedure last business meeting where during that
19 session regarding the vote on the first draft map.
20 However, we did not -- at least to my understanding we
21 did not actually go into the specifics of the (inaudible)
22 get into the specifics of the line drawings themselves in
23 that process. Mr. Claypool, you want to answer that?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Just I'm sorry to
25 just ask for clarification on the last issue. As I

1 understand it, the first motion that was taken a month
2 and a half ago or so, whenever it was, is still in force
3 and we're still moving forward with the IFB?

4 **CHAIRPERSON ANCHETA:** Yes.

5 **COMMISSIONER DIGUILIO:** Yes.

6 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. Thank you.

7 **CHAIRPERSON ANCHETA:** So, Ms. MacDonald, can I --
8 last night I got something from Ms. MacDonald, and I did
9 circulate it with the staff. (Inaudible) I don't know if
10 it's posted this morning, but it's basically a draft of
11 what you see -- how you see the process going. And it's
12 nothing that we've approved yet, certainly, but if you
13 could perhaps give us some highlights of what you're
14 proposing for that process. We will have to take some
15 action on in, including, again, formal decision making
16 procedures.

17 **COMMISSIONER DIGUILIO:** (Inaudible) we certainly
18 had a discussion with Ms. MacDonald about similar to when
19 we were doing (inaudible) backups. We didn't really have
20 a feel for how it was actually going to proceed and what
21 we would -- what to expect from our part, what to expect
22 on Q2's part. So, this is a way to have Ms. MacDonald
23 give us a little more information of what we can expect
24 for those days, the line drawings, what we need to be
25 prepared to do, what they are (inaudible) for us, and

1 what kind of action we will need to take along the way,
2 including some types of (inaudible) that situation.

3 **MS. MACDONALD:** Great. Hello, Commissioners.
4 And I should also add to this that we had this
5 conversation two days ago, and then yesterday we had
6 hearings all day. And so, yes, you did get this last
7 night, but that really was the earliest I could do
8 because I working during break during the hearings
9 yesterday on this document. So --

10 **CHAIRPERSON ANCHETA:** That (inaudible).

11 **MS. MACDONALD:** So, please, and this really is
12 just a draft. And we talked about this draft,
13 Commissioners Ancheta and Commissioner DiGuilio and I, we
14 kind of talked about a rougher version of this. And so
15 basically it's to present to you to see whether this
16 might work for you.

17 And I just put this little PowerPoint together,
18 and you received, I guess, copies of the document,
19 correct? So, I'm just going to --

20 **CHAIRPERSON ANCHETA:** Did all the Commissioners
21 receive -- It came late last night, unfortunately, but I
22 wanted to just give you a chance if you were up that late
23 or --

24 **COMMISSIONER DIGUILIO:** It was a Word document,
25 right?

1 **MS. MACDONALD:** I'll walk you through the
2 document right now, but --

3 **COMMISSIONER DIGUILIO:** Yes, yes.

4 **MS. MACDONALD:** -- a little bit -- it's only a
5 two pager, and I just put some of the highlights onto
6 this -- onto this PowerPoint, which now isn't moving.
7 Hello. Oh, now there it is. Okay. Sorry, there was a
8 delay. Okay.

9 So, as you know, the line drawing direction
10 hearings are coming up, and we're trying to figure out,
11 you know, based on what we know on how the wrap ups are
12 working whether we can use some of that format,
13 basically, to go into the line drawing directions. And
14 here is a suggestion of how this might look, because we
15 have two days. And essentially, the goal of those two
16 days, the first two days, this would be the 27th and the
17 28th, okay, because we have two days of the group
18 discussions and then down in Northridge we added a second
19 day, the Saturday. Remember? So, we now have Friday and
20 Saturday for line drawing directions.

21 But on the first day we're going to have a wrap
22 up. It's going to be in the morning. It's going to be
23 the Bay Area wrap up on Friday. And then I'm guessing in
24 the afternoon, as soon as we're done with that wrap up,
25 we're going to move into the first section or the first

1 part of you providing line drawing instructions.

2 So, since you've already provided some guidance
3 to us, to the other mappers that you've talked to, so,
4 basically, the three wrap ups that we've had, including
5 the one last night, and we have had meetings with VRA
6 attorneys, and, as we know, we're looking at Section 2
7 and Section 5 Districts and how they may, you know, shape
8 the State. But we're not quite there yet, obviously, but
9 we're trying to figure out, you know, how that all
10 factors in with the directions that you have already
11 provided at this point.

12 We will, actually, have something to present to
13 you. And, in particular, what we're going to have is,
14 you know, where, for example, things are going to
15 conflict with direction that you gave us. I already know
16 that there was one set of directions that was given in
17 the LA Region that may conflict with direction that was
18 given in the San Luis Obispo Region. And that, of
19 course, is one of those problems that if you're, you
20 know, putting the State together with four regions, then,
21 you know, you're looking at it in pieces. So, sometimes
22 you make a suggestion or give direction on something that
23 may actually not work with another piece.

24 So, this is going to be the first attempt to show
25 you how these pieces may fit together and ask for

1 direction on how you would like to proceed with those
2 pieces. So, the way we thought this might work is that
3 we start not looking at these tiny little input regions
4 that we've had so far, which was, for example, you know,
5 Region 9 was where the first hearing was up in Redding.
6 You recall we kind of moved throughout the State until we
7 were down in San Diego, and that was Region 1.

8 But now we're going to start looking at it by
9 mappers, essentially, because these mappers, we have four
10 mappers, obviously. And, by the way, this is Tamina
11 (inaudible) who is going to start taking over for the Bay
12 Area Region tonight. So, she is the public input mapper
13 for that. And so these mappers, they're obviously now
14 experts on these areas, because they've worked with you,
15 they've heard what you have to say about these areas, and
16 they've worked with the VRA (inaudible) so they kind of
17 know what the VRA concerns are and all that.

18 So, they basically will move to four regions now,
19 not to nine. Okay? So, basically mapper regions. And
20 those regions will be the North State, Central Valley,
21 which is basically Jamie, who was here yesterday. Then
22 there is the Los Angeles Region, which is Nicole. Then
23 the Southern California Region, which is Alex, who was
24 there yesterday for the wrap up, and then the Bay Area
25 Region, again, that's Tamina's region. And the reason

1 for why we think we should move in this order is that,
2 first of all, Tamina will have the wrap up the day --
3 that day, basically. So, she will not have any guidance
4 from you on what she should do with her region until that
5 morning. So, she's got to go last, the next day. So,
6 she's going to be working -- She will not be sleeping
7 that night, so she will be working on the directions that
8 you're giving and kind of figure out, you know, how to
9 put that together so that you have something to look at,
10 basically, the next day. So, that's why the Bay Area is
11 last.

12 And we also figured it would make sense to
13 actually start with Jamie, because she's actually had the
14 most time to work with her region, because she started,
15 and, also, she has three of the Section 5 (inaudible).
16 Okay? And the Section 5 (inaudible) of course, they
17 determine a lot about the geography and which way the
18 districts are going to have to go in that central part of
19 the State. And, you know, we're working on those issues
20 right now. So, we figured that would make sense.

21 And then, basically, also, because remember her
22 region kind of wraps around, and she has Central Valley
23 and she also has San Luis Obispo, that's kind of that --
24 I call it the belt that goes into Southern California.
25 So, essentially, there are some -- we're going to need

1 some guidance, because, remember, nobody wanted to go to
2 Southern California, you know. So, somebody is probably
3 going, I have to go to Southern California, and we're
4 going to need some input from you on where we should do
5 that.

6 So, I think we're going to have that probably on
7 the first day, and hopefully we can get through with
8 Jamie's region on the first day and you can give us some
9 guidance. And I think if we're -- on Friday, I think if
10 we can get to that, you know, if we can actually say,
11 okay, let's look at these options and this is how we want
12 to put Northern and Southern California together, let's
13 figure this out, I think we will have accomplished
14 something really tremendous, and I'm going to feel a lot
15 better at that point.

16 So, and then the next day I would say we'll start
17 with Los Angeles, because that is, you know, Section 2
18 headquarters, all over. And, as you know, we were in the
19 wrap up, I mean, every second sentence out of my mouth
20 was, the caveat is that we will have to look at Section 2
21 implications here, and that's really what we're doing
22 right now. We're looking at Section 2 implications, and
23 we're really working very closely with the Gibson Dunn
24 people on, you know, basically data issues and who and
25 what. And there is a lot of issues there. So, that

1 would be the next one.

2 And then we'll move to Southern California,
3 really just because, you know, Tamina is going to go
4 last. So, we'll go to the region that we wrapped up
5 yesterday, and, of course, that gives Alex a little bit
6 more time to, you know, configure all the direction that
7 you gave yesterday and see how that fits in. And then
8 we'll move into the Bay Area and do that. And, of
9 course, Tamina has one of the Section 5 counties as well.
10 So, she has already been working with Jamie a little bit,
11 because it's the Merced Monterey thing that's getting
12 very interesting. These counties are very close
13 together, so they have already been talking to each other
14 on that and working with VRA counsel.

15 So, this is what I think might work. And, again,
16 I'm open to lots of suggestions. Draft is really big on
17 the first page. So, what I think (inaudible) is for each
18 region, so, basically, a mapper region at this point, if
19 you could give us direction for all four plans. Okay?
20 And we don't necessarily have to do it in that order, you
21 know, that, okay, now we're looking at Jamie's region and
22 you're going to say how -- whether -- you know, how you
23 want to do this for senate and assembly and whatnot. And
24 when we actually get there, you may just say, okay, come
25 back next week and show us how you might nest from

1 assembly to senate. Because we don't really have
2 districts yet and we haven't really talked about like how
3 nesting would work, and whether it works everywhere or
4 only in some places and how that all comes together.
5 But, you know, the most difficult districts at this point
6 are the assembly because there is the most of them. So,
7 that's where you have to make the most decisions, where
8 the most, you know, potential cuts would come in and
9 splits would come in.

10 So, I would suggest we start with assembly and
11 then see how far we get on that day, and, you know, see
12 how much direction you feel comfortable actually
13 providing at that point for senate. I know they will
14 have some idea, but just based on the VRA things that
15 they've already figured out of whether you can do certain
16 things or whether you just can't do something because of
17 Section 5 concerns. You know, but I can't really use
18 specifics yet because they're just not there yet.

19 So, but in a perfect world, I think it would be
20 great if we could get direction for all four plans, at
21 the very least, on how the big architecture of the State
22 should fit together. Like, for example, if you say we're
23 going to go on this end here, and I'm not going to
24 mention the county into Southern California, and we know,
25 you know, they didn't really want to be combined in any

1 plan, we know we have to do it in the assembly. Let's
2 try not to do it in the senate. Let's go elsewhere.
3 Let's kind of share the pain, you know. If something
4 like that you could provide direction like that, and then
5 we'll work it out and see if that works. So, basically,
6 I think what we're looking for is bigger decisions like
7 that, and I think that might be possible on those two
8 days given how little we have worked out at this point.

9 So, on that is the next point, you know. Some
10 directions will likely be somewhat generic. You know,
11 try to avoid this, please. Let's just not try to just
12 pick on this one county. And some of them are going to
13 be very specific. We're going to present scenarios as
14 necessary as much as we can given this timeframe. Okay?
15 So, whatever we have worked out with your guidance and
16 with your direction so far, we're going to give you as
17 much as possible so you have something to look at.

18 And we'll also, the VRA attorneys, they asked us
19 for a lot of visualizations of district. So, we are
20 already providing those, and then we can basically just
21 share those with you as well, because we're already
22 developing them so that they can look at these districts
23 and kind of figure out what they want to do about them.
24 So, some of this is already in progress. And then
25 hopefully that will give you enough to kind of at least

1 give us some preferred options, and then we can move on.

2 So, I think the way we might start is that,
3 first, we need some sort of a summary of the public
4 testimony that was presented since we had the wrap up,
5 because, obviously, we have an update at the wrap ups,
6 you know, from when we stop taking public comment. So,
7 we'll give a summary of what else has come in via the
8 website, and, you know, Pony Express, however it came in.
9 And then, you know, again, we'll talk about Section 5.
10 And I don't know. I asked Mr. Browen if he could be
11 there. We've had a conversation about whether the VRA
12 counsel, you know, could send somebody. I think it would
13 be helpful to have them there, very helpful. But, you
14 know, I don't know if they can be there, but I think
15 we'll present, you know, preliminary results of the
16 Section 5 analysis and all of that. I'll plan some
17 options, then you -- you know, you could provide some
18 guidance.

19 And we'll do the same thing for Section 2. And,
20 you know, some of the issues that come up with Section 2
21 are, you know, where are their conflicts with prior line
22 drawing directions? As we know, that's probably going to
23 happen, unless we're very lucky. And, you know, where --
24 are there potential disputes about whether district -- is
25 it a majority, minority district or not? Because

1 sometimes these are not straightforward, clear cut
2 directions, especially since we don't have an RPD
3 analysis expert on board yet, you know. So, you're going
4 to have to make a decision of whether you want to draw a
5 district particular way or not.

6 And then sometimes there is mutually exclusive
7 claims, basically. So, you have populations that if you
8 draw one district you can't draw another district, and
9 then you're going to have to make a decision on how you
10 would like to proceed on that, basically, and hopefully
11 we'll have some of this drawn out so that you can see
12 some of the options and how this actually factors in.

13 The big piece to get to is really the regional
14 exchanges, so that it basically -- that's where we can
15 actually go from four mappers to one plan. Right? So,
16 how are these regions going to interact, and how do you
17 want to put these together, because we haven't really --
18 we've talked about the sum, actually, down in Southern
19 California in particular. You know, we had a lot of
20 testimony about how to go into -- how to go or to not go
21 into Orange County. And, you know, last night's
22 discussion said we have. So, there is some -- we have
23 some clear guidance, but, you know, we know what county
24 what's to be split. So, and some of them, you know,
25 you've said it's okay, but others may also have to be

1 split, and they may be between mappers. So, we'll have
2 to bring that to you and then, you know, hopefully you
3 can give us some direction on how you would like us to
4 proceed so we that we can put these pieces together.

5 And then there is direction gaps, and I'm sure
6 there is going to be a lot of them. Just like we find
7 that whole sliver yesterday in San Diego where, you know,
8 we had 500,000 people, I think, and there was very
9 little, you know, guidance at this point. And luckily
10 there was only 500,000 people or so. You know, that's
11 kind of like right in between. It wasn't more, but, you
12 know, those things will also happen, and, you know,
13 partially as this, of course, as Commissioner Blanco has
14 pointed out that we haven't heard from -- there is a lot
15 of people that haven't talked to us, you know. Maybe
16 they will come later, but there is missing information,
17 obviously.

18 So, that's pretty much what made sense to me.
19 And, please, if you have any ideas, suggestions of
20 whether that makes sense to you or not, let me know.

21 **CHAIRPERSON ANCHETA:** All right. So, let's set
22 the -- to Yao, Blanco then Dai. Please raise your hands.

23 **COMMISSIONER YAO:** The full regions that you
24 post, are these, I guess, equal population regions or are
25 they just picked similar to the way that we picked the

1 first nine regions?

2 **MS. MACDONALD:** Well, they basically are -- they
3 basically are just the mapper regions. So, they're
4 basically whole counties, is what they are. They're
5 entire counties, so there is nothing that has anything to
6 do, really, with how the lines are going to draw. It's
7 just you have to go from one way into Southern
8 California, and it just kind of made sense to put it
9 together that way. That's all.

10 **CHAIRPERSON ANCHETA:** These are -- Basically,
11 these are people driven, right? In other words, you have
12 people who've been assigned multiple regions of the nine
13 and --

14 **MS. MACDONALD:** Right.

15 **CHAIRPERSON ANCHETA:** -- clustering that.

16 **MS. MACDONALD:** Right.

17 **COMMISSIONER YAO:** We had a public speaker that
18 proposed saying we could somehow divide up the State so
19 that even if we have to make changes of any single
20 district, it doesn't complicate throughout the whole
21 State. These regions will not do that for us, the way I
22 understand it.

23 **MS. MACDONALD:** I think whatever region you pick
24 will do the same thing, pretty much. It's just that
25 particular list (inaudible) had a particular preference

1 on how you should pick four regions, and this will do
2 exactly the same thing. I mean, you're going to have to
3 go from Northern California into Southern California
4 somehow, and there is just -- there is just so many ways
5 to do it. I mean, we gave you that whole document that
6 showed, you know, the populations of the regions and how
7 many districts are in there, and, you know, the counties
8 and how many districts are within counties. Remember
9 that whole -- that whole document where we gave you all
10 of those stats?

11 And, essentially, yeah, these are not like
12 perfectly populated regions, so you can't say -- Say
13 Jamie's region has like X number of congressional
14 districts, but I can tell you that -- Well, you could say
15 that they're not perfectly equally populated. Okay? So,
16 and some of this really has to do with, you know, whole
17 counties, you know. Do you want to have whole counties
18 in these regions when you're really talking about these
19 things or not? But I think the problems are the same no
20 matter how you split this data.

21 **CHAIRPERSON ANCHETA:** Thank you. Commissioner
22 Blanco.

23 **COMMISSIONER BLANCO:** I wanted to find out just
24 from you, Ms. MacDonald, also from Mr. Miller, I don't
25 think it should be a choice, really, that we have counsel

1 there for when we do the Section 5 and Section 2. I
2 think, you know, we have to have them there because I'm
3 looking at Section 2, for example, and I'm thinking there
4 is not only issues about whether this is a potential
5 majority or minority district, but we may have a question
6 about are we splitting something -- By drawing something
7 that could have been drawn differently, are we diluting
8 both. So, not just the creation, but also dilution
9 Section 2 issues. And I would not expect the mappers to
10 be able to give me the legal answer when I say, if we do
11 this, you know, will you tell me whether we're looking at
12 dilution issues.

13 So, in fact, I think we'd get in trouble if we
14 relied on our mappers to answer the legal questions that
15 some of these regions are going to pose in terms of
16 Section 5 and Section 2. So, my only comment is that I
17 don't think it should be -- I don't know how the other
18 Commissioners feel about it, but I don't think it should
19 be optional for the attorneys to be at these sessions. I
20 think it's a decision that we should make that we -- that
21 is part of what we're buying from them. And that's
22 really my only comment.

23 **CHAIRPERSON ANCHETA:** Mr. Miller, do you want to
24 comment?

25 **MR. MILLER:** All right. The lawyers have been

1 very responsive and very available, and I think they
2 would welcome the opportunity to be present. It seems to
3 me that greater value can, perhaps, be added. Not the
4 last two days of, is it this week -- I'm thinking that
5 the greatest value is following the 27th and 28th when
6 visualizations are available of the district. Do you
7 disagree with that, Karin?

8 **MS. MACDONALD:** Yeah, I disagree with that.

9 **MR. MILLER:** Okay.

10 **MS. MACDONALD:** I think the lawyers should be
11 present.

12 **MR. MILLER:** Okay. Well, we will work that and
13 certainly be responsive to the desires of the Commission.

14 **COMMISSIONER BLANCO:** Thank you.

15 **CHAIRPERSON ANCHETA:** Commissioner Dai.

16 **COMMISSIONER DAI:** Yeah, I totally agree with
17 Commissioner Blanco that we're going to need legal
18 counsel there. In our regional wrap ups we'd gotten so
19 far, and then we had to stop and we said there might be a
20 Section 2 issue here. So, I just have a general question
21 here, which is I just want to throw this out, and I know
22 this is -- I don't want to throw a wrench into the whole
23 thing, but I want to ask if we're really going to be
24 ready to do a good first draft when we don't have the
25 racially polarized voting information, which, as I

1 understand, is absolutely required for Section 2. I
2 mean, I think we can do our best effort based on all the
3 public testimony, which is what we've been doing already
4 in the regional wrap ups. But I just wanted to -- Even
5 if we have Gibson Dunn there, and we don't have our RPV
6 analysis yet, are we getting ourselves into trouble by
7 releasing a map that we might have to dramatically
8 change.

9 And this is a question to Ms. MacDonald, and
10 maybe Mr. Miller as well. I mean, I guess there is some
11 -- if it's not going to change it dramatically then it
12 probably makes sense to go forward with some reasonable
13 set of assumptions, but if it's something that could
14 change it really dramatically then, you know, I wonder if
15 this is really going to be a problem for us as a
16 Commission. So, that's one question.

17 And then I guess the other thing, while I have
18 the floor here, you mentioned that the assembly were
19 going to be less complicated and that we should try to
20 start there, and then give some general direction on
21 nesting, perhaps, for the senate and the State Board of
22 Equalization. So, would it -- Does it make sense? Would
23 it be fair to say that we would want to work on that, and
24 then also congressional, and if we get those two, kind
25 of, at least architecture, that we would be in pretty

1 good shape after those first two days? Okay.

2 So, back to my first question.

3 **MR. MILLER:** Sure. We did not anticipate having
4 the polarized voting studies available in time for the
5 first draft maps. So, what is critical here is that
6 we're following through on the criteria set out in the
7 Constitution. Those studies will further, in form,
8 buttress and support final lines, but shouldn't preclude
9 us from doing wrap up on it.

10 **COMMISSIONER DAI:** Okay.

11 **CHAIRPERSON ANCHETA:** You had some (inaudible).

12 **MS. MACDONALD:** I think I'll very gladly leave
13 that comment and the answering to the lawyers.

14 **CHAIRPERSON ANCHETA:** So, then, Commissioner
15 DiGuilio, Commissioner Filkins-Webber (inaudible).

16 **COMMISSIONER DIGUILIO:** Maybe I don't -- maybe it
17 doesn't need to be repeated, because it follows along the
18 same lines of maybe the RPV, but I'm just wondering how
19 much, and I don't know if Mr. Miller knows how much we'll
20 actually be able to have in terms of Gibson Dunn's review
21 of Section 2 and Section 5 recommendations. Knowing that
22 it seems like we're still trying to play a little bit of
23 catch up, from what I understand. But so we should be
24 looking at these first drafts as just that, really rough
25 drafts and knowing that there would be a lot of things

1 subject to review by our legal attorneys and further
2 research. Is that -- What I'm thinking of right now, is
3 that what you see happening with these (inaudible)?

4 **MS. MACDONALD:** Just swapsies (inaudible)

5 **MR. MILLER:** We do our own choreography.

6 **MS. MACDONALD:** Yeah, I would agree with that. I
7 think we'll do the best we absolutely can with the
8 timeframe that we have, but, you know, they are called
9 draft maps. So, you know, perfection is not -- should
10 not be expected.

11 **COMMISSIONER DIGUILIO:** So, then, the important
12 point for all of us, probably, as Commissioners knowing
13 that we're going to have to do the best that we can
14 knowing that there may be some absent data, and knowing
15 that, you know, whatever way we know these first maps
16 could be subject to change, and it's important for the
17 public to know that as well too. Yeah.

18 **CHAIRPERSON ANCHETA:** Commissioner Filkins-
19 Webber.

20 **COMMISSIONER FILKINS-WEBBER:** I just wanted to
21 make sure that we had it clear. Commissioner Dai, it
22 wasn't the advice of our counsel that we were required to
23 retain the services of a racially polarized voting
24 analyst in order to do the maps. I think
25 constitutionally they said we don't need to do it, but

1 this Commission has agreed that we would do it, and I
2 think given the time parameters and the issues with the
3 actual bid process, it wasn't anticipated that we would
4 have them available for this analysis. Plus, in looking
5 at the advice of counsel and how we're going to use that
6 particular individual, I don't think that we're getting
7 ourselves into trouble at all. I mean, we're going to
8 rely on Gibson Dunn for their analysis of the Section 2
9 issues, and then the RPV as we actually get closer to the
10 final maps. But I don't think we're getting ourselves
11 into trouble there since we don't have a legal obligation
12 to do it to begin with. So --

13 **MS. MACDONALD:** Yes.

14 **COMMISSIONER DIGUILIO:** I just wanted that
15 clarified.

16 **COMMISSIONER DAI:** That's helpful.

17 **CHAIRPERSON ANCHETA:** I'm going to pose a
18 question (inaudible). My understanding is that we're
19 sort of looking at (inaudible) process where we're going
20 to have an additional set of instructions to you on the
21 27th and 28th, you will have a number of days, and we
22 appreciate you're working through the holiday weekend, of
23 course. We reconvene on the 1st and 2nd, more directions
24 will be given, several more days, then there is the 7th
25 when we give you probably the final set of directions.

1 You will then go on to produce what will probably be a
2 map that we will vote on as a final draft at some point,
3 either the 9th or the 10th.

4 **MS. MACDONALD:** (Inaudible).

5 **CHAIRPERSON ANCHETA:** Maps. Yes, I'm sorry.
6 Yes, a set of maps. Could you give us a sense of what we
7 will see on the 1st and what we will -- What will we see
8 on the 1st, I think, is my first question. So, give me a
9 set --

10 **MS. MACDONALD:** Hopefully what you will see on
11 the 1st is basically a first draft of how that skeleton of
12 a Statewide map looks.

13 **CHAIRPERSON ANCHETA:** Okay. So, it will be the
14 full --

15 **MS. MACDONALD:** Until then, none of us has seen
16 it, how all of these different decisions really go into
17 one.

18 **CHAIRPERSON ANCHETA:** Okay. So, that was my
19 question. So, on the 27th and 28th, we're basically
20 (inaudible) into four regions, but when we come back on
21 the 1st we will have, ideally, full Statewide maps?

22 **MS. MACDONALD:** Correct.

23 **CHAIRPERSON ANCHETA:** All right.

24 **MS. MACDONALD:** But, still, you have these four
25 experts, essentially, by region.

1 **CHAIRPERSON ANCHETA:** Yes.

2 **MS. MACDONALD:** I mean, on some level we've
3 already kind of dealt with four regions. It's just
4 really we divvied the State up into nine so that you
5 would -- it would be an easier way to organize hearings.
6 You know, I mean, we came up with those nine regions way
7 back when based on population, drive and distances, all
8 kinds of different things, so you could organize
9 yourselves better.

10 **CHAIRPERSON ANCHETA:** And, again, I think over
11 the process of the time period it is further refined
12 until we get to (inaudible) --

13 **MS. MACDONALD:** Exactly.

14 **CHAIRPERSON ANCHETA:** -- and can ideally vote on
15 the first drafts, correct?

16 **MS. MACDONALD:** And we gladly, gladly work over
17 the holiday.

18 **CHAIRPERSON ANCHETA:** No, we appreciate -- I
19 don't think you have any --

20 **MS. MACDONALD:** Anticipates (inaudible) generally
21 speaking.

22 **CHAIRPERSON ANCHETA:** -- holiday (inaudible) and
23 we really appreciate all your time you're putting into
24 this. It's all (inaudible).

25 **COMMISSIONER DIGUILIO:** I have a question. I'm

1 not sure if you were going to bring this up. It's
2 something to we had some initial discussions in the
3 technical advisory, again, of kind of a voting procedure,
4 too. Even not just for the final -- well, the first
5 drafts, but as we're giving direction for line drawings,
6 because we have to have some type of agreement on a
7 regional basis that this is -- this is the direction that
8 we agree on, that we want the line to go here and not
9 there. Because at some point we have to start -- we have
10 some multiple choices locations, and at some point we
11 have to dwindle these down, our conflicting choices based
12 on regions that (inaudible).

13 So, there is discussion to be had about do we
14 actually need to have a formal procedure in place so that
15 we can agree on the direction we're giving to the line
16 drawers? And, if so, does that have to be just a
17 majority, a simple majority? In the sense that, you
18 know, we all have to buy into these, even in the first
19 drafts, and if we don't have some agreement along the
20 way, as we're giving direction, and we get to that first
21 map on the 10th, if we have people that have some
22 significant issues it's kind of -- we're going to put
23 ourselves really behind the 8 ball. So, I think it's a
24 discussion point for us to see if we -- how we need to
25 have agreement and consensus to give the direction to Q2,

1 and if it needs to be voting, what type of voting we have
2 to do to get there.

3 **CHAIRPERSON ANCHETA:** And just to add to that, we
4 did vote in a formal procedure. We did talk about the
5 time limits, but we can finesse that today if you want
6 to. But it's, for the wrap up session, has been pretty
7 much consensual. But, again, these are to the options.
8 Well, that's an option. And rarely we said that's not an
9 option. But at this point, obviously, we will have to
10 make -- some of those will be consensus. I think there,
11 again, is plenty of agreement on a number of areas, but
12 there are also several of the (inaudible) that there is
13 conflict, and then both within the testimony and within
14 the Commission that we'd sort of pick up on and we'd have
15 to make a decision. Right? Commissioner Ontai.

16 **COMMISSIONER ONTAI:** We had earlier decided that
17 when we released the maps on June 10th we would have along
18 with that a narrative that explained why we made those
19 decisions, and to follow up on the last conversation,
20 probably why the Commission voted the way it did. So,
21 now, who is going to take the lead on that? Is our
22 Voting Rights Attorney, Gibson Dunn, going to do that?

23 **CHAIRPERSON ANCHETA:** (Inaudible). Do want to
24 just -- Not that we're saying you're going to do it, but
25 if you'd talk about what Q2 is going to be able to do and

1 what it's not likely able to do, and what might we have
2 to figure out what we can and can't do?

3 **MS. MACDONALD:** Narrative, I actually didn't
4 realize that we were supposed to provide a narrative. I
5 don't know -- I thought this --

6 **COMMISSIONER DIGUILIO:** No.

7 **MS. MACDONALD:** No? Because I -- Honestly, it's
8 a bit of a tight timeframe and it's --

9 **COMMISSIONER ONTAI:** Well (inaudible) worry about
10 it. I clearly remember us talking about submitting a
11 report along with our maps.

12 **COMMISSIONER DAI:** Yeah (inaudible).

13 **COMMISSIONER ONTAI:** So, we're not relying --

14 **MS. MACDONALD:** There are some reports that we
15 will be giving you, okay, so and that's what we're going
16 to do the day before. That's why the -- Can I have the
17 (inaudible) for one second? I'm sorry. The reason for
18 why we have the meeting on the 7th, and then not until the
19 10th. Basically it's that whatever direction you give us
20 on the 7th we can incorporate on the 8th, and then on the
21 9th we're going to start running reports. So, basically,
22 city split reports, compactness reports, contiguity and
23 whatnot else. And it takes quite some time for the
24 entire State, because every block gets computed and all
25 that.

1 So, those reports will definitely be part of what
2 we're giving you already. And then we're also doing
3 PDF's, basically, of the individual districts so people
4 can look at it and we'll do an equivalency file. So,
5 there is quite a lot of documentation that's going to
6 come from us. It's just not -- So, reports, yes, but not
7 the narrative. And I honestly, Commissioner Ontai, I
8 don't know how I would be able to do that.

9 **COMMISSIONER DAI:** Is that something your staff
10 was going to do (inaudible)?

11 **CHAIRPERSON ANCHETA:** Yeah, let me get the queue.
12 So, Dai (inaudible).

13 **COMMISSIONER DAI:** Okay. I was just stating,
14 that is a requirement for the Commission to do this.
15 It's that Commission staff will do this to provide that
16 for the final maps. There is no requirement to do that
17 for these draft maps, which we, by ourselves, chose to
18 do.

19 **CHAIRPERSON ANCHETA:** Commissioner Yao.

20 **COMMISSIONER YAO:** I have a separate topic, but
21 before we get off this copy, can we just spend a minute
22 or two and see whether a Commission report associated
23 with a first draft map is appropriate, that whatever form
24 or format or anything it is? In other words, just
25 releasing a map, is that what we want to do or should we

1 have some -- some kind of written document following it?
2 Again, I'm just throwing out the talk for discussion
3 without any conceptual plan at this point.

4 **CHAIRPERSON ANCHETA:** If Commissioner Galambos-
5 Malloy or Barabba can speak to that, that's fine.

6 **COMMISSIONER GALAMBOS-MALLOY:** I'd be happy to.
7 I do think it is important. I had myself understood that
8 we would not be producing a full blown narrative until it
9 got later in the process rolling down to the final maps.
10 However, I do think it is important to have in place some
11 framing that talks about the process through which we
12 derive the maps that we have for our first drafts, and
13 that perhaps we use as some of the information in that
14 document that broad principles and guidelines that we've
15 adopted around -- along the way.

16 So, for example, where we have used coy testimony
17 to determine that unless we absolutely have to we do not
18 want to break up certain clusters of cities, for example,
19 so that I believe we've -- the types of direction
20 provided had come in different forms, and so it will take
21 some amount of editing to put that into a format that's
22 useful and comparable across areas of the State. But
23 that might be something that is actually doable within
24 the timeframe between now and June 10th.

25 **COMMISSIONER BARABBA:** I would add to that. I've

1 been thinking a lot lately, is that we need to
2 demonstrate the extent to which we are improving the
3 process, and I would think that if we had the existing
4 maps and then our first draft, and to have some measures
5 like the level of compactness, which as I understand,
6 correct me if I'm wrong, Karin, there is a compactness
7 measure in the software, right?

8 **MS. MACDONALD:** Right.

9 **COMMISSIONER BARABBA:** And we can also identify
10 the number of counties that were divided in the old maps
11 versus the new maps, and we could present our maps and
12 say, this is our first attempt at improving the maps that
13 currently exist. I mean, position, then, these as first
14 maps, and it's the first step of improvement. And then
15 emphasizing that, and we want to hear from the community
16 as to how we can make them even better. I think if we
17 present it that way, then we are in less of a position
18 saying this is the map, and then have everybody say,
19 well, if that's the map, then you made a big mistake.
20 You know, we could -- you'll say, now, this is the first
21 step in making the final map, which would emphasize the
22 level of improvement over the existing maps.

23 **CHAIRPERSON ANCHETA:** Now, if there are any
24 further comments on Commissioner Yao's suggestion
25 regarding whether we should have some narrative, however

1 brief.

2 **COMMISSIONER YAO:** Again, just following up on
3 that discussion, perhaps this Commission may be
4 interested in tasking the Technical Advisory Committee to
5 come up with the format and the content of this document
6 that we intend to release along with the draft map. I
7 think we're in general agreement that something should be
8 published along with the draft map, and I think I'm
9 looking for a point of accountability or somebody that's
10 actually going to take the lead in making this task
11 happen.

12 **CHAIRPERSON ANCHETA:** Commissioner Raya, maybe
13 you want to comment on this, because they'll be an
14 enormous amount of public information development that we
15 need to -- for lack of a better term, that we have to
16 really deal with, so we can't just sort of put a map out
17 without anything else going along with it.

18 **COMMISSIONER RAYA:** Right. Well, we have
19 anticipated the need for information to be readily
20 available to Commissioners once the maps are released in
21 response to inquiries. As far as something directly
22 accompanying the release that we were just -- we're just
23 looking at each other, basically. But I'm sure that
24 there is something relatively straightforward, and, you
25 know, I don't think it has to be extremely complicated,

1 but it's more of a message rather than a technical -- I
2 mean, that's how I'm looking at it from the public
3 information side.

4 I think we would be looking at a document that
5 would be of help to the public in understanding how we
6 got to this point so far. Maybe it's kind of a recap of
7 the process and an indication -- and I see Mr. Miller
8 ready to jump in. So, go ahead.

9 **MR. MILLER:** Commissioner, if I could just
10 comment. I think that that's a very good way to
11 characterize this as a best way to do it as a message. I
12 think that what would be less helpful is if this was
13 envisioned as a pre-final report. I think you want to
14 style this in a way that gives you the most possible
15 flexibility to change, while at the same time explaining
16 a very high level way of what it constitutes. And if you
17 think of that, as Commissioner Raya indicated, as a
18 message to a company, then that would seem like an
19 appropriate way to go forward.

20 **COMMISSIONER RAYA:** Maybe, quite honestly, we
21 have the accompanying information and technical people,
22 you know, with experience already in some of this, but
23 there may be other Commissioners -- Would it be possible
24 for us to, perhaps, just form an ad hoc advisory group or
25 whatever, whatever we would call it to be legal, to

1 actually begin working on this?

2 **COMMISSIONER DIGUILIO:** I have -- And I think --

3 **COMMISSIONER RAYA:** And not everybody
4 volunteering, because that's too many.

5 **COMMISSIONER DIGUILIO:** Yeah. I've talked to
6 Mr. Claypool before this, because we've had this
7 discussion on (inaudible) looking at the agenda. We were
8 talking about having some type of need to capture what we
9 -- our discussion as a Commission to say this is our
10 justification for why we put this line here or some type
11 of summary that just says -- like a running tally as we
12 go, which I could say maybe that could be peeled off
13 into, you know, kind of a brief summary.

14 But the problem, of course, you know, I'm sure
15 when we ask Q2 to do something extra, you know, their
16 eyes roll back. And I proposed this to Dan, and he
17 looked at me like, staff time? Extra staff time to do
18 this? And I said, well, maybe we as Commissioners -- And
19 then he looked at me and said, you know, you've got to
20 focus on what you're doing. So, I think we have to keep
21 in mind how we're going to structure this, so if an ad
22 hoc, and there is some Commissioners willing to do that,
23 I think that might be the best bet, because I don't think
24 we have staff time that's going to be able to probably
25 summarize (inaudible).

1 **COMMISSIONER RAYA:** I don't think it's necessary
2 to take staff time. I really think that we -- you know,
3 we have enough experience going through the process. I
4 mean, I'm looking at something, correct me if you think
5 it should be something really different, but I'm looking
6 at, you know, a few paragraphs, you know, like the essay
7 you write when you go in on Monday morning, you know.
8 Just something very simple and really straightforward. I
9 mean, what people really want to look at the actual maps,
10 you know, they -- and if you've been following the
11 process, members of the public, you know, you know what
12 we've been doing and how we've arrived at this point.

13 **CHAIRPERSON ANCHETA:** Okay. Commissioner Dai.

14 **COMMISSIONER RAYA:** I think Mr. Claypool had a --

15 **CHAIRPERSON ANCHETA:** You folks need to sit close
16 to each other.

17 **EXECUTIVE DIRECTOR CLAYPOOL:** Go through this
18 again. You know, I was only thinking in terms of how
19 much you do each, and how much you're talking in when I
20 said we would find someone to do that. Certainly, if you
21 want to keep your -- keep the note yourself, that's fine,
22 but I just look at all of things that the 14 of you are
23 capturing already, and I was trying to make sure that you
24 were capturing it well.

25 **CHAIRPERSON ANCHETA:** Commissioner Dai.

1 **COMMISSIONER DAI:** Yeah, I mean, I think was
2 Commissioner Raya is talking about, and I wholeheartedly
3 agree, and it's consistent with what Mr. Miller said too,
4 that this would be a very high level messaging document
5 to explain and frame, you know, what was the philosophy
6 and thinking that went into the map. This is not a line
7 by line, this is what we did in every single county or
8 city type of thing. I would only support it if it were a
9 high level document, like, you know, 500 words or less,
10 kind of like the essays we had to write. So --

11 **COMMISSION LIAISON SARGIS:** And I would also
12 (inaudible) talking about this summary, I mean, I think
13 we have somebody to work with already, and I know at some
14 point he's been doing his -- anticipates this very
15 message.

16 **CHAIRPERSON ANCHETA:** Okay. Do we have some
17 direction from the Commission, then, to either delegate
18 some responsibility or designate it to one of the
19 committees?

20 **COMMISSIONER RAYA:** I mean, I'll just say PI will
21 take it on, Public Information.

22 **CHAIRPERSON ANCHETA:** Okay. Is that --

23 **COMMISSIONER RAYA:** Is that okay with everyone?

24 **COMMISSIONER GALAMBOS-MALLOY:** If you need a
25 motion I would like to make a motion that we task

1 (inaudible).

2 **CHAIRPERSON ANCHETA:** Well, I think it's been in
3 the --

4 **COMMISSIONER GALAMBOS-MALLOY:** If you're already
5 volunteering, then I (inaudible).

6 **COMMISSIONER BLANCO:** (Inaudible) motion, but we
7 should give the task to the Public Information Committee
8 formally, and then people can volunteer to -- who want to
9 work with them can just sign up, and you can tell us if
10 you have too many.

11 **COMMISSIONER RAYA:** You know, start e-mailing
12 your ideas.

13 **COMMISSIONER BLANCO:** Yeah, yeah. And what's the
14 -- we're shooting for when?

15 **COMMISSIONER RAYA:** I'm sorry?

16 **COMMISSIONER BLANCO:** A few days -- like I'm
17 serious. The draft by when?

18 **COMMISSIONER DAI:** Let's say that, let's see, we
19 have the 7th is our kind of final direction, so we will be
20 done with our direction by then. So, we will know what
21 we told you to do.

22 **CHAIRPERSON ANCHETA:** We'll know (inaudible).

23 **COMMISSIONER DAI:** Right.

24 **COMMISSIONER BLANCO:** We should know the big
25 picture --

1 **COMMISSIONER DAI:** We should know, yeah.

2 **COMMISSIONER BLANCO:** -- (inaudible) some of this
3 stuff we just discussed.

4 **COMMISSIONER DAI:** All right. Because we'll need
5 talking points. I mean, you should have all received the
6 e-mail from Mr. Wilcox asking us to reserve the 10th and
7 the 13th for media interviews. So, we will need talking
8 points before the 10th anyway.

9 **CHAIRPERSON ANCHETA:** (Inaudible).

10 **COMMISSIONER FILKINS-WEBBER:** Just one point. I
11 think we had this discussion earlier about what
12 constitutes the record, but certainly, I think, the basis
13 for our decisions is in the wrap up documents. So,
14 without recreating the wheel, you know, if you had those
15 and summarized them and attached it, you know, just as
16 far as the amount of work we're going to have to get
17 through.

18 **COMMISSIONER RAYA:** (Inaudible) just searching,
19 doing a search on our own document (inaudible).

20 **COMMISSIONER GALAMBOS-MALLOY:** I agree. I was
21 going to suggest, maybe, gathering -- because all of the
22 wrap up documents fall into the archives of different
23 places, maybe having a cluster of all of the relevant
24 information from the regional wrap up. So, someone could
25 essentially go look at the maps and then see all the

1 supporting regional wrap ups so they don't have to hunt
2 for them amongst the other parts of the website.

3 **CHAIRPERSON ANCHETA:** I want -- Yes.

4 **MS. MACDONALD:** May I just point out, we became
5 more formalized with writing down wrap up instructions at
6 the second wrap up, so the first one nobody was really
7 taking notes, and at the second one Mr. Miller graciously
8 agreed to do this, and then Ms. Johnston was doing it
9 last night. So, whoever has good notes for the first
10 one, those need to be basically turned into the same
11 format.

12 **MR. MILLER:** I do believe we actually had some
13 first notes, whichever --

14 **MS. MACDONALD:** No, we have notes, but --

15 **MR. MILLER:** Well, no, the Commission actually
16 had some --

17 **COMMISSIONER DAI:** Design principles.

18 **MR. MILLER:** -- principles (inaudible).

19 **COMMISSIONER DAI:** Yeah. I copied them and I
20 shared them with you.

21 **MR. MILLER:** (Inaudible).

22 **MS. MACDONALD:** But also --

23 **COMMISSIONER DAI:** (Inaudible) design principles.

24 **MS. MACDONALD:** Oh, the design principles one.
25 Okay. So, that would be the fourth set of wrap ups.

1 Okay. So, as long as we have that, then we're good for
2 all three wrap ups.

3 **CHAIRPERSON ANCHETA:** Mr. Miller.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** Just yell.

5 **MR. MILLER:** I'm not sure my message is so
6 important as to get the microphone. It does seem to me
7 like we're kind of going in two directions on this issue.
8 Commissioner Raya suggested this be styled as a message,
9 which is a higher level document that talks about how we
10 got where we are, which, to me, is much different than
11 marshalling evidence to support maps, which is a concept
12 I think is also on the table, if I'm following this
13 correctly. Those are different.

14 I think the Commission is best situated with the
15 simpler, higher level message. My concern would be
16 something like this. A plaintiff down the road might
17 say, well, look, when you issued the draft maps you said
18 X, Y and Z. Now you're saying something different, and
19 we say that something different after having more vibrant
20 legal advice, after having additional public input,
21 having additional time to look at the districts and draw
22 the lines.

23 I'd just hate for somebody to be looking back and
24 an earlier iteration that was offered as a justification
25 only to have us learn through our diligence process that

1 there is a better way to do it. So, I would just urge
2 that we go more toward that higher level message than
3 trying to really be writing a pre-mini final report at
4 this stage.

5 **COMMISSIONER DAI:** (Inaudible).

6 **CHAIRPERSON ANCHETA:** (Inaudible). Okay.

7 **MR. MILLER:** I'm sorry if I misheard the
8 suggestions.

9 **CHAIRPERSON ANCHETA:** Thank you. I'm going to
10 entertain a motion to formalize our procedures. And I
11 haven't heard any disagreement from the basic process
12 from Ms. MacDonald's set of procedures over the next
13 several weeks. So, Commissioner DiGuilio, did you want
14 to put in the form of a motion in terms of our formal
15 procedure, including the voting?

16 **COMMISSIONER DIGUILIO:** I guess I'm just
17 wondering (inaudible) safe to wait on that, whether they
18 feel there is a need of that. Again, I think it would be
19 nice if we have a consensus. I think there will just be
20 probably some points along the way that require something
21 more, but I don't want to assume that that's what the
22 other Commissioners think.

23 **CHAIRPERSON ANCHETA:** (Inaudible) we will not
24 have a consensus, and we will probably have to take a
25 vote. So, I would encourage us to formalize that and

1 just decide if we want to --

2 **COMMISSIONER DIGUILIO:** (Inaudible) originally we
3 thought, well, maybe we should just do a simple majority
4 that we move the process forward, this is the first
5 draft. But then there is the other side of it being
6 ultimately we need to have simple majority. And so it
7 would address the hard issues. Better to do those early
8 and get through those differences. So, I'm not sure if
9 we need to actually have (inaudible) a simple majority or
10 (inaudible) or if it's just not a consensus and then we
11 do something about that. So, again, I throw it back to
12 the Commissioners for their input.

13 **CHAIRPERSON ANCHETA:** And I do want to get a
14 motion at some point. Commissioner Barabba.

15 **COMMISSIONER DIGUILIO:** Promise.

16 **COMMISSIONER BARABBA:** (Inaudible) just the
17 majority vote on everything except final map, and then at
18 that point it would be a super majority, because that
19 (inaudible).

20 **COMMISSIONER YAO:** Clarification (inaudible).

21 **CHAIRPERSON ANCHETA:** Well, we have just -- As a
22 reminder, we did vote on that, so that is a requirement
23 to have a simple majority on first draft of the maps.
24 And I mean, there is (inaudible) a disagreement process
25 that allows five Commissioners to raise a disagreement,

1 which we did also agree to a few weeks ago. But I,
2 again, if someone could just -- a need a motion so we
3 need to actually (inaudible).

4 **COMMISSIONER DIGUILIO:** I'll make a motion that
5 we were directly line drawers in the event that there is
6 not consensus on those directions that it will require a
7 vote of regular majority.

8 **COMMISSIONER WARD:** I'll second that.

9 **CHAIRPERSON ANCHETA:** Okay. Ms. Sargis, when
10 you're ready, go ahead.

11 **COMMISSION LIAISON SARGIS:** The motion is that
12 when you're directing the line drawer, if there is no
13 consensus, that the Commission -- that the Commission
14 would require a regular majority vote. Is that correct?

15 **CHAIRPERSON ANCHETA:** Yes.

16 **COMMISSION LIAISON SARGIS:** Okay.

17 **CHAIRPERSON ANCHETA:** (Inaudible).

18 **COMMISSIONER WARD:** And by regular majority,
19 you're referring to the regular majority provided by
20 statute as opposed to --

21 **COMMISSIONER DIGUILIO:** Simple majority.

22 **CHAIRPERSON ANCHETA:** (Inaudible).

23 **COMMISSIONER DIGUILIO:** (Inaudible).

24 **COMMISSIONER WARD:** Yeah.

25 **CHAIRPERSON ANCHETA:** Okay. Discussion on the

1 motion?

2 **COMMISSIONER WARD:** The reason I seconded it is
3 that the -- it seems to me that we're going to know who
4 voted no if we haven't got a consensus. And so we could
5 take that, and we're going to know (inaudible). I mean,
6 we don't need to have -- So, I think it's important that
7 we keep the ability to keep the process moving forward
8 and not get hung up on simple majority, and we're going
9 to know and take that into account as we move forward.

10 **CHAIRPERSON ANCHETA:** I believe it would say if
11 it's a lack of consensus, if any one Commissioner says I
12 don't want to go that way, we will call a vote at that
13 point.

14 **COMMISSIONER BARABBA:** Yeah.

15 **CHAIRPERSON ANCHETA:** That's correct? I think
16 I've -- It just calls for the vote. That's all.

17 **COMMISSIONER DAI:** I mean, I think that
18 (inaudible) as you pointed out by consensus is for all
19 the regional wrapups, but we've only been looking at
20 options. So, we will (inaudible) I'm sure.

21 **CHAIRPERSON ANCHETA:** And if we can come to a
22 consensus, that's fine. (Inaudible). Any other
23 discussion on the motion? Okay. Are there any public
24 comments regarding the motion? Okay. Ms. Sargis, read
25 it back for the record, please.

1 **COMMISSION LIAISON SARGIS:** When directing the
2 line drawers, if there is no consensus on a map, that the
3 Commission will require a simple majority vote. Is that
4 correct?

5 **CHAIRPERSON ANCHETA:** Yes.

6 **COMMISSION LIAISON SARGIS:** Okay. No? It's not
7 correct.

8 **COMMISSIONER DIGUILIO:** A regular majority.

9 **MR. MILLER:** Well, the expression that was used
10 was any nine members, and I think that's the clearest
11 expression (inaudible).

12 **COMMISSIONER DIGUILIO:** Because a simple majority
13 is eight, and that (inaudible).

14 **CHAIRPERSON ANCHETA:** (Inaudible).

15 **COMMISSION LIAISON SARGIS:** Okay. So, majority
16 would you say? Majority?

17 **MR. MILLER:** No, any nine Commissioners.

18 **CHAIRPERSON ANCHETA:** (Inaudible).

19 **COMMISSION LIAISON SARGIS:** Okay. So, when
20 directing line drawers, if there is no consensus on the
21 map, that the Commission will require a vote of any nine
22 members.

23 **COMMISSIONER FILKINS-WEBBER:** There is just three
24 words in there that I think that could change. You said
25 no consensus on a map, and I don't remember those words

1 being (inaudible). It's just that were there is no
2 consensus.

3 **CHAIRPERSON ANCHETA:** (Inaudible).

4 **COMMISSIONER DIGUILIO:** (Inaudible) directions.

5 **COMMISSIONER FILKINS-WEBBER:** When directing the
6 line drawer and no consensus exists in the Commission,
7 the Commission will require --

8 **COMMISSIONER DIGUILIO:** A consensus not achieved.

9 **COMMISSIONER FILKINS-WEBBER:** Correct.

10 **CHAIRPERSON ANCHETA:** (Inaudible) let's let
11 Commissioner DiGuilio decide whether this is the
12 appropriate language. We can (inaudible).

13 **COMMISSIONER DIGUILIO:** I just want to make sure
14 (inaudible). So, when giving direction to the line
15 drawers -- Should we just have her read it again or --

16 **CHAIRPERSON ANCHETA:** (Inaudible). Commissioner
17 DiGuilio wants to make sure that what you have written
18 down matches what Commissioner DiGuilio (inaudible).

19 **COMMISSION LIAISON SARGIS:** When directing the
20 line drawers, if there is no consensus on the directions
21 to the line drawers, that the Commission will require a
22 vote of any nine members.

23 **COMMISSIONER DIGUILIO:** Affirmative vote,
24 probably.

25 **COMMISSIONER BLANCO:** And just to clarify, we're

1 talking about agreeing on the direction that we're
2 giving?

3 **CHAIRPERSON ANCHETA:** Yes, that's all.

4 **COMMISSIONER DIGUILIO:** That's all.

5 **COMMISSIONER BLANCO:** That's all, right?

6 **COMMISSION LIAISON SARGIS:** Require an
7 affirmative vote? Did I --

8 **CHAIRPERSON ANCHETA:** Commissioner DiGuilio, she
9 put that as affirmative vote.

10 **COMMISSIONER DIGUILIO:** An affirmative vote.

11 **COMMISSION LIAISON SARGIS:** Affirmative vote.

12 Okay.

13 **CHAIRPERSON ANCHETA:** So, let's just hear that
14 one more time.

15 **COMMISSION LIAISON SARGIS:** When directing the
16 line drawers, if there is no consensus on directions to
17 the line drawers that the Commission will require an
18 affirmative vote of any nine members.

19 **COMMISSIONER DIGUILIO:** Correct.

20 **CHAIRPERSON ANCHETA:** Okay. Let's vote on that.

21 **COMMISSION LIAISON SARGIS:** Ancheta.

22 **CHAIRPERSON ANCHETA:** Yes.

23 **COMMISSION LIAISON SARGIS:** Barabba.

24 **COMMISSIONER BARABBA:** Yes.

25 **COMMISSION LIAISON SARGIS:** Blanco.

1 **COMMISSIONER BLANCO:** Yes.

2 **COMMISSION LIAISON SARGIS:** Dai.

3 **COMMISSIONER DAI:** Yes.

4 **COMMISSION LIAISON SARGIS:** DiGuilio.

5 **COMMISSIONER DIGUILIO:** Yes.

6 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

7 **COMMISSIONER FILKINS-WEBBER:** Yes.

8 **COMMISSION LIAISON SARGIS:** Forbes.

9 **COMMISSIONER FORBES:** Yes.

10 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

11 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

12 **COMMISSION LIAISON SARGIS:** Ontai.

13 **COMMISSIONER ONTAI:** Yes.

14 **COMMISSION LIAISON SARGIS:** Parvenu.

15 **COMMISSIONER PARVENU:** Yes.

16 **COMMISSION LIAISON SARGIS:** Raya.

17 **COMMISSIONER RAYA:** Yes.

18 **COMMISSION LIAISON SARGIS:** Ward. Yao.

19 **COMMISSIONER YAO:** Yes.

20 **COMMISSION LIAISON SARGIS:** I'm sorry. Ward?

21 **COMMISSIONER WARD:** Abstain.

22 **COMMISSION LIAISON SARGIS:** Abstain.

23 **COMMISSIONER WARD:** (Inaudible).

24 **COMMISSION LIAISON SARGIS:** Motion passes.

25 **CHAIRPERSON ANCHETA:** Commissioner Ward with a

1 very honest answer.

2 **COMMISSIONER DIGUILIO:** And (inaudible) do we
3 need to have a motion that the document that Q2 gave us
4 for the process, the draft proposed process providing
5 directions for line drawers. Do we need a motion --

6 **COMMISSIONER DAI:** To adopt it.

7 **COMMISSIONER DIGUILIO:** -- to adopt it?

8 **CHAIRPERSON ANCHETA:** Let's (inaudible). Is this
9 pretty much reflective -- we don't see any need for
10 update at this point? We haven't chosen to amend the
11 report.

12 **MS. MACDONALD:** Thank you, Commissioner Ancheta.
13 No, I have not -- This is my best foot forward at this
14 moment to give you the information that I have.

15 **COMMISSIONER DIGUILIO:** So, we'll assume that
16 (inaudible).

17 **CHAIRPERSON ANCHETA:** (Inaudible) just simply
18 that we would approve -- Again, I will entertain the
19 motion. I'm not going to do it myself. Someone just
20 move that we --

21 **COMMISSIONER DAI:** (Inaudible) those procedures
22 provided by Q2 for line drawing directions.

23 **CHAIRPERSON ANCHETA:** Okay. Ms. Sargis.

24 **COMMISSIONER DIGUILIO:** Second.

25 **CHAIRPERSON ANCHETA:** (Inaudible).

1 **COMMISSION LIAISON SARGIS:** That the Commission
2 formally adopt the draft proposed directions to line
3 drawers.

4 **MS. MACDONALD:** Process. Process providing
5 directions to line drawers.

6 **COMMISSION LIAISON SARGIS:** Oh, okay.

7 **CHAIRPERSON ANCHETA:** That's correct,
8 Commissioner Dai.

9 **COMMISSION LIAISON SARGIS:** What was it called,
10 Karin?

11 **MS. MACDONALD:** Process for providing directions.

12 **COMMISSIONER DAI:** It's -- Yes, it's the
13 documents on post process --

14 **COMMISSION LIAISON SARGIS:** For?

15 **COMMISSIONER DAI:** For providing direction to the
16 line drawers.

17 **COMMISSION LIAISON SARGIS:** Okay. Okay.

18 **CHAIRPERSON ANCHETA:** So, can you read that back.

19 **COMMISSION LIAISON SARGIS:** Okay. So, that the
20 Commission formally adopt the draft proposed process for
21 providing directions to line drawers document.

22 **CHAIRPERSON ANCHETA:** Commissioner Dai
23 (inaudible)? Any discussion?

24 **COMMISSIONER GALAMBOS-MALLOY:** What came to my
25 mind that there was a slight lack of clarity. I

1 understood how it was presented, but under public
2 testimony when it's talking about the summary of -- what
3 I'm trying to say is that we'll be presenting what we
4 have heard since that first deadline closed, but the way
5 that it's worded that it says, will present a summary of
6 the public -- of public testimony received by the
7 deadline. So, maybe some sort of clarification of what
8 deadline are we actually referring to? What is the time
9 period of comment that will actually be presented to us?

10 **MS. MACDONALD:** I think we -- I'm sorry. May I
11 have the calendar? Sorry. We have a set -- we set a
12 deadline by which we, Q2, is actually able to incorporate
13 public input to actually consider for the line drawing.
14 And there was some conversation about this, because we
15 have to have some time to actually process it. And I
16 believe it's May -- I'm going to guess it was May 23rd,
17 perhaps. I think it was May 23, because that's the last
18 public input hearing before -- Yeah, that is the date.
19 Mr. Claypool just confirmed.

20 And essentially, that would be the last date by
21 which we would incorporate this for presentation to you.
22 That does not mean, of course, that you cannot, you know,
23 read all this -- all the testimony that comes in the
24 other website. It's just that we have to cut off
25 sometime.

1 **COMMISSIONER GALAMBOS-MALLOY:** So, to understand,
2 it will include both -- everything that we have
3 previously received the first time we did the wrap up, in
4 addition to anything we had received up through the 23rd
5 of May?

6 **MS. MACDONALD:** Yes, to some extent. Probably
7 the first part in an abbreviated form.

8 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

9 **MS. MACDONALD:** Just because, you know, it's two
10 days. It's going to be short, and you have to make a lot
11 of decisions. So, I don't think we want to re-go through
12 the entire wheel, but I would say, yeah, if (inaudible)
13 absolutely.

14 **COMMISSIONER GALAMBOS-MALLOY:** All right. Thank
15 you.

16 **CHAIRPERSON ANCHETA:** Commissioner (inaudible).
17 And this again is on -- we have the motion on the floor.

18 **COMMISSIONER FILKINS-WEBBER:** Part of the draft
19 included an example. I don't know if the information
20 contained in the example on this proposed process was
21 intending to advise us of anything or if it was just for,
22 you know, illustration. But my question is, I just want
23 to have clarification before I vote on these steps in
24 this process and procedure, because I don't recall that
25 we got into it with Gibson Dunn. But, Ms. MacDonald, do

1 you agree that before you come to the Commission with
2 your options or suggestions or solutions regarding
3 Section 2 and Section 5 areas that you would be doing so
4 after consultation with Gibson, Dunn and Crutcher?

5 **MS. MACDONALD:** Oh, yeah. They will be living in
6 our office next week.

7 **COMMISSIONER FILKINS-WEBBER:** Wonderful. I just
8 want to make sure of that, and then, just for the
9 public's purposes, because the document, for instance,
10 under example number Section 2 it says a Q2 has
11 identified, you know, a district.

12 **MS. MACDONALD:** Yes.

13 **COMMISSIONER FILKINS-WEBBER:** And I just want to
14 make sure that I know Gibson Dunn is working with Q2, and
15 they've started this process already by identifying
16 Section 2. I just wanted the public to be comfortable
17 that you're doing that in consultation with our VRA
18 attorney.

19 **MS. MACDONALD:** Absolutely.

20 **COMMISSIONER FILKINS-WEBBER:** Thank you.

21 **CHAIRPERSON ANCHETA:** Any other comments on the
22 motion? Public comments on the motion? Ms. Sargis, if
23 you could read it back.

24 **COMMISSION LIAISON SARGIS:** The Commission --

25 **CHAIRPERSON ANCHETA:** (Inaudible).

1 **COMMISSION LIAISON SARGIS:** The motion is for the
2 Commission to formally adopt the draft proposed process
3 for providing directions to line drawers.

4 **CHAIRPERSON ANCHETA:** (Inaudible).

5 **COMMISSION LIAISON SARGIS:** Ancheta.

6 **CHAIRPERSON ANCHETA:** Yes.

7 **COMMISSION LIAISON SARGIS:** Barabba.

8 **COMMISSIONER BARABBA:** Yes.

9 **COMMISSION LIAISON SARGIS:** Blanco.

10 **COMMISSIONER BLANCO:** Yes.

11 **COMMISSION LIAISON SARGIS:** Dai.

12 **COMMISSIONER DAI:** Yes.

13 **COMMISSION LIAISON SARGIS:** DiGuilio.

14 **COMMISSIONER DIGUILIO:** Yes.

15 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

16 **COMMISSIONER FILKINS-WEBBER:** Yes.

17 **COMMISSION LIAISON SARGIS:** Forbes.

18 **COMMISSIONER FORBES:** Yes.

19 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

20 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

21 **COMMISSION LIAISON SARGIS:** Ontai.

22 **COMMISSIONER ONTAI:** Yes.

23 **COMMISSION LIAISON SARGIS:** Parvenu.

24 **COMMISSIONER PARVENU:** Yes.

25 **COMMISSION LIAISON SARGIS:** Raya.

1 **COMMISSIONER RAYA:** Yes.

2 **COMMISSION LIAISON SARGIS:** Ward.

3 **COMMISSIONER WARD:** Yes.

4 **COMMISSION LIAISON SARGIS:** Yao.

5 **COMMISSIONER YAO:** Yes.

6 **COMMISSION LIAISON SARGIS:** Motion passes.

7 **CHAIRPERSON ANCHETA:** All right. Thank you.

8 Mr. Claypool, can we (inaudible) regarding the
9 legislatures -- It sounds like we've actually allocated
10 some funding for public software; is that correct?

11 **EXECUTIVE DIRECTOR CLAYPOOL:** They have made an
12 offer to allocate funding for software. The offer was to
13 provide \$129,000 for the provision of software through
14 one of the two vendors that had actually expressed an
15 interest. That would be Maptitude or ESRI. And the
16 Commission needs to make a determination whether they
17 wish to accept that money and to administer that contract
18 themselves or to leave the -- leave that money with the
19 legislature, in which case they would have to make a
20 determination how -- whether they would provide those
21 services or not.

22 It is technically -- in the way it's written in
23 the Constitution, it is the legislature's responsibility
24 to provide the software in coordination with us. So, the
25 Commission wasn't named as the provider of those

1 services. It's named as the -- as someone that would
2 coordinate with you in the provision of those services.

3 **CHAIRPERSON ANCHETA:** So, do we have to make a
4 decision about whether we accept this money and then have
5 to take responsibility for actually administering this?

6 **EXECUTIVE DIRECTOR CLAYPOOL:** And it is, through
7 my mind, simply contracting with those providers and then
8 they would put that -- they would provide us with the
9 licenses, and then we could provide a link to it. But
10 it's work, and it's staff work, and it's one more thing
11 that we would have to be responsible for once we accepted
12 this fund.

13 **COMMISSIONER DIGUILIO:** As technical as
14 (inaudible) I guess we haven't had full discussion on
15 this issue for a while, but I think the initial consensus
16 was is, you know, if we had the time earlier on and it
17 was approved, we might be able to incorporate that into
18 our full plan of what we were doing. I find that there
19 will be some challenges for us, the Commission, to take
20 on this (inaudible) time and other requirements on our
21 part that might not be better served (inaudible) that
22 we're designed for. But that's just -- That was our
23 initial discussion (inaudible).

24 **COMMISSIONER BARABBA:** I wonder if we could
25 suggest to the legislature that they use those funds to

1 supplement the (inaudible) because they're already out
2 there, the Irvine Foundation Group, if they could
3 actually supplement some of the resources of that
4 facility to make them, you know, more accessible or
5 whatever it is, rather than just buying software.

6 **EXECUTIVE DIRECTOR CLAYPOOL:** I'm not positive on
7 this, but I would be surprised if they could provide
8 those funds with private foundation. I just -- I don't
9 know what the -- whether that's legally possible. The
10 offer, though, was specifically to that recommendation,
11 which we sent forward to them, one of the five
12 recommendations that we sent forward to them.

13 **COMMISSIONER BARABBA:** I guess the question I'd
14 ask, then, is should we be -- we have a suggestion.
15 Should we suggest that they use the software that we're
16 using or they choose whatever software they want?
17 Because if they're going to use the same one we're using,
18 it might be easier for us to react to the recommendations
19 that come into us.

20 **EXECUTIVE DIRECTOR CLAYPOOL:** I just caught -- it
21 was just a little bit difficult for me to hear that, but
22 I think --

23 **COMMISSIONER BARABBA:** The question was, should
24 we suggest that they use the software that our line
25 drawers are using so that if there is any things brought

1 forward it would be in a similar way or should we let
2 them choose whatever software they want?

3 **EXECUTIVE DIRECTOR CLAYPOOL:** You know --

4 **CHAIRPERSON ANCHETA:** Ms. MacDonald, do you have
5 some comment on this?

6 **MS. MACDONALD:** May I say (inaudible) happen to
7 be here. I think the output files are going to be pretty
8 much the same (inaudible).

9 **CHAIRPERSON ANCHETA:** So, Mr. Claypool, again, we
10 made a motion to go one direction or another. So,
11 Commissioner Dai (inaudible).

12 **COMMISSIONER DAI:** Yeah. And I kind of agree
13 with Commissioner DiGuilio. I think it's a lot for us to
14 take on at this point, and it's not our constitutionally
15 mandated duty to do this. I mean, and I -- you know, I
16 think it's right the legislature has appropriated the
17 money, but unless they're appropriating additional staff,
18 for us to take that one, I mean, that's actually going to
19 really negatively impact our primary function here. Kind
20 of following on with what Commissioner Barabba said, but
21 I'm wondering if -- And maybe this is a question for
22 Ms. MacDonald, I know that the technical assistant
23 centers that you -- some of them have remote capability.
24 I'm just wondering if this software would augment your
25 capabilities so that you could refer people to use it.

1 I'm just trying to figure out, is there a way we can at
2 least leverage the resources that we do have in the
3 field?

4 **MS. MACDONALD:** Yeah, remote capability is
5 readily needed. So, would it augment it? Yes. I mean,
6 there is various ways of augmenting. I know that the --
7 some of the sites, they was going to be waiting times for
8 the computers that are running redistricting software.
9 But, you know, it would augment for sure.

10 **COMMISSIONER DAI:** Okay.

11 **CHAIRPERSON ANCHETA:** Commissioner Filkins-
12 Webber.

13 **COMMISSIONER FILKINS-WEBBER:** The legislature was
14 aware, as I see it, of their obligation since the passage
15 of Proposition 11. 2008, since 2008 they could have
16 addressed this issue, because I thought it was their
17 responsibility and now they're advising us on May 20th
18 that they're willing to give us money provided that we do
19 all the work to allow the public to have access to
20 software that they've always had the responsibility of
21 providing. So, I -- or at least in that portion of the
22 law.

23 **COMMISSIONER DIGUILIO:** End of motion.

24 **COMMISSIONER FILKINS-WEBBER:** I'm just troubled
25 by it. I just want to the record to reflect that,

1 because if there is any criticism or -- you know, or any
2 trouble about the decision that we might have to make in
3 this regard to certainly understand that we've operated
4 since January 1 under the assumption that the legislature
5 would be taking on their understandable, you know,
6 outline to responsibilities under the law. And so I'm a
7 little troubled by that it's May 20th and now we're --
8 they'll telling us to do it. Here. Here is some money
9 and go ahead to do it. And we need to get these maps
10 done by, you know, July 28th.

11 **CHAIRPERSON ANCHETA:** Commissioner Yao.

12 **COMMISSIONER YAO:** I move that we give direction
13 to staff to thank the legislatures for giving this
14 opportunity at this late date. We find it impractical to
15 include this as part of our map drawing process. And,
16 again, we just thank them for the opportunity and leave
17 it at that.

18 **CHAIRPERSON ANCHETA:** Is there a second to that
19 motion?

20 **COMMISSIONER DIGUILIO:** Second.

21 **CHAIRPERSON ANCHETA:** Seconded by Commissioner
22 DiGuilio. We may (inaudible).

23 **COMMISSIONER YAO:** I would move that we simply
24 thank the legislature for their offer, and explain to
25 them at this late date we are not able to incorporate

1 this into our map drawing process period.

2 **CHAIRPERSON ANCHETA:** Commissioner DiGuilio, do
3 you still second it?

4 **COMMISSIONER DIGUILIO:** Yeah, I still second it.

5 **CHAIRPERSON ANCHETA:** A discussion of the motion,
6 Commissioner Ontai.

7 **COMMISSIONER ONTAI:** Before I vote on it,
8 Mr. Claypool, comments on that?

9 **EXECUTIVE DIRECTOR CLAYPOOL:** I'd like to say,
10 first of all, in all fairness to the legislature, they
11 have many things on their plate right now, and I think
12 that in this budget prices right now just coming up with
13 \$129,000 is probably, you know, a tough deal. Having
14 said that, they also had presented this argument several
15 days ago that we had to wait until now, but that doesn't
16 -- that doesn't --

17 **COMMISSIONER FILKINS-WEBBER:** Well, so May 17th.

18 **EXECUTIVE DIRECTOR CLAYPOOL:** Yeah, it's a minor
19 -- it's a minor date -- But, yes, I think that from our
20 standpoint I just -- it would be one more thing that we
21 would have to keep track of and one more thing that we
22 would also, if something goes wrong with it or if there
23 is a problem with it, then we draw a great deal of
24 criticism for not providing it correctly. And so I'd go
25 with what Commissioner Yao suggested.

1 **COMMISSIONER ONTAI:** Thank you.

2 **CHAIRPERSON ANCHETA:** Further discussion from the
3 Commission? Okay. Public comment on this motion?
4 (Inaudible) Ms. Sargis (inaudible).

5 **COMMISSION LIAISON SARGIS:** I need clarification,
6 please. Give direction to staff to thank the legislature
7 to fund public access software? Is that what you're --
8 Okay. At this late -- But and to also indicate that at
9 this late date we can't incorporate -- incorporate it
10 into our map drawing process.

11 **CHAIRPERSON ANCHETA:** (Inaudible).

12 **COMMISSION LIAISON SARGIS:** Ancheta.

13 **CHAIRPERSON ANCHETA:** Yes.

14 **COMMISSION LIAISON SARGIS:** Barabba.

15 **COMMISSIONER BARABBA:** Yes.

16 **COMMISSION LIAISON SARGIS:** Blanco.

17 **COMMISSIONER BLANCO:** Yes.

18 **COMMISSION LIAISON SARGIS:** Dai.

19 **COMMISSIONER DAI:** Yes.

20 **COMMISSION LIAISON SARGIS:** DiGuilio.

21 **COMMISSIONER DIGUILIO:** Yes.

22 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

23 **COMMISSIONER FILKINS-WEBBER:** Yes.

24 **COMMISSION LIAISON SARGIS:** Forbes.

25 **COMMISSIONER FORBES:** Yes.

1 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

2 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

3 **COMMISSION LIAISON SARGIS:** Ontai.

4 **COMMISSION LIAISON SARGIS:** Parvenu.

5 **COMMISSIONER PARVENU:** Yes.

6 **COMMISSION LIAISON SARGIS:** Oh, I'm sorry.

7 Ontai, yes?

8 **COMMISSIONER ONTAI:** Yes.

9 **COMMISSION LIAISON SARGIS:** Parvenu.

10 **COMMISSIONER ONTAI:** Yeah.

11 **COMMISSION LIAISON SARGIS:** Parvenu.

12 **COMMISSIONER PARVENU:** Yes.

13 **COMMISSION LIAISON SARGIS:** Raya.

14 **COMMISSIONER RAYA:** Yes.

15 **COMMISSION LIAISON SARGIS:** Ward.

16 **COMMISSIONER WARD:** Yes.

17 **COMMISSION LIAISON SARGIS:** Yao.

18 **COMMISSIONER YAO:** Yes.

19 **COMMISSION LIAISON SARGIS:** All ayes. Motion

20 passes.

21 **CHAIRPERSON ANCHETA:** (Inaudible) time checker.

22 Should we go on (inaudible)?

23 **COMMISSIONER GALAMBOS-MALLOY:** Just want to add

24 one thing to (inaudible). I want to just quickly let

25 everyone know, just so we can (inaudible) line drawing

1 for those -- it's under (inaudible) that as I understand,
2 I could check -- confirm with staff, but all of those
3 meetings in June will be in Sacramento at McGeorge Law
4 School, and they will -- the meetings are scheduled to
5 start at nine o'clock. And I don't know if Ms. MacDonald
6 has any thoughts of how long they'll go, or let's -- we
7 can hope that it's reasonable but not (inaudible). I
8 think (inaudible) remind Commissioners and the public
9 that that schedule will be, again (inaudible) McGeorge
10 Law School has generously offered, I believe, at no cost
11 for us. That's a great service if we can do that. But
12 I'm not sure if you want to comment (inaudible).

13 **MS. MACDONALD:** Well, I'm hoping that we will be
14 able to do things in -- you know, pretty fast, because we
15 have to go back and draws. So, when we're up there,
16 we're probably going to be up there with at least two
17 mappers at a time, and maybe even all four. So, nobody
18 is drawing lines while we're up talking to you. So, you
19 know, we'll just have to try to go through it as
20 expeditiously as possible, but also keeping in mind that
21 some of these issues are very complex and you will want
22 to give this, you know, enough time so you can really
23 feel comfortable with what the decision is.

24 **COMMISSIONER DIGUILIO:** And for one last comment,
25 we have kept the original dates that we have, which was

1 June 1st, 2nd, 7th, 9th and 10th. We did not -- I know there
2 was some initial -- some earlier discussion about adding
3 a day, but we did not add a day. (Inaudible).

4 **COMMISSIONER ONTAI:** In using the facility we
5 (inaudible). Is there any restriction with the facility
6 (inaudible)? Okay. Thank you.

7 **CHAIRPERSON ANCHETA:** Commissioner Blanco, do you
8 have a question?

9 **COMMISSIONER BLANCO:** I'm just curious. I know
10 we're moving into the finance and administration part of
11 the agenda -- into finance and administration part of the
12 agenda. I know I had put an item that was scheduled here
13 under 1B for the very first part of the meeting that we
14 never discussed, and I'm wondering if we're going to get
15 to that, because I do think we need to make some
16 decisions.

17 **CHAIRPERSON ANCHETA:** This is (inaudible)
18 discussion. I'm not sure if we could table it until the
19 June (inaudible).

20 **COMMISSIONER BLANCO:** I just don't know how we
21 can given the timing of our business meetings. And it
22 was scheduled to be on here, second item.

23 **CHAIRPERSON ANCHETA:** Right. Okay. Well --

24 **COMMISSIONER DIGUILIO:** Commissioner Ancheta, do
25 we still have a (inaudible) where we can talk at some

1 point of the possible hour tomorrow finance will be
2 overbearing? Is that still an option?

3 **CHAIRPERSON ANCHETA:** I think it's still
4 (inaudible).

5 **COMMISSIONER BLANCO:** You know, I'm not so sure
6 that it's a complicated item. I have sort of been
7 putting ideas with folks, and I don't think it's --

8 **CHAIRPERSON ANCHETA:** Okay.

9 **COMMISSIONER BLANCO:** -- going to turn out to be
10 that complicated.

11 **CHAIRPERSON ANCHETA:** I'm going to give five
12 minutes to this topic, because I'm leaning --

13 **COMMISSIONER BLANCO:** I mean, I can see some
14 smiles over there. Maybe you can tell me why I'm wrong
15 over there.

16 **CHAIRPERSON ANCHETA:** I'll give you five minutes
17 (inaudible). You are going to propose that some task be
18 given to other members of the (inaudible) or the staff to
19 investigate or do you want -- Is that correct?

20 **COMMISSIONER BLANCO:** Not right. Here is my
21 point. Maybe I can --

22 **CHAIRPERSON ANCHETA:** (Inaudible) five minutes.

23 **COMMISSIONER DIGUILIO:** And then we can decide --
24 Well, if we only have five minutes, I'll just table it.
25 We don't need to talk about it, but I would prefer not to

1 be -- I mean, we can just -- I don't think we can decide
2 ahead of time whether it's a five minute conversation.
3 If it's going to be five minutes, then we can just table
4 it.

5 **EXECUTIVE DIRECTOR CLAYPOOL:** Commissioner, I
6 apologize for the interruption. Again, is Q2 -- will we
7 have any more questions of Q2?

8 **COMMISSIONER BLANCO:** It's related -- It may
9 involve --

10 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay.

11 **COMMISSIONER BLANCO:** -- some -- Q2 in some ways.

12 **CHAIRPERSON ANCHETA:** Why don't you frame the
13 question, and we can make the decision based on how you
14 frame it whether we want to continue with the discussion.

15 **COMMISSIONER BLANCO:** That's what I was intending
16 to note. So, I've had a little bit of concern about what
17 we're going to do in the next round of hearings after the
18 release of the first maps, what the structure and format
19 of those hearings is going to be. We're going to have
20 people, obviously, testifying about what they see in
21 those maps that they think doesn't accurately reflect
22 what they want to see happen in terms of the criteria, in
23 terms of their communities of interest, and I think
24 that's part of what we want to do.

25 I'm a little concerned that we will just have a

1 rerun of sort of the first round of hearing, and that
2 we'll just have a lot of similar don't split my county,
3 you know, and I'm -- and that it won't necessarily move
4 the ball forward on some of the critical things that will
5 continue to be complicated, which is the reason we are
6 going back out to the public again after first draft, not
7 necessarily just to -- I think we need to further our
8 understanding.

9 So, my sense is that, also, we're getting a lot
10 of input that is about, which is as it should be,
11 people's opinions, and they're not always reflective of
12 the entire reality of, say, a city or a county or a
13 region. And that sometimes we -- if we based all our
14 decisions on what, say, 50 people have commented on, but
15 we don't hear objective facts about some things, that we
16 will be missing a piece of information that's important
17 to how we define, particularly the communities of
18 interest.

19 And so I would like us to think about how in that
20 second round, when people react to the maps, we reach out
21 to folks that have facts about particular regions or
22 cities like regional planning agencies or water
23 districts, people that have a sense of what are the
24 economic and social characteristics of a particular
25 either city or county or geographic region so that we can

1 round out the testimony from people that, you know, are
2 presenting their opinion but a lot of it is obviously
3 their subjective opinion. And we've gone back and forth
4 about how much we can personally go out and do our own
5 research, like can I go read an article about whatever
6 and decide what the economy of a certain city is that may
7 be different than what I've heard testimony about. And I
8 know we have differences of opinion about how to do that,
9 and that might be biased as well, what I research or
10 somebody else researches.

11 So, I was thinking that we could invite, and we
12 could figure out who it is, the public information or
13 outreach committee could figure out who they would like
14 to invite to that second round of hearings to help round
15 out the testimony to give us a rich second round of
16 information. And I don't have a proposal about a task
17 force, necessarily. It's more I wanted to see if there
18 was interest in filling out the testimony in the second
19 round of hearings, or whether we affirmatively going out
20 and asking people to testify, we don't have subpoena
21 power, or whether we just want to leave it the way it is.

22 **CHAIRPERSON ANCHETA:** Okay. Are there any
23 comments regarding Commissioner Blanco's -- We don't have
24 a motion on the table, so -- Go ahead.

25 **COMMISSIONER FILKINS-WEBBER:** The one comment

1 that I would make is that this presupposes that the
2 information that we've received from individuals'
3 subjective opinions have been wrong.

4 **COMMISSIONER BLANCO:** No, no. No, I'm sorry.

5 **COMMISSIONER FILKINS-WEBBER:** Well, that's what
6 it sounds like, because --

7 **COMMISSIONER BLANCO:** No, no.

8 **COMMISSIONER FILKINS-WEBBER:** -- you had said
9 that you're getting input that appear to be opinions from
10 people that are not reflective of city, county or
11 regions, which means that you must know something about a
12 city, county or region, and, therefore, you want to flush
13 out further information on a city, county or region that
14 you might know about because you don't want to rely on
15 the information that we got from members of the public
16 where they're subjective opinions. Because I think this
17 whole process has been about solicitation.

18 **COMMISSIONER BLANCO:** No, no. I --

19 **COMMISSIONER FILKINS-WEBBER:** So, the whole
20 process has been about solicitation. So, the way that I
21 understood it is that if you have water districts, we
22 have gotten quite a number of speakers and public input
23 via e-mail from water districts and other regional areas
24 and city counsels and their resolutions, and a lot of it
25 has been very rich with social and economic. So, I have

1 this -- You know, again, it seems as if you might be --
2 I'm hesitant about doing a solicitation or an invitation
3 as to who it is that we would want to gather information
4 from, because, again, that could be problematic. So, I
5 just don't want there to be an assumption that we're not
6 accepting the public input testimony or that we're
7 challenging them or questioning -- I mean, I certainly
8 think that the whole point was we talked about with the
9 to be determined dates was to find out areas where we
10 didn't get any information, and then go back to those
11 areas. So, I'm a little concerned about what this really
12 means.

13 **CHAIRPERSON ANCHETA:** And I'm going to
14 (inaudible) motion to table this or to forward with this,
15 one or the other.

16 **COMMISSIONER FILKINS-WEBBER:** I move to --

17 **COMMISSIONER BLACNO:** I would like to clarify my
18 intent. I think that --

19 **CHAIRPERSON ANCHETA:** Oh, I'm sorry. I'm on the
20 motion.

21 **COMMISSIONER FILKINS-WEBBER:** I said I move to
22 defer.

23 **COMMISSIONER BLANCO:** Oh, okay.

24 **CHAIRPERSON ANCHETA:** Okay. (Inaudible) motion
25 on the table. Second it?

1 **COMMISSIONER DIGUILIO:** I'll second it. I'd like
2 to have some discussion in more detail later. I just
3 don't know if we have the time for it right now.

4 **CHAIRPERSON ANCHETA:** Any (inaudible)? We'll
5 come (inaudible) take a vote on this tonight. Motion
6 (inaudible) on the table.

7 **COMMISSION LIAISON SARGIS:** Motion is to defer
8 the discussion of additional data sources.

9 **COMMISSIONER DIGUILIO:** (Inaudible).

10 **CHAIRPERSON ANCHETA:** June 1st and then
11 (inaudible).

12 **COMMISSIONER DIGUILIO:** So, before we
13 (inaudible).

14 **CHAIRPERSON ANCHETA:** Call roll.

15 **COMMISSION LIAISON SARGIS:** Ancheta.

16 **CHAIRPERSON ANCHETA:** Yes.

17 **COMMISSION LIAISON SARGIS:** Barabba.

18 **COMMISSIONER BARABBA:** Yes.

19 **COMMISSION LIAISON SARGIS:** Blanco.

20 **COMMISSIONER BLANCO:** No.

21 **COMMISSION LIAISON SARGIS:** Dai.

22 **COMMISSIONER DAI:** Yes.

23 **COMMISSION LIAISON SARGIS:** DiGuilio.

24 **COMMISSIONER DIGUILIO:** Yes.

25 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

1 **COMMISSIONER FILKINS-WEBBER:** Yes.

2 **COMMISSION LIAISON SARGIS:** Forbes.

3 **COMMISSIONER FORBES:** Yes.

4 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

5 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

6 **COMMISSION LIAISON SARGIS:** Ontai.

7 **COMMISSIONER ONTAI:** Yes.

8 **COMMISSION LIAISON SARGIS:** Parvenu.

9 **COMMISSIONER PARVENU:** Yes.

10 **COMMISSION LIAISON SARGIS:** Raya.

11 **COMMISSIONER RAYA:** No.

12 **COMMISSION LIAISON SARGIS:** Ward.

13 **COMMISSIONER WARD:** Yes.

14 **COMMISSION LIAISON SARGIS:** Yao.

15 **COMMISSIONER YAO:** Yes.

16 **COMMISSION LIAISON SARGIS:** Motion passes.

17 **CHAIRPERSON ANCHETA:** Okay. And this is on the
18 agenda for the June 1st. And I'd ask Commissioner Blanco,
19 if possible, to (inaudible) either give some more
20 description and also try to give us a rough allocation of
21 what needs to be discussed (inaudible) time discussion,
22 too.

23 **COMMISSIONER BLANCO:** Yeah, it would be basically
24 the same thing that was scheduled for today.

25 **CHAIRPERSON ANCHETA:** Okay. Thank you. Can we

1 move on to finance and administration? I think we're not
2 going to take a break. We just have to move forward. We
3 need to get (inaudible). So, Commissioner Ward
4 (inaudible).

5 **COMMISSIONER WARD:** Thank you, Chair. Item
6 number one under finance and administration topics is
7 going to be Mr. Claypool presenting a new streamlined
8 status state of the budget, if you will. And I'll pass
9 it to him and let him streamline.

10 **EXECUTIVE DIRECTOR CLAYPOOL:** Thank you. First
11 of all, we have some documents that were handed out to
12 you, or actually sent to you, and we have hard copies for
13 you here. So, we'll be handing those out. And we will
14 discuss -- we'll discuss, first of all, I will give you
15 an update or I will add an update, if you will, on the
16 budget augmentation. I'll add the news on our one
17 million dollar augmentation is actually good news. If it
18 -- if there is no hold up on it by the 27th or 28th of this
19 month, it will automatically just, as I understand it, be
20 added to your budget. So, we've heard nothing about the
21 one million dollars, and we should be fairly set with
22 that.

23 On the 11/12 budget proposal, you have that in
24 front of you right now. This was a document that was
25 approved. If you see, it's been signed on May 16th by

1 John Fitzpatrick, who is our Department of Finance
2 Liaison. He's been incredibly helpful, John Fitzpatrick,
3 and Kia Shaw, who works with him, have done great work
4 for us in moving this forward. It will be the subject of
5 our meeting if we are required to actually go before the
6 assembly and the senate on the 24th and 26th. They're
7 having budget hearings, and this is what will be
8 discussed.

9 If you -- There is a lot of kind of verbiage in
10 the back. What's of importance to you right here and now
11 is the summary of proposed changes on the front. And we
12 had had brief discussion of this earlier. If you would
13 notice, there is \$400,000 allocated to the general fund,
14 and then there is 1.5 million made in provisional
15 language for potential costs related to -- in support of
16 litigation.

17 As this moved forward, we originally presented an
18 argument that there were many things that this commission
19 needed to do, as we have the -- our guide, we have PRA
20 requests, we have -- we would hope to put a
21 constitutional amendment forward, but what the Department
22 of Finance ended up agreeing to was that the most
23 depressing thing that you will have coming before you
24 would be litigation. And they were holding 1.5 million
25 in provisional language for us to be able to support or

1 give them support for releasing some or all of those
2 funds once they know that they do have litigation or we
3 do have public records actually requested that might lead
4 to litigation.

5 So, this is the structure that they were willing
6 to move forward with, and it is the entire 1.9 million
7 that we asked for. But we are going to have to come up
8 with a same level of proof as we came up with for the
9 augmentation letter for the one million that we're
10 currently having released in order to get these funds.
11 The \$400,000 was given to us, \$200,000 in support of
12 staff salaries, \$100,000 in support of office equipment
13 -- expenses and equipment, and another \$100,000 that was
14 essentially a bridge towards getting us towards being
15 able to get a release of these other funds once we have
16 litigation or if we do have litigation.

17 This was also, as we discussed with -- as Mr.
18 Ward discussed, a portion of these funds were also being
19 used in support of the inline peer process. And if we
20 were to move funds forward out of our current budget for
21 the inline peer process, then we would have some other
22 portion of our operating expenses would have to be
23 sacrificed, if it comes to that, in order to make sure we
24 get to August 15th.

25 I wanted to tell you right now that we will get

1 to August 15th with the funds we have, and we will get
2 these maps to the Secretary of State. That's not an
3 issue, but that's where the \$400,000 -- that's what it
4 was intended for. Any questions?

5 **COMMISSIONER YAO:** What is the projected expenses
6 at the time that we released the map? For example, the
7 3.5 million dollars that we have been budgeted, would
8 that all be gone by that point in time?

9 **EXECUTIVE DIRECTOR CLAYPOOL:** It -- Not as we
10 project it, no. We intend that those funds will get us
11 through August 31st at our current rate of expenditure.
12 However, as we take on different responsibilities, as we
13 add more meetings or if our per diem continues to
14 accelerate, we may put ourselves in a position where we
15 come back in and say, we have to slow down. We either
16 have to sacrifice one of the to be determined meetings or
17 we have to sacrifice per diem someplace or we have to do
18 something in order to make up to make sure that we get to
19 the 1.5 million -- or to get to the August 15th deadline.
20 But right now we believe that we will have sufficient
21 funds to get us through August 31st.

22 **COMMISSIONER YAO:** So, beyond August 31st we have
23 asked for 1.5 million dollars for the next fiscal year?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, we have
25 actually asked for 1.9 million to get us through the next

1 fiscal year, and \$400,000 of that has been given to us,
2 \$200,000, again, in support of staff salaries. Now, one
3 of the ways we get to August 31st is we defer certain
4 staff costs so that this will cover the costs that we're
5 deferring. We're also deferring certain expenses. And,
6 again, I go back to the inline peer process where we
7 deferred a certain amount of that cost into this \$400,000
8 budget. But if we move forward with that process, if we
9 find that we need it and we authorize it, we'll just
10 defer some other portion of the budget. It might just be
11 further staff expenses.

12 **COMMISSIONER YAO:** So, in summary, this \$400,000
13 or this (inaudible) is part of the money we think we will
14 need to see us through the next fiscal year; is that
15 correct?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes, sir, it is.
17 It is (inaudible).

18 **COMMISSIONER YAO:** Okay. Thank you.

19 **CHAIRPERSON WARD:** Mr. Claypool, I was going to
20 ask if -- I was hoping we could present the entire
21 template, kind of state of the budget that we're going to
22 be using for each successive meeting, and then maybe we
23 can open it up for questions at the end.

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay.

25 **CHAIRPERSON ANCHETA:** (Inaudible) handle the

1 queue for me. You're better at that. I'll let you
2 handle the queue. Thank you.

3 **COMMISSIONER ONTAI:** Commissioner Dai.

4 **COMMISSIONER DAI:** Commissioner Ward, I think it
5 makes sense to make sure everyone understands the budget
6 change proposal before we go into the template, because I
7 still had some questions about this, and I imagine some
8 other folks --

9 **COMMISSIONER WARD:** Please.

10 **COMMISSIONER DAI:** Is that okay? So, I just want
11 to clarify because I just want to make sure that this was
12 stated clearly that the way that we had structured this,
13 because the State doesn't operate on a budget -- on a
14 year that starts at the end of August 31st. Actually, I
15 just want to make sure we're clear about that. The 3.5
16 was actually through June; is that correct?

17 **COMMISSIONER WARD:** Right.

18 **COMMISSIONER DAI:** And then there was efficiency
19 that ran into the next -- that ran us into the next
20 fiscal year. And I just wanted to understand, this
21 \$400,000 exactly covers what period to what period?

22 **EXECUTIVE DIRECTOR CLAYPOOL:** The 300 of the 400
23 covers the 300 deficiency that we originally had plus a
24 \$100,000 in additional costs or in additional funding for
25 the costs that were not incurred. Our original 3.5

1 million was actually across a three year period, so it
2 could be used -- Typically, funding has to be expended by
3 the end of the fiscal year, and then you come up with
4 your new budget, and that's allotted to you. So, in this
5 particular case, we can have the money spill over into
6 this fiscal year and still use it, which is very
7 important to us, because if there is no budget, until
8 there is an end of the budget --

9 **COMMISSIONER DAI:** Right.

10 **EXECUTIVE DIRECTOR CLAYPOOL:** -- we don't get
11 this.

12 **COMMISSIONER DAI:** We don't get any money. Okay.
13 Yeah, I just wanted to clarify that. So, the 400,000
14 that they've approved essentially covers staff salaries
15 plus some extra. Now, the bridge that you mentioned, I
16 just want to make sure that we're not just covering staff
17 salaries, but presumably, if we go ahead with all the
18 things that we planned, you know, the being able to deal
19 with PRA's, being able to, you know, deal with, you know,
20 the evaluation report that we talked about. There is
21 going to be Commission time as well, so would that come
22 out of that 100,000?

23 **EXECUTIVE DIRECTOR CLAYPOOL:** The 100,000 would
24 be where that would come out. If not, certainly not the
25 report on the Commission itself. That's going to have to

1 be a justifiable expense probably out of the next budget
2 year, 12/13, unless we buy the money in the 1.5 and they
3 authorize it to be released for that purpose. So, we're
4 going to have to justify -- it's going to be a much more
5 difficult road, if you will, to work through on this 1.5,
6 because they're going to want to know exactly what -- how
7 it ties into, in this particular case, in litigation
8 services or why you need it beyond those services. So,
9 we're going to have to come up with that justification,
10 and we're prepared to do that. But in regard to
11 Commission expenses for PRA requests, yes, that 100,000
12 would have to be the bridge for paying for your
13 preparation costs and so forth during that period of time
14 while we get a release of funds from the 1.5 million.

15 **COMMISSIONER DAI:** Okay. So, would it be fair to
16 say that basically what we've heard from the Department
17 of Finance is that they would like to put that 1.5
18 million as a contingency to see if we get sued what the
19 expected costs would be, how many VRA requests we have,
20 and based on that we would put a new justification
21 together, just like we had to do the budget augmentation
22 for the 1 million saying, okay, we've, you know, been
23 sued by two people and, you know, we've had 100 -- you
24 know, whatever it is, and based on this we estimate that
25 the Commission is going to need to put this much time in,

1 and this is what the travel expenses will be, and then
2 put that in to get the justification.

3 **EXECUTIVE DIRECTOR CLAYPOOL:** Exactly.

4 **COMMISSIONER DAI:** Great. I just wanted to make
5 sure that this was my understanding.

6 **CHAIRPERSON ANCHETA:** Other questions or
7 comments? (Inaudible).

8 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. The next
9 document that we've given you is kind of an abbreviated
10 -- it's not abbreviated. It's the same -- These are the
11 same four sheets you've seen each month. We would like
12 to kind of truncate our report to you at each business
13 meeting down to this format so that we can keep our
14 presentation very short. The finance and administration
15 committee can always request a line item or come over and
16 see a line item, but for the purposes of this meeting we
17 believe that these four documents pretty much sum up what
18 you're looking for and what you need to know.

19 The first one is your expenditures through April.
20 As you see, we've still only expended 19 percent of the
21 3.5 million dollars that we were given. Now, always in
22 this figure, remember, you have encumbrances to your line
23 drawer of about 565,000 now that we've added additional
24 expenses, and you have encumbrances to your VRA attorney
25 of 294,000 plus that we know are locked in. So, you

1 could actually expand that red funnel up and know that
2 you're going to expend those sums, but even if you added
3 that in you'd need -- you would probably only be about 20
4 -- or actually about 30 percent.

5 So, as you look at this, we're -- I think we're
6 right on track for where we intended to be at this time.
7 I don't see any alarm in any of the rate of expenditures.
8 We go to Commissioner per diem on the next page. As of
9 April 21st, again, you're at 41 percent. We have two
10 months moving forward, or actually two heavy months, and
11 then, you know, part of August. Again, I'm not
12 anticipating we may shoot over on the Commissioner
13 preparation, but I think, as we had discussed earlier --
14 Oh, Commissioner Yao?

15 **COMMISSIONER YAO:** Before you go to the per diem
16 chart, can we go back to the overall finance chart?

17 **EXECUTIVE DIRECTOR CLAYPOOL:** Certainly.

18 **COMMISSIONER YAO:** The 3.5 million. I'm
19 surprised that the line drawer expense has been zero. Is
20 that simply just a delay in the payment of the -- of the
21 billing expense?

22 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes.

23 **COMMISSIONER YAO:** And how much longer is it
24 going to take? I mean, I can't imagine Q2 can operate
25 too much longer without getting paid.

1 **MS. DAVIS:** We haven't received any of the
2 invoices as of yet, so it's not reflected in our
3 expenditures.

4 **COMMISSIONER WARD:** (Inaudible) is that Q2's
5 office was on Wednesday, and they were preparing some
6 invoices at that point. I (inaudible) but they're being
7 prepared.

8 **COMMISSIONER YAO:** Okay. And the same question
9 goes to operating expenses. Here we are, according to
10 the salary, 44 percent, and I kind of see that as a
11 marker saying that we're pretty close to halfway in terms
12 of our total tasks. You've got the operating expenses
13 only at 11 percent. So, and we say that we're still
14 going to need the 1.1 million based on the budget and
15 based on all the previous discussions. So, I need to
16 understand as to why it's so low.

17 **MS. DAVIS:** Well, as far as the actual
18 expenditures go, we have documents that may be
19 encumbered, and the invoices haven't come through as far
20 as the actual expenditures go. And maybe I'm not
21 understanding.

22 **COMMISSIONER DIGUILIO:** I interpret operating
23 expenses, things like rent and telephone and all these
24 other expenses that non-salary; is that correct?

25 **MS. DAVIS:** Right. Well, as far as the rent

1 goes, it's covered. That's not something that's coming
2 out of our budget.

3 **COMMISSIONER YAO:** Okay. If it's covered, then
4 why is it so low?

5 **EXECUTIVE DIRECTOR CLAYPOOL:** When you think
6 about it, Commissioner, we have very little operating
7 expense beyond moving you around. We cover that under
8 per diem.

9 **COMMISSIONER YAO:** Right.

10 **EXECUTIVE DIRECTOR CLAYPOOL:** And venues, which
11 are a great deal. But as far as our operating expenses
12 in our office, the Governor's Office gives that to us for
13 free and we don't have --

14 **COMMISSIONER YAO:** Okay. But if that's the case,
15 why is the budget so high?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, on the --
17 Well, I see your -- Okay.

18 **MS. DAVIS:** We've got other venue costs, and the
19 security and the contracts that come with operating the
20 venues. There is security --

21 **COMMISSIONER YAO:** Okay. What are the big --

22 **CHAIRPERSON ANCHETA:** (Inaudible) put together
23 (inaudible).

24 **COMMISSIONER YAO:** I need to get a sense that
25 we're on top of this budget, and when I see that big

1 discrepancy I have a tough time rationalizing it?

2 **CHAIRPERSON WARD:** Well, I think that (inaudible)
3 trying to say that that was originally budgeted that way
4 not knowing the amazing powers of persuasion that Janeece
5 possesses, as she's been able to get many venues that
6 initially were going to charge us to use their facility.
7 She's been able to negotiate amazing savings to the
8 Commissioner. So, she should be applauded for that, but
9 that's what a large portion of that budget amount
10 (inaudible).

11 **COMMISSIONER YAO:** All right. So, are you saying
12 the 11 percent, as compared to the 44 percent of the
13 salary, I kind of interpret that we have roughly 30
14 percent of the budget in reserve at this point? Is that
15 approximately what that number is?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** No, and I can't
17 tell you where we -- I can only tell you that the -- now
18 that Commissioner Ward has pointed this out, and, yes, we
19 had originally -- this million two was originally
20 budgeted against us paying for every single thing that we
21 planned on receiving, including all venues, all technical
22 costs and so forth. And it's true. Our staff has
23 managed to get a great deal of that free, and so we still
24 continue to carry this as the budgeted item, but we also
25 are marking these as areas where if we need to we will

1 shift the costs across to cover other expenditures. So,
2 there is some -- there is some leeway clearly in our
3 operating expenses that we will use to shift across to
4 cover for Commissioner per diem and so forth if we need
5 to, but that's why the number was originally so high, and
6 that's why the expenditure rate is so low. For example,
7 McGeorge is 13 Commission meetings and it has no cost to
8 us whatsoever.

9 **COMMISSIONER YAO:** But, again, the intention of
10 my question is not to put you in a spot.

11 **EXECUTIVE DIRECTOR CLAYPOOL:** Right.

12 **COMMISSIONER YAO:** The intention is really to let
13 the rest of the Commissioners know that if we do have
14 that sum of money in reserve, these are opportunities for
15 us to use to further what we're doing here. And I think
16 that's really the message that I wanted to convey. And I
17 appreciate, you know, staff saving -- staff's action
18 resulting in that significant saving in the operating
19 expense, but that expense is really an opportunity for us
20 if we want to further advertise or whatever it is that we
21 feel we want to do in terms of our action.

22 **COMMISSIONER WARD:** Actually, I might have been
23 (inaudible). Obviously, the budget, we put this together
24 a while ago, we didn't know -- there is so many things we
25 didn't know. Like I said, thanks to an amazing staff

1 we've been able to save some money there, and, certainly,
2 we're over in a lot of other areas. I think
3 Mr. Claypool, at least in discussions I've had with him
4 this week, has helped me become extremely confident that
5 staff is on top of the budget and that we have an
6 adjusting of money to get through to complete our duties,
7 but nothing else. So, I think it would be a misread of
8 the chart to see any of that as extra money or available
9 for additional (inaudible). Mr. Claypool?

10 **EXECUTIVE DIRECTOR CLAYPOOL:** And I would say
11 that a lot of this, too, is just a delay in billing from
12 people that are going to come out of this. Our
13 translation costs are much higher than we had
14 anticipated. Certainly, our security, and our security
15 is higher. These are incremental costs. And stenography
16 has yet to come out. So, we're not -- I wouldn't look at
17 this as an opportunity. I'd look at this as being
18 similar to other areas where we have a delay in billing
19 and this will start swelling up as we move forward.

20 **COMMISSIONER YAO:** Thank you.

21 **EXECUTIVE DIRECTOR CLAYPOOL:** Can we --
22 Commissioner?

23 **COMMISSIONER GALAMBOS-MALLOY:** This is actually a
24 question that is a little bit moving outside of our
25 timeline, but looking ahead post-August 15th, do we have a

1 firm commitment from the Governor's Office as to how long
2 our space will be available to our operations rent free?

3 **EXECUTIVE DIRECTOR CLAYPOOL:** No. We have a
4 provision in the Constitution that says the government --
5 the Governor will provide a space. I -- There can be an
6 interpretation on that as to whether it's space through
7 August 15th or interpretation that it is space through the
8 time that you require space. So far there has been no
9 indication one way or another. It's another point of
10 clarification that we're going to have to have after this
11 Commission makes a determination as to how far it wishes
12 to extend into the future, or wishes to request to
13 extend, I should say.

14 **COMMISSIONER GALAMBOS-MALLOY:** Thank you.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** So, Commissioner
16 per diems, again, this is through April of 2011. We have
17 overshot slightly on the business meetings. We discussed
18 that last time. We are now drawing out of the --
19 basically, everything is a public input/business meeting,
20 and we're -- I see no -- I really see nothing in here
21 that alarms me. The prep time had been something that
22 was -- it was going up fairly quickly, but, as we
23 discussed, if you roll over to the travel budget, we
24 believe that there will be an offset there that will
25 allow us to cover it. So, you're managing yourself well,

1 and I think that as we move forward we will be okay on
2 both your travel and your per diem.

3 The only other thing that I would point out is
4 just your staff hours. This is the expenditure at this
5 point. The paid overtime is something that I would say
6 that we have moved a little bit of our operating expenses
7 out of to move across to cover because it's far greater
8 than we had anticipated. However, you see it every time
9 you go on the road in Lon and Janece and Christina, and
10 so that's where the red is. And then the green is just
11 your employee, your senior management time that is unpaid
12 overtime.

13 **COMMISSIONER GALAMBOS-MALLOY:** Mr. Claypool, at
14 the last business meeting, actually, I think the last
15 couple of business meetings as we've been discussing per
16 diem and trying to give staff the best way to track where
17 exactly to allot the per diem request. I recognize that
18 it is an effort on staff's part to be able to give us
19 back our per diem request to be able to -- the request
20 was made of Commissioners to actually update some of
21 their per diem requests that did not pass mustard in
22 terms of having the billable hours roughly allocated to
23 the type of task involved. So, I'm wondering, since we
24 will be back in Sacramento sometime in the near future
25 for the June 1st and 2nd meeting, who is the right staff

1 person that the Commissioner should be working with to
2 request those copies back per diem, and could we -- would
3 it be reasonable to say that we can have them on the 1st
4 or the 2nd?

5 **MS. DAVIS:** The 1st or the 2nd of June?

6 **COMMISSIONER GALAMBOS-MALLOY:** Of June, yeah,
7 when we are in Sacramento, if staff would stop by the
8 office. We're trying to think of a process that's
9 actually manageable for staff.

10 **MS. DAVIS:** Okay. One of the problems that we
11 have right now is that we don't have a copier. In the
12 move we lost the copier, so we're in the process of
13 trying to get a copier. We've got one that's kind of
14 clanking along, but we're actually in the process of
15 trying to figure that out. So, maybe the 1st and the 2nd
16 we might be able to pull those.

17 Now, in pulling the per diem you want copies of
18 all the --

19 **COMMISSIONER WARD:** Can I ask you a question?

20 **MS. DAVIS:** Yes.

21 **COMMISSIONER WARD:** Are you the one that's
22 reviewing these forms?

23 **MS. DAVIS:** That's Lisa, under my direction.
24 That's Lisa Halterman, yes.

25 **COMMISSIONER WARD:** So, Lisa as being under your

1 direction. And it is your recommendation that these
2 forms -- staff (inaudible) review these forms, pull them,
3 get them back to the Commissioners.

4 **COMMISSIONER GALAMBOS-MALLOY:** We have actually
5 discussed this as a Commission. It was part of the
6 policy guidelines around per diem that had been discussed
7 and approved at the last Commission meeting, and so the
8 request was made that for Commissioners whose previous
9 requests did not conform with the guidelines that we
10 adopted, that because these are public records and that
11 any member of the public can request to see them at any
12 time, we wanted to make sure that there was really a
13 paper trail that demonstrated that the dollars allotted
14 to this Commission were being used in the way that they
15 had been intended. And so we all agreed as Commissioners
16 that we would go back and revisit our previous requests
17 to have more detail.

18 **CHAIRPERSON ANCHETA:** Commissioner Filkins-
19 Webber.

20 **COMMISSIONER FILKINS-WEBBER:** I didn't agree to
21 that, only because, as I understood it, it was a
22 recommendation that we do it. I have no idea if mine are
23 inadequate. I'm obviously an attorney and I bill, and I
24 felt mine were justified. But I didn't know that we had
25 done that. It's going to take a lot of work and so I

1 hadn't agreed to that. And I don't think it was a full
2 motion.

3 **COMMISSIONER WARD:** Well, my question is being
4 posed, because that's what I don't -- I don't -- none of
5 see these things. We are only responsible for ourselves,
6 obviously (inaudible) professions. And so, I'm asking
7 Ms. Davis, who is the person who reviews and signs off on
8 this, if this is something that she is telling us as a
9 Commission that needs -- you've identified as a problem
10 and it needs to be accomplished.

11 **COMMISSIONER GALAMBOS-MALLOY:** If I may,
12 Commissioner Ward, I actually feel that this is not a
13 question for Ms. Davis. This is a question for ourselves
14 as a Commission. Do we think that it is important that
15 there is an adequate paper trail regarding how our
16 Commissioner per diem is spent? And if we do, maybe we
17 don't agree across the Board that all Commissioners that
18 we all feel the same way about this, but there are
19 individual Commissioners who feel that is important who
20 would have some concern if a member of the public
21 actually obtained a copy of their per diem request that
22 had very scanty information. Then I would suggest that
23 that Commissioner actually go and revise the forms that
24 they submitted.

25 Staff requested this of the finance and

1 administration committee that we address this because it
2 was having an impact on their ability to track the budget
3 and to anticipate how to allot -- at what point we were
4 actually over extend different aspects of the budget.

5 **COMMISSIONER WARD:** I think that's great. I can
6 appreciate that. I would like her to answer my question.

7 **MS. DAVIS:** Okay. Well, on a case by case basis
8 we have the files for all the Commissioners with all of
9 their per diem documents, and if you're going to be in
10 the office you can take a look and decide whether or not
11 you --

12 **COMMISSIONER WARD:** My question was to you, as
13 the reviewer of those items, or as the supervisor in
14 charge of that area, if you have identified that as
15 something the Commission needs -- is that a problem area?
16 Is that something that needs to be accomplished?

17 **MS. DAVIS:** It's not --

18 **COMMISSIONER WARD:** Is there red flags there?

19 **MS. DAVIS:** No, no. I don't see any red flags.
20 Part of what's happening is the documents are different.
21 We've got a format there. If the Commissioners want to
22 take a look at the documents, we have them there
23 available. If the format needs to change --

24 **COMMISSIONER WARD:** (Inaudible).

25 **COMMISSIONER DAI:** Can I just make a comment? I

1 mean, I think (inaudible) give Commissioners an
2 opportunity to provide more document, again, because
3 these are public record.

4 **COMMISSIONER WARD:** Thank you.

5 **EXECUTIVE DIRECTOR CLAYPOOL:** Early on we had
6 (inaudible) and you have started a document in it to the
7 point where now we -- the documentation is good. There
8 early on we took the documentation we had and we made --
9 we made an assumption. If any of you think that there is
10 a need to come back and take a look at it, we will be
11 doing that. It could be done now or it could be done as
12 we get closer to the time when you will have more time on
13 your hands. But we'll certainly make your files
14 available to you whenever you request them, and we will
15 also get another copier.

16 **COMMISSIONER DAI:** That's more concerning, I
17 think.

18 **COMMISSIONER ONTAI:** (Inaudible).

19 **EXECUTIVE DIRECTOR CLAYPOOL:** Are there any other
20 questions regarding what we've offered up to you?

21 **COMMISSIONER WARD:** We're going to have to see as
22 long as the Chair is (inaudible) tell me my time is up.

23 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay.

24 **CHAIRPERSON ANCHETA:** Yeah. On early
25 (inaudible).

1 **COMMISSIONER WARD:** I believe we had -- We'll
2 work on the template and get it passed -- try on that
3 again next time to tune that up a little more because
4 we'll skip item two. The only action item I'm aware of,
5 unless Mr. Claypool has something else, is we needed to
6 agree on a cap for the inline process review. As you
7 saw, it's part of the augmentation request here, and that
8 can't move forward without an agreed upon cap. So, I
9 believe it's proposed at 50,000 (inaudible).

10 **EXECUTIVE DIRECTOR CLAYPOOL:** It was -- When we
11 started the conversation on that last vote, it really
12 started with us needing to have approval of a cap so that
13 we can move the IFB forward. The Office of Legal
14 Services is not going to approve anything that's open
15 ended. So, we would like to at least have a 50,000 cap
16 for those services so that we can, then, retain -- or not
17 retain, so we can let the IFB and get some candidates so
18 that you can review them. And so that's all that's
19 necessary for us, to give us a cap. It doesn't commit
20 you to anything. It just gives us something that we can
21 get approval with.

22 **COMMISSIONER WARD:** So, I'd like to make a motion
23 that we agree on a \$50,000 cap for the inline process
24 review.

25 **COMMISSIONER BARABBA:** Second.

1 **CHAIRPERSON ANCHETA:** Discussion? Comments?

2 **COMMISSIONER DIGUILIO:** I'm sorry. I just
3 (inaudible). I thought it said in the budget it was
4 \$52,000. You want to reduce it to 50 or --

5 **COMMISSIONER WARD:** Is it 52, Mr. Claypool?
6 (Inaudible).

7 **EXECUTIVE DIRECTOR CLAYPOOL:** Originally the
8 total was 75. It had been cut to 50. It had actually
9 been cut to 23 and we raised it back to 50 to make sure
10 we had this amount for us today. So, the amount that
11 we're asking for is 50.

12 **COMMISSIONER DIGUILIO:** Okay. But in the
13 documents we received it says 52 --

14 **EXECUTIVE DIRECTOR CLAYPOOL:** Yeah.

15 **COMMISSIONER DIGUILIO:** On page I4.

16 **MS. DAVIS:** As part of the BCP, when that
17 \$300,000 was cut, \$52,000 of it was part of the inline
18 review. So, finance approved it as part of the 400,000.
19 So, currently in our 3.5, it was only \$23,000, and we
20 increased it by moving the line item to make it 50 so
21 that we could commit the IFB's.

22 **COMMISSIONER DIGUILIO:** It's 50. All right. I
23 just wanted to (inaudible).

24 **MS. DAVIS:** Yeah.

25 **CHAIRPERSON ANCHETA:** Any public comment on this

1 issue? Ms. Sargis, if you could read the motion.

2 **COMMISSION LIAISON SARGIS:** Was there a second?

3 **COMMISSIONER BARABBA:** Yes.

4 **CHAIRPERSON ANCHETA:** Commissioner Barabba.

5 **COMMISSION LIAISON SARGIS:** Thank you. The
6 motion is to provide a \$50,000 cap on the inline process
7 review IFB.

8 **CHAIRPERSON ANCHETA:** Okay. Call the roll,
9 please.

10 **COMMISSION LIAISON SARGIS:** Ancheta.

11 **CHAIRPERSON ANCHETA:** Yes.

12 **COMMISSION LIAISON SARGIS:** Barabba.

13 **COMMISSIONER BARABBA:** Yes.

14 **COMMISSION LIAISON SARGIS:** Blanco.

15 **COMMISSIONER BLANCO:** Yes.

16 **COMMISSION LIAISON SARGIS:** Dai.

17 **COMMISSIONER DAI:** Yes.

18 **COMMISSION LIAISON SARGIS:** DiGuilio.

19 **COMMISSIONER DIGUILIO:** Yes.

20 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

21 **COMMISSIONER FILKINS-WEBBER:** Yeah.

22 **COMMISSION LIAISON SARGIS:** Forbes.

23 **COMMISSIONER FORBES:** Yes.

24 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

25 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

1 **COMMISSION LIAISON SARGIS:** Ontai.

2 **COMMISSIONER ONTAI:** Yes.

3 **COMMISSION LIAISON SARGIS:** Parvenu.

4 **COMMISSIONER PARVENU:** Yes.

5 **COMMISSION LIAISON SARGIS:** Raya.

6 **COMMISSIONER RAYA:** Yes.

7 **COMMISSION LIAISON SARGIS:** Ward.

8 **COMMISSIONER WARD:** Yes.

9 **COMMISSION LIAISON SARGIS:** Yao.

10 **COMMISSIONER YAO:** Yes.

11 **COMMISSION LIAISON SARGIS:** Motion passes.

12 **CHAIRPERSON ANCHETA:** Is there any other action
13 on (inaudible)?

14 **COMMISSIONER WARD:** I have nothing on my list.
15 Mr. Claypool?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** No, and we have one
17 issue with the video security where we need to simply --
18 we discussed it before and I just need to notify you that
19 we need to negotiate with them to cover some additional
20 expenses that come with our business meetings. It's well
21 within my signature power and it's not a great deal of
22 money. We have successfully moved over to the Bunderson
23 Building and we look forward to your first visit so we
24 can see how much better a place it is to work.

25 And, finally, we have (inaudible) his contract

1 expired and he is no longer with us, and we are
2 interviewing for two extra personnel. And that's all we
3 have to say.

4 **COMMISSIONER WARD:** If we can get on to the
5 (inaudible) key cards necessary again? Are those
6 something that are going to be issued to the
7 Commissioners?

8 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes, there are key
9 cards for each of you. I believe Commissioner Ancheta
10 already has his, and you will need to get them and see
11 how to get in, but we have a lot of space for you. So,
12 come on up.

13 **CHAIRPERSON ANCHETA:** There are many cubicles if
14 you want to get a cubicle for yourself in the space. Are
15 the lights on at night now? Can you turn them on?

16 **EXECUTIVE DIRECTOR CLAYPOOL:** (Inaudible) the
17 lights on now.

18 **CHAIRPERSON ANCHETA:** Good.

19 **COMMISSIONER GALAMBOS-MALLOY:** Will those keys be
20 available at the next business meeting or we'd go there
21 and knock on the door or what would we do?

22 **EXECUTIVE DIRECTOR CLAYPOOL:** You know, we can
23 certainly make the keys available at the next business
24 meeting. If you get there early and come over, Raul can
25 hand them out. Otherwise, we'll make sure he comes over

1 and hands them to you if you get there late. So, we've
2 got them.

3 And the only other item I have on the
4 administration is, Commissioner Yao, I do have your suit
5 bag, so don't let me forget to bring it.

6 **COMMISSIONER WARD:** Mr. Claypool, have
7 (inaudible) training stuff (inaudible) since you compiled
8 it that data, if you could please have staff send an e-
9 mail to the roll of Commissioners on any deadlines they
10 need for their training issues. Thank you.

11 **EXECUTIVE DIRECTOR CLAYPOOL:** We will do that.

12 **COMMISSIONER GALAMBOS-MALLOY:** Mr. Claypool, we'd
13 also ask for -- to have that new mailing address sent out
14 to the Commissioners.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** We'll not only send
16 you the mailing address, but we'll also provide you the
17 new telephone numbers at no additional expense.

18 **COMMISSIONER YAO:** And also could you tell us if
19 there is any parking available.

20 **EXECUTIVE DIRECTOR CLAYPOOL:** I would like to
21 tell you that there is parking available. Let me --
22 We'll put that together. It's really tight on parking
23 over there. Usually it's on the street by the hour.
24 There is a parking space there that you can use, and then
25 you can expense it.

1 **COMMISSIONER YAO:** All right.

2 **CHAIRPERSON ANCHETA:** We'll move on to public
3 information.

4 **COMMISSIONER BARABBA:** By the way, it's 25 cents
5 for 12 minutes.

6 **COMMISSIONER RAYA:** Mr. Wilcox, if you want to
7 just report on where we are on some of these items, or do
8 you want me to start.

9 **MR. WILCOX:** If you'd like to start, but I know
10 in the interest of time that there is a half an hour
11 left. I know the Commissioners have received the
12 updates, so if there is any questions or anything that
13 you want to talk about here.

14 **COMMISSIONER RAYA:** I think, you know, we already
15 -- everybody knows where the video is. We -- I know
16 Mr. Wilcox will report on some upcoming things in
17 connection with the hearings and the maps. And with
18 respect to the item under 5A on the website, that's going
19 to be tabled pending discussion of other matters, I
20 believe, right?

21 **MR. WILCOX:** Well, I think Commissioner Raya had
22 given me a draft. I think because we had a discussion
23 with Ms. MacDonald this afternoon it probably needs to
24 reflect some of those decisions.

25 **COMMISSIONER RAYA:** So it will have to be revised

1 and --

2 **MR. WILCOX:** Yeah.

3 **COMMISSIONER RAYA:** -- presented later. Or this
4 is just -- the document there was just to allow posts of
5 guidelines on the website with respect to how we're --
6 what criteria we're following to draw the maps, and,
7 yeah, now that we've had the earlier discussion I don't
8 know if the Commission is willing to just kind of let us
9 -- let somebody, who could that be, somebody, you know,
10 revise the draft and make sure it comports with
11 everything that we passed earlier.

12 **MR. WILCOX:** And has that been circulated
13 (inaudible)?

14 **COMMISSIONER RAYA:** No, it hasn't because we
15 were, you know, the idea was we weren't going to get to
16 it. So, I think Mr. Wilcox has copies, but there are
17 some very clear things that need to be corrected. And I
18 don't want to get into a protracted discussion right now
19 about how to edit it. So, is it something that the
20 Commission has confidence that Mr. Wilcox and the public
21 information advisory committee could handle?

22 **CHAIRPERSON ANCHETA:** Yes, unless there is --

23 **COMMISSIONER RAYA:** I mean, we're not going to
24 create anything new. We're just going to copy -- copy
25 and paste.

1 **COMMISSIONER DAI:** I think (inaudible) do is
2 create a new section on the website that's now that we're
3 in the phase of making maps to talk about our, you know,
4 map drawing process that will review the -- you know, the
5 legal (inaudible) or criteria for everyone. I mean, this
6 is information that's in our guidebook already, but
7 really featuring it more on the home page explaining our
8 preliminary guidance to Q2, and as it probably should
9 have the new, you know, procedures that we just approved.
10 Again, it's just to answer a lot of questions that we've
11 had from the public just so that we know how we're
12 drawing the maps.

13 **MR. WILCOX:** And just in terms of consistency,
14 because there may be some overlap in some legal committee
15 discussions or--

16 **COMMISSIONER DAI:** Yeah, we could footnote it
17 with actual references to law, but the point is I just
18 wanted to make sure that people understood that we're
19 talking about creating a new section on the website.

20 **COMMISSIONER RAYA:** Well, we can, you know, run
21 it by legal just to verify the references. It's -- There
22 have been a couple of versions of it already, just as we
23 were drafting it, trying to make it really user friendly
24 for the public. It's not meant to be a document for
25 lawyers to read our, you know, policy books.

1 **CHAIRPERSON ANCHETA:** Commissioner Filkins-
2 Webber.

3 **COMMISSIONER FILKINS-WEBBER:** I just have one
4 question. When it goes up, I mean, I'm presuming that if
5 we just (inaudible) and get it to public information what
6 would be the process, who should we communicate with if I
7 don't pre-review it before, as many of us don't, what
8 would you like that process to be, as far as suggested
9 changes?

10 **COMMISSIONER RAYA:** If you could just e-mail
11 them, I think that would --

12 **COMMISSIONER FILKINS-WEBBER:** To whom? I'm
13 sorry.

14 **COMMISSIONER RAYA:** Oh, I'm sorry. I'm the lead
15 on public information --

16 **COMMISSIONER FILKINS-WEBBER:** Oh, okay.

17 **COMMISSIONER RAYA:** -- so if you want to do that
18 I'll make sure that it gets (inaudible) by enough people
19 that --

20 **COMMISSIONER FILKINS-WEBBER:** Okay.

21 **CHAIRPERSON ANCHETA:** Because Commissioner
22 Filkins-Webber is the legal lead, so it's --

23 **COMMISSIONER RAYA:** Right. So that would cover
24 that. I would appreciate that. Thank you. Okay. So,
25 now can I turn it over to Mr. Wilcox.

1 **MR. WILCOX:** Yes. So, as you will see in your
2 report, we are putting together and will be working with
3 the public advisory committee in putting together the
4 strategy on handling the release of the draft maps, and I
5 thank you all for (inaudible) from Commissioners of your
6 availability around that time, because there will be a
7 great deal of interests. And I'm already working with
8 members of the press to anticipate their interest and to
9 hopefully put together a schedule before so that we --
10 that we know the kinds of interviews and the
11 availability, but we know that we are going to be
12 fielding a lot of other calls when this is coming up.

13 And, of course, as there are decisions made on
14 directions, we'll make those available as the Commission
15 is making decisions. It is that the Commission will be
16 at the forefront of this getting the information out.
17 The Commissions will be the face of this, and that we
18 will stay ahead of others who want to comment that we're
19 going to be getting an incredible positive story,
20 especially about this process so we know that the
21 majority of the attention is now going to be coming, and
22 people that may not be paying attention to this now will
23 be paying attention now, and that we want to tell the
24 story of the process and how this is happening and why
25 it's happening this way.

1 Just further, as you know, we're continuing the
2 publicizing, as you've seen publicity and the articles
3 and on our hearings I'm already working on the next round
4 of hearings as well and our outreach, and with our
5 (inaudible) trying to access some areas that are not
6 coming in right now, but they are hard at work before the
7 May 23rd deadline, and then they'll be hard at work for
8 the next two weeks that we have them for the next round
9 of hearings.

10 **CHAIRPERSON ANCHETA:** Commissioner Yao.

11 **COMMISSIONER YAO:** At this point I'd like to
12 raise the issue of archiving. First of all, is the
13 public information subcommittee seeing itself responsible
14 for the archiving of all of the information that we have?
15 Is it a staff function? Is it a legal responsibility?
16 We're happily into our process, and we certainly have a
17 lot of information available.

18 We have, for example, all the information there
19 on the website (inaudible) for whatever reason. Do we
20 still have something that's at a point where it will
21 suffice to meet public records and so on and so forth?

22 **MR. WILCOX:** Mr. Claypool, would you address
23 that?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Archiving is a
25 staff and legal function. It's a requirement of the

1 State. There is actually in our original BCP we quoted
2 the legal requirements that we archive -- the State
3 archivists actually reached out to us and the Bureau of
4 State Audits and gave myself and their legal staff a
5 presentation on what was going to be expected. And we've
6 sent Christina and Raul to the State Archivists class,
7 which is, I think, every third Thursday of the month, to
8 find out exactly how they wish us to archive our
9 materials and what format they want it in and so forth.
10 So, we know what our archiving responsibilities are.

11 I have to tell you, however, that there is a
12 belief that if there is a shortage in the budget that the
13 money might not be there for us to fulfill that legal
14 obligation, and that's point blank. We've been told that
15 archiving that is something that is a best practices
16 option, but not necessarily something that may get
17 funded. So, that will be one of the things in that 1.5
18 million dollars that we have to come up and say this is a
19 very important function and we need you to support us by
20 giving us the funds to complete this very important task.

21 **COMMISSIONER YAO:** So, based on your answer, we
22 don't archive until we are all finished, or do we archive
23 the information that we have along the way?

24 **EXECUTIVE DIRECTOR CLAYPOOL:** We are -- We
25 certainly understand the importance of it. As I said,

1 we've sent staff to class for it, but right now we don't
2 have the staff to start sorting through it all and put it
3 into a form that we can ship it to the State Archives
4 Office. I mean, we've got our hands full with everything
5 that we're doing right now, so we don't have anyone to
6 spare to start archiving.

7 **COMMISSIONER YAO:** Okay. I think the advisory
8 committee should address the issue, because I think if we
9 don't save some of the information that we already have,
10 we could easily get into trouble without knowing it.

11 **COMMISSIONER RAYA:** Maybe (inaudible) at least,
12 you know, have a kind of summary or plan or idea of --

13 **COMMISSIONER YAO:** Come up with some kind of
14 policy.

15 **COMMISSIONER RAYA:** -- what's going to have to --
16 yeah, what's going to have to happen. But, ultimately,
17 it's not going to be us.

18 **EXECUTIVE DIRECTOR CLAYPOOL:** We're not losing
19 anything, so we're not -- nothing -- it's not a matter of
20 if we don't have a plan something is going to be lost,
21 and we are certainly finding out from the State archives
22 what they wished the plan to be. But we haven't had the
23 time to catalog things in the way that they would like to
24 have it cataloged so that we could send it to them. But
25 every document that you've been given is on our website.

1 Every -- the Q2 is certainly documenting -- well
2 documenting their process.

3 I mean, we're probably the most well documented
4 commission in history. So, I'm confident that we have
5 the material to archive, and I'm confident that if they
6 don't give us the money to archive we can at least put it
7 together or put it away in some format so that it can be
8 archived.

9 **COMMISSIONER YAO:** Thank you.

10 **CHAIRPERSON ANCHETA:** (Inaudible) on legal,
11 Commissioner Filkins-Webber.

12 **COMMISSIONER FILKINS-WEBBER:** Given the lateness
13 of the hour, and the fact that legal has been left to the
14 -- Anyway, the point is that we referred 1A from Santa
15 Ana. It will require much greater discussion. B
16 probably doesn't. C requires attention today. We
17 obviously want an update on the RPV and the conference
18 call. But I'll take it backwards first.

19 Commissioner Ancheta and I did have a
20 conversation with Mr. Miller regarding the status of our
21 IFB on the racially polarized voting, and I'd just like
22 for Mr. Miller to advise the Commission on the status of
23 its draft. And I know that we had to submit one further
24 modification to DGS based on some of the details in our
25 conversation. And if you could just provide us an

1 update.

2 **MR. MILLER:** Yes.

3 **COMMISSIONER FILKINS-WEBBER:** Did it go back to
4 DGS, I guess? Okay.

5 **MR. MILLER:** The answer to that is yes.

6 **COMMISSIONER FILKINS-WEBBER:** Thank you.

7 **MR. MILLER:** The DGS process works extremely well
8 when you're building a freeway or a new bridge. The
9 challenge is to back it down to something much simpler,
10 like what we're doing here. We think we have maintained
11 the integrity of what they need in a much larger process
12 in this iteration, which has been submitted back.

13 **COMMISSIONER DIGUILIO:** Do we have an update? I
14 know we didn't speak about this, but some of the other
15 individuals that, through a potential inner agency
16 contract, have you -- because we had some issues with
17 graduations going on, so some of the professors that we
18 were trying to make inquiry of, have any of them called
19 you back or --

20 **MR. MILLER:** Yes. The two professors at UC
21 Berkeley did call back, and we had a good discussion.
22 They are interested in doing the work, and the issue
23 there would be a determination by essentially yourself
24 and Commissioner Ancheta who have the delegation from the
25 Commission to determine if you feel that they are the

1 best people to do that work. They are the only two
2 Californians, or, I should say, the only two UC or CSU
3 professors who have responded to our inquiries.

4 **COMMISSIONER BLANCO:** Can I ask a question?

5 **MR. MILLER:** I'll just -- I'm sorry.

6 **COMMISSIONER BLANCO:** Will -- I think I saw this
7 in one of the reports. Will the voting rights attorneys
8 also weigh in on what they think about the particular
9 candidates, given that they've worked with experts in
10 this field? Or how are we going to involve them in the
11 selection, you know, for qualifications?

12 **MR. MILLER:** I think that that would be prudent
13 on our part to include them in that process. I was just
14 going to add that they have also done some diligence in
15 terms of identifying people who possess the correct
16 qualifications, they have -- they also identify people
17 who are interested in doing the work. Unfortunately,
18 those people are not part of the UC system, but I think
19 as part of our completing this we ought to get all of
20 those individuals and get that input.

21 **COMMISSIONER FILKINS-WEBBER:** So, at this point,
22 we haven't received anything back final from DGS proving
23 that we can do the IFB?

24 **MR. MILLER:** Well, we haven't approved the IFB
25 that we've submitted. I do think it's fair to say we're

1 day to day in terms of getting that approved form back
2 from them, at which point we're prepared to launch it.

3 **COMMISSIONER FILKINS-WEBBER:** Okay. The other
4 issue, it's just there had been some discussion, and
5 there was trouble with the Long Beach video also to
6 clarify particularly the actual motion, because legal had
7 very little time at the end of Long Beach to address this
8 issue fully. We just want to make sure we have
9 confirmation of an understanding from the full Commission
10 as to the delegated authority to Commissioner Ancheta and
11 I regarding the RPV --

12 **COMMISSIONER DAI:** Go for it.

13 **COMMISSIONER FILKINS-WILKINS:** Go for it? Okay.
14 So, just so we have clarification that Commissioner
15 Ancheta and I will be whatever way they will be. We're
16 going to be looking at the options for the inner agency
17 contract, and we're going to be considering candidates in
18 that regard. We'll also be reviewing the candidates that
19 respond to the IFB. We will be interviewing, whether
20 that would be in phone or person or however we decide,
21 and that Commissioner Ancheta and I, with, obviously,
22 Gibson, Dunn and Crutcher also weighing in, will be
23 providing a final -- we'll identify the final candidate
24 and that we would be providing that recommendation to the
25 Commission for ratification. So, as long as the

1 Commission understands that we've taken on that
2 responsibility and that that's what you've approved for
3 us to do. Thank you, Commissioner Dai.

4 **CHAIRPERSON ANCHETA:** Commissioner (inaudible)
5 because we do need a special majority vote.

6 **COMMISSIONER BARABBA:** Okay.

7 **COMMISSIONER DAI:** (Inaudible).

8 **COMMISSIONER FILKINS-WEBBER:** Okay. So, we're
9 all clear on that, and nobody has any other questions on
10 the status of RPB and where we're going with that? Okay.

11 Weekly conference calls, we've had two. Like I
12 said, I'm going backwards. We've had two with Gibson,
13 Dunn and Crutcher. They've been very informative.
14 They've been providing us updates regarding their
15 communications and how they've been working with Q2. In
16 particular, I don't know that I have anything other to
17 add. The last conference call that we had this week was
18 essentially Ms. MacDonald gave the run down that she's
19 already presented to you today regarding the process.

20 We had discussed a little bit about what the
21 Commission will do with the organized maps and how we can
22 address some of those issue, but they are working
23 closely, and they've already gone through, I think, a map
24 of the State of California with Q2 on identifying Section
25 2 areas. So, they're already on top of that, and Mr.

1 Brown already has an idea, preliminarily, but he still
2 needs to look at for Los Angeles, in particular, though I
3 believe that they're going to be on board with us when
4 they take a look at the organized group maps. And even
5 when we get to the actual line drawing it's our
6 understanding through this conference call that they will
7 have a member present from their firm when we're doing
8 the line drawings so that they definitely can assist us.

9 And I think they may -- We are going -- I think
10 we're planning on possibly agendaizing them for June 1st, I
11 don't know who the Chair is, so that they can provide
12 some preliminary thoughts to us before we actually give
13 direction to the line drawers on Section 2 issues,
14 Section 5 and their preliminary thoughts on the organized
15 maps. So -- I'm sorry.

16 **CHAIRPERSON ANCHETA:** Commissioner Galambos-
17 Malloy, are you Chair for that meeting?

18 **COMMISSIONER GALAMBOS-MALLOY:** For the meeting on
19 June 1st and 2nd?

20 **CHAIRPERSON ANCHETA:** Yes.

21 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

22 **COMMISSIONER FILKINS-WEBBER:** So, we'll have to
23 -- we'll talk about that. So, they're on board. They're
24 doing well. If there is any information that any
25 Commission member would like me to convey in the next

1 conference call, certainly let me know.

2 **COMMISSIONER BLANCO:** May I ask just a question?

3 **COMMISSIONER FILKINS-WEBBER:** Sure.

4 **COMMISSIONER BLANCO:** In light of our need going
5 forward to craft our message, some of which depends,
6 perhaps, on the legal information, do you think it would
7 be helpful -- I think public information is the only link
8 that has not been on some of these calls, and whether it
9 would be helpful to at least listen in? Not necessarily,
10 you know, speak, but just at least to get information
11 firsthand rather than not getting it or getting it
12 circuitously.

13 **COMMISSIONER FILKINS-WEBBER:** Firsthand about
14 what?

15 **COMMISSIONER BLANCO:** About any of the
16 discussion. You know, there has -- I know there has been
17 discussion about the process and so and these are all
18 things that we, in turn, need to either get off the
19 website or somehow convey through the press or other
20 means to the public. But we're getting that information
21 second hand, third hand.

22 **COMMISSIONER FILKINS-WEBBER:** Well, again, the
23 purpose, as I understood, of the conference call was, as
24 we had outlined and approved previously, that, again,
25 it's not a full Commission meeting on the phone. And I

1 don't know that I've conveyed anything to anybody that
2 either, A, didn't already know or hadn't already been
3 working on and there (inaudible).

4 **COMMISSIONER RAYA:** So, your answer is that you
5 don't think it would useful? That's what I am hearing.
6 You don't think it would be useful for public information
7 to participate in the --

8 **COMMISSIONER FILKINS-WEBBER:** If you wish to
9 participate, there is no prohibition for (inaudible)
10 based on the number of people that are involved. It's
11 certainly not my decision to determine whether or not you
12 would find it useful. If you feel it's useful, again, I
13 guess I would just defer to Mr. Miller regarding the
14 number of people that are actually involved in the call.
15 I'm not going to make that decision for you, Commissioner
16 Raya.

17 **MR. MILLER:** I don't see any overlapping
18 committee members that would present a problem for a
19 member of your committee or yourself to participate in
20 the call.

21 **COMMISSIONER RAYA:** Thank you.

22 **COMMISSIONER FILKINS-WEBBER:** Mr. Miller, were
23 you --

24 **COMMISSIONER DIGUILIO:** (Inaudible). I'm sorry.
25 One thing, just to make sure, whoever is on we, again,

1 don't have more than two from any one committee. So,
2 depending on who the Chair is or not, you may (inaudible)
3 public information. Maybe you could rotate who -- I
4 mean, have a representative, but just make it --

5 **COMMISSIONER RAYA:** Yeah. No, that's understood.

6 **CHAIRPERSON ANCHETA:** And we've had to do that
7 because of having to -- because of the rotation of Chair.

8 **COMMISSIONER RAYA:** Yeah, we're doing that.

9 **COMMISSIONER FILKINS-WEBBER:** So, for the
10 purposes of next week, then, I -- am I to interpret that,
11 Commissioner Raya, that you're volunteering as the lead
12 for public to be invited in the conference call?

13 **COMMISSIONER RAYA:** Well, unless another member
14 of the committee wishes to do that. It was more from the
15 point of view of just the committee and our
16 responsibility to convey information to the public.

17 **COMMISSIONER FILKINS-WEBBER:** Is there somebody
18 else? We have the conference call scheduled, so I was
19 going to ask Mr. Miller to convey -- to send the e-mail.
20 So, how is going to be the identified person from public
21 information to join in that conversation?

22 **COMMISSIONER WARD:** Well, what's the time of the
23 call?

24 **COMMISSIONER FILKINS-WEBBER:** 10:00 a.m., I
25 believe, on Wednesday.

1 **COMMISSIONER WARD:** 10:00 a.m. when?

2 **COMMISSIONER DIGUILIO:** No, this next Thursday
3 (inaudible) 3:00.

4 **COMMISSIONER FILKINS-WEBBER:** To 3:00. Okay.

5 **COMMISSIONER WARD:** Wednesday at 3:00?

6 **CHAIRPERSON ANCHETA:** So, we have (inaudible)
7 Commissioner Forbes (inaudible).

8 **COMMISSIONER DIGUILIO:** Yeah, that would be too
9 many people (inaudible).

10 **CHAIRPERSON ANCHETA:** (Inaudible). You know, for
11 example, Commissioner Blanco normally would do it. I had
12 to -- I had the Chair. I came in when Commissioner
13 Blanco had stepped down. So, we have to have no more
14 than two per committee on a call. And maybe, again --
15 Maybe this can be centralized with Mr. Miller and the
16 committee leads can figure that out, the right -- he can
17 get the phone numbers to the appropriate (inaudible).

18 **COMMISSIONER FILKINS-WEBBER:** Sounds good. The
19 next issue that I wish to address is the issue of the
20 population deviation. I thought it was going to come up
21 earlier, but I just added it in here, because I do feel
22 it's a necessary legal decision. After the meeting in
23 Los Angeles in which this Commission voted, we received
24 quite a number of public comments regarding the decision
25 made on the motion for population deviation.

1 At every public input hearing thereafter we've
2 had at least one member of the public that, in addition
3 to their input hearing testimony, they would also comment
4 on the population deviation. I think we had about five
5 last night as well. So, I think it's a necessary topic,
6 again, to get into. And I just would like to refresh the
7 Commission's memory regarding the circumstances of how
8 that came about.

9 I had proposed a motion for the two percent --
10 not to exceed two percent deviation, and when the motion
11 was defeated the motion for five percent came up. And
12 there are four members on your legal advisory committee,
13 and three of those members actually voted against the
14 five percent deviation. That was Commissioner Forbes,
15 who is on legal, Commissioner Ancheta, who is on legal,
16 and myself, who is on legal. So, three people out of
17 your legal advisory committee voted against the motion.

18 Now, just hours before that motion we had
19 received this comprehensive manual from Gibson, Dunn and
20 Crutcher. So, we certainly did not have an opportunity
21 to review their detailed information and analysis
22 regarding population deviation, but since then I'm sure
23 that each of you have and probably have taken notice to
24 some of the information that's contained in this. And
25 this is, again, the legal opinion that we have paid for.

1 Page 2 of the document specifically states that
2 the California requirements under the California
3 Constitution, as interpreted by the California Attorney
4 General, include that the population of the State, the
5 Senate and the Assembly District shall be within one
6 percent of the ideal exception, except in unusual
7 circumstances, and, in no event, should a deviation
8 greater than two percent be permitted. Again, that's
9 under the State Constitution. We're not talking about
10 the Federal Constitution.

11 Based on that standard, and based on the Supreme
12 Court's -- or the Attorney General and the Supreme
13 Court's decision in that regard, and we certainly
14 understand that there might be some leeway there, but on
15 page 29 of Gibson Dunn's materials, they have a legal
16 opinion in here in Item 32. "We recommend a deviation of
17 no more than one percent in most cases, and no more than
18 two percent, in each case justified by legitimate State
19 criteria, which was endorsed by the California Supreme
20 Court in *Wilson v. Yu*." So, with that in mind, and based
21 on the number of public comments, I think that we also
22 have a possibility of a contradictory situation with the
23 instructions that we provided to Q2.

24 If we accept the legal opinion on the advice of
25 counsel that they recommend that a no more than two

1 percent population deviation, and if you accept the
2 possibility that the State Constitution shall be
3 interpreted as such that there would not be any greater
4 than two percent deviation, then we've given basically
5 two different contradictory instructions to Q2. On the
6 one hand we've asked them to go ahead and draft insight
7 maps based on a five percent population, while in
8 Lancaster we passed a motion telling them to follow the
9 California Constitution.

10 Now, there might be some argument as to the
11 leeway under the California Constitution, but, based on
12 our advice of counsel, they're recommending, based on the
13 Attorney General's interpretation, that the population
14 not be greater than two percent. So, based on all of
15 that, I also understand that the motion was focused on
16 the insight maps. Now, that's a nuance that the public
17 obviously doesn't -- is not understanding. I think
18 that's something that we are taking away from it. But we
19 are really in a time crunch here, and I think Q2 really
20 needs some more definitive decisions about how we're
21 going to get to the line drawing.

22 And we're really going to be doing this come June
23 1st. And if we anticipate we're going to have to have
24 another motion on these final maps, or if that's what you
25 anticipated and that you want some sort of greater

1 leeway, it's really more difficult to actually start with
2 a five percent deviation and go work your way down,
3 because you're trying to, then, shave population to still
4 achieve the effect of what you tried to create,
5 especially in a Section 2 area. And Anna Henderson has
6 also concurred in Los Angeles that she would make the
7 recommendation as well.

8 So, as the lead on legal advisory, I'm leaving
9 this in the discussion of the legal advisory committee to
10 see if the other members of legal advisory would like to
11 make a recommendation to the full Commission for
12 reconsideration of the five percent deviation.

13 **COMMISSIONER BLANCO:** I would love to have that
14 discussion. I don't know that I could do it in 10
15 minutes.

16 **COMMISSIONER FILKINS-WEBBER:** So, I would then
17 move that legal gets the first round on the next hearing,
18 since we've been relegated to the last section for the
19 other hearings. That's another issue.

20 **COMMISSIONER BLANCO:** Yeah, but it's more than a
21 10 minute discussion.

22 **COMMISSIONER FILKINS-WEBBER:** It is. It is, but
23 I need to put it on the table, because I think that it's
24 something that the public has obviously had a lot of
25 input about. So, does anyone else on legal have --

1 **COMMISSIONER WARD:** Just (inaudible) out of time
2 again, it would be a motion to supersede the previous
3 motion, I think it --

4 **COMMISSIONER FILKINS-WEBBER:** Well, actually, the
5 motion would be --

6 **COMMISSIONER WARD:** Or a clarification
7 (inaudible).

8 **COMMISSIONER FILKINS-WEBBER:** Well, technically
9 the motion was regarding the insight map.

10 **COMMISSIONER WARD:** Right.

11 **COMMISSIONER FILKINS-WEBBER:** So, we could just
12 forego that and commit to the two percent, if that's what
13 this commission was inclined to do on the advice of
14 counsel. So, we really don't have to revisit that
15 motion, because that motion was only as to insight maps.
16 And we are running out of time anyway, so if we wanted to
17 accept the advice of our attorneys we could just move
18 forward with the direction as we're coming on, you know,
19 June 1st when we're going to actually be giving these line
20 drawing instructions.

21 So, we should, at least I'm thinking that legal
22 might want to make the recommendation to the Commission
23 to just go ahead and pass the motion, that we understand
24 that the population deviation would not be greater than
25 two percent, if that's what we agree to. I mean -- or at

1 least bring it for a full discussion.

2 **CHAIRPERSON ANCHETA:** So, the current -- now the
3 current policy is --

4 **COMMISSIONER FILKINS-WEBBER:** Insight maps at
5 five percent.

6 **CHAIRPERSON ANCHETA:** Insight maps plus or minus
7 two and a half percent. It's five percent total
8 deviation. That's the current policy. Would you -- So
9 (inaudible) change to that specific policy; is that
10 correct?

11 **COMMISSIONER FILKINS-WEBBER:** I think it's
12 contradictory to the motion that we passed in Lancaster.
13 But be that as it may -- And I think -- that's only just
14 on advice of counsel. The other alternative is if the
15 Commission wishes legal to go back in and get a more, you
16 know, thorough explanation, other than what we have in
17 this book, I don't know. You know, so I'm --

18 **COMMISSIONER BLANCO:** Yeah, that's why I say it's
19 for legal -- I guess what I'd like to have -- I'd
20 actually like to have a discussion, because, you know, it
21 could be one percent, not even two. It could be one. I
22 want to understand how they view the Attorney General
23 decision. I want to know what's happened with like in
24 the past when special masters have reviewed maps of --

25 **COMMISSIONER FILKINS-WEBBER:** Well, that's --

1 **COMMISSIONER BLANCO:** Well, you know, I mean, I'm
2 just saying it's a discussion. I've done the reading.
3 I'd like to know from them what they would like -- you
4 know, what they would advise for the future in terms of
5 one, zero. You know, what do they say about Section 2
6 Districts? You know, on Section 2 Districts do you do a
7 one or two percent as opposed -- On Section 5 Districts
8 is it one or two percent? I think there are some issues.
9 I think that we should have the minimal amount of
10 deviation possible, and that the only thing that should
11 ever outweigh that is the Voting Rights Act. But I don't
12 know that we can do that right now.

13 I do want to clarify that the insight maps, the
14 vote was to have them do insight maps at five percent
15 maximum because there was a law that said that there was
16 -- the Constitutional Law, Federal Constitutional Law was
17 10 percent deviation allowed. California had an Attorney
18 General opinion of two. And then we said, well, there is
19 10 from the Supreme Court, and there is two from the
20 Attorney General, not a court decision. And let's give
21 them five percent so that if they can give us an insight
22 map that picks up all the possible voting rights
23 districts, and we don't lose it because of only looking
24 at one or two, then let's them do that.

25 I don't -- I think that's still a good

1 suggestion, and I think we do -- I agree with you. We do
2 need to have a discussion about what number we're going
3 to give them for the final maps, one, 1.5, two, etcetera.
4 But I'm not prepared to do that now.

5 **CHAIRPERSON ANCHETA:** Well, let me pose the
6 question, because we do have a timing issue, because we
7 do have -- this policy that's currently in place I don't
8 think applies to the first draft map; is that correct?

9 **COMMISSIONER BLANCO:** That's correct.

10 **CHAIRPERSON ANCHETA:** So, we don't have a
11 guideline that applies to whether we will be directing Q2
12 to do on the 27th and 28th, correct?

13 **COMMISSIONER BLANCO:** Correct.

14 **COMMISSIONER RAYA:** Well, if you take
15 Commissioner Filkins-Webber's summary, are you satisfied
16 to say we gave them direction to follow the Constitution?

17 **COMMISSIONER BLANCO:** We did do that.

18 **COMMISSIONER FORBES:** That's what I (inaudible)
19 direction to follow the Constitution, so as of this
20 moment the Constitution is the one or two percent plus or
21 minus variance that the --

22 **CHAIRPERSON ANCHETA:** I disagree with that
23 interpretation, but that's one more opinion. So --

24 **COMMISSIONER DAI:** I also think that, I mean, I
25 have to go back and look at the wording, but, I mean,

1 they have been using those guidelines to -- you know,
2 that's what they're going to use to be able to have
3 something to present to us June 1st. Otherwise, if you're
4 saying that they have to throw out all the guidelines we
5 just gave them, then how are they going to prepare all
6 those maps for us? So, I'm a little confused about --

7 **CHAIRPERSON ANCHETA:** No, we no longer have
8 operational guidelines because we didn't pass a motion on
9 going past the insight maps. So --

10 **COMMISSIONER BLANCO:** Right. Correct.

11 **CHAIRPERSON ANCHETA:** So, we don't have that. We
12 do have a motion that --

13 **COMMISSIONER DAI:** Actually, I believe if you
14 look at the -- what we posted and what was passed around,
15 the guidelines say the guidelines for drawing preliminary
16 maps is what it says. So, it says preliminary maps, as I
17 understand it. Mr. Miller --

18 **COMMISSIONER BLANCO:** You're right. We did do
19 both one for insight and then one for the drafts.

20 **COMMISSIONER FILKINS-WEBBER:** So, you did a five
21 percent --

22 **COMMISSIONER DAI:** It says preliminary maps is
23 the actual motion was for preliminary maps, because the
24 understanding was we were probably going to tighten this
25 up for the final maps. So, and given what Ms. MacDonald

1 said today about how rough this first draft is going to
2 be, I just don't know if we want to impose any, you know
3 -- I mean, it's going to be hard enough to get what we
4 need to get done for the -- to get to a first -- to a set
5 our first very rough draft maps as it is. So --

6 **COMMISSIONER BLANCO:** (Inaudible) can remind us,
7 because I think there was a mandate to follow the
8 Constitution while drawing the maps. And, I mean, but
9 this question about where we -- the insight versus -- do
10 they have guidance now for the draft maps?

11 **CHAIRPERSON ANCHETA:** Yeah (inaudible).

12 **COMMISSIONER DAI:** No, it says preliminary maps
13 is what the actual set of guidelines -- And we
14 distributed it to the whole Commission. It was the
15 summary, because everyone asked for the summary of the
16 series of motions that we passed.

17 **CHAIRPERSON ANCHETA:** I raise the issue because
18 (inaudible).

19 **COMMISSIONER DAI:** Yeah, because otherwise what
20 are they going to be doing?

21 **CHAIRPERSON ANCHETA:** (Inaudible).

22 **COMMISSIONER DAI:** They do have guidelines from
23 us. (Inaudible) these are preliminary maps.

24 **COMMISSIONER FILKINS-WEBBER:** It's your
25 understanding, then, that there was a motion, because I

1 guess we're --

2 **COMMISSIONER DAI:** A sequence of motions.

3 **COMMISSIONER FILKINS-WEBBER:** Well, there was --
4 and I drafted most of them, didn't I not?

5 **COMMISSIONER DAI:** You did.

6 **COMMISSIONER FILKINS-WEBBER:** So, that's what I'm
7 saying. I did not draft a motion, and I don't believe
8 Commissioner Blanco's motion was for the pre-maps or for
9 the preliminary maps. It was for the insight maps on
10 population deviation. We do not, as I recall, have a
11 motion other than to follow the Constitution when it
12 comes to the pre-map -- the first draft maps for June
13 10th. And if there is, as Commissioner Ancheta is
14 pointing out, that there is, you know, the understanding
15 of the California Constitution and whether that means no
16 greater than two percent is a legal issue under the
17 California Constitution, then we do not have any
18 direction, technically, to Q2 for the first draft maps on
19 population deviation, which, by the way, is our number
20 one criteria, as I recall. So, we don't have a guideline
21 for population deviation for the first draft maps.

22 **CHAIRPERSON ANCHETA:** Commissioner Yao.

23 **COMMISSIONER YAO:** Thirty seconds left in our
24 business meeting. Let me make a motion, and I think
25 we're talking -- I think we're in agreement in that

1 sense. I want to (inaudible) affirm our direction to Q2
2 to follow (inaudible) Constitution on the map requirement
3 and just leave it at that. Because if they are smart,
4 and I trust that they are, they'll find that tightening
5 up the points on a draft map initially would allow them
6 to do the final map easier, and they -- and I trust
7 they'll take the easy way out. But if they want to do a
8 five percent map at the insight with whatever the
9 preliminary internal map, so be it, but making sure that
10 they do understand the final requirement is the State
11 Constitution.

12 So, that's my motion is to reaffirm our direction
13 to Q2 that they must follow the California Constitution
14 in terms of the population deviation.

15 **COMMISSIONER BLANCO:** I'll second that.

16 **CHAIRPERSON ANCHETA:** This is a question for
17 Commissioner Yao. Does that pertain on -- because there
18 is no sort of specific (inaudible) drafts or the final
19 maps. Do you want to perhaps amend that to at least give
20 us some specific guidance or is it your attention to
21 apply to all maps, because that's how it's phrased right
22 now?

23 **COMMISSIONER YAO:** Well, my direction again is to
24 reaffirm the fact that they have to follow the California
25 Constitution when it comes to the population deviation,

1 period. And I think previously we discussed saying
2 schedule is tight, you may go to five percent if that
3 makes your job easier. But based on the latest
4 discussion, it looks like if they decide to go with the
5 looser (inaudible) it actually is making the job a lot
6 tougher in the (inaudible) performance in their work, and
7 I doubt that they would want to do that from their own --
8 If you want me to modify it for the draft map, I'll be
9 happy to, but I don't think it needs to.

10 **CHAIRPERSON ANCHETA:** So, we do have a second
11 from Commissioner Blanco. Could you read back the
12 motion?

13 **COMMISSIONER FILKINS-WEBBER:** (Inaudible)
14 discussion?

15 **CHAIRPERSON ANCHETA:** (Inaudible). Ms. Sargis,
16 could you read back the motion?

17 **COMMISSION LIAISON SARGIS:** The motion is that
18 the Commission shall reaffirm their direction to Q2 to
19 follow the California Constitution in terms of population
20 deviation.

21 **CHAIRPERSON ANCHETA:** And Commissioner Filkins-
22 Webber.

23 **COMMISSIONER FILKINS-WEBBER:** It's apparent, just
24 in the discussion between Commissioner Ancheta and
25 Commissioner Forbes on this issue, Commissioner Forbes

1 was under the impression that California Constitution
2 would not permit for greater than two percent deviation.
3 Commissioner Ancheta disagrees with that being the
4 interpretation under California Constitution. So, this
5 motion, as phrased, still does not provide any directive
6 to Q2 as to what the number deviation is going to be.

7 My recommendation is that this motion does not
8 provide anything further to Q2 in the way of direction on
9 this number, and I would just urge this Commission to do
10 what we retained our VRA attorneys to do, which is to
11 accept their recommendation. And on page 29 is we
12 recommend a deviation of no more than one percent in most
13 cases, and no more than two percent. That's their legal
14 advice that we're paying for, and that's what I would
15 suggest that the Commission follow for proper deviation.

16 Now, granted, I had mentioned before in legal
17 that if we do, based on what Commissioner Blanco said,
18 want to get further legal opinion to flush out this issue
19 as to where they're coming up with the basis of this
20 recommendation. Legal is more than willing to go back to
21 Gibson Dunn and just say, look, we have this issue, but
22 the number is from the California Constitution. And I
23 just say we need to address this issue. Maybe we can go
24 back, defer this issue, and I can go back to Gibson Dunn
25 and ask them to do this. But I don't think this motion

1 helps clarify anything.

2 **COMMISSIONER YAO:** How would you like to modify
3 my motion, and I'll be happy to modify it.

4 **COMMISSIONER BLANCO:** I mean, the reason I
5 seconded it is so we --

6 **COMMISSIONER FILKINS-WEBBER:** We don't need to
7 modify it. Withdraw it.

8 **COMMISSIONER BLANCO:** -- could have a little bit
9 of a discussion, and my -- the suggestion I wanted to
10 make is that we have a legal call this Wednesday with the
11 lawyers, and I think we should talk to them about how
12 they'd want to clarify this. I do think we need to get
13 this straightened right away. I think we need to know
14 whether we're working with one or two percent. We need
15 to know that. I'd like to bring it up to them on the
16 call on Wednesday and have them -- task them to prepare
17 to --

18 **COMMISSIONER FILKINS-WEBBER:** You want me to task
19 them before the call? We could probably do that on
20 Monday.

21 **COMMISSIONER BLANCO:** Well, you could task them
22 before the call and they could present it to us on the
23 call? I'd like to ask them to give us their thinking and
24 how they interpret the whole Attorney General, you know,
25 California -- the Yu case, and present it to us on the

1 call. And we'll have it ready for the next meeting, and
2 hopefully we'll be ready to vote at that time on what we
3 want to do, because I do think I completely agree, we
4 need to have it clarified before the first draft maps.

5 **COMMISSIONER DIGUILIO:** And can I (inaudible) at
6 the most two legal people on that call. I really
7 (inaudible) the full legal committee discuss this too
8 (inaudible) if it's possible. I don't know. I just feel
9 like I don't think it does any of us good to have this
10 discussion in full. These are some legal issues that you
11 need to (inaudible) time allows here.

12 **CHAIRPERSON ANCHETA:** (Inaudible) we can do the
13 number once we can table this until June 1st with the task
14 we've had the meeting and (inaudible) Commission. We can
15 delegate it to some smaller group who can simply say
16 we'll take Gibson Dunn's opinion. That's it.

17 **COMMISSIONER GALAMBOS-MALLOY:** Could I just ask
18 of the members of the legal committee, June 1st seems
19 awfully close to our deadline on June 10th, and so if we
20 task this to the committee to do further research and
21 come back, we are not actually agendized for a business
22 meeting until June 1st.

23 **CHAIRPERSON ANCHETA:** That's right.

24 **COMMISSIONER GALAMBOS-MALLOY:** So, what impact
25 could that potentially have on our consultants, with our

1 legal team and our line drawers (inaudible) to produce
2 the product (inaudible) on June 10th?

3 **CHAIRPERSON ANCHETA:** Well, let me intercede. If
4 we don't have a motion today, we do have an instruction
5 to follow the California Constitution. They will get
6 interpretation from some legal source (inaudible) and
7 that's all they can work with. We are not giving a
8 specific deviation range. So, they will follow
9 (inaudible) and they interpret it, or (inaudible) tell
10 them to interpret it and then move forward.

11 **COMMISSIONER GALAMBOS-MALLOY:** I think --

12 **CHAIRPERSON ANCHETA:** So, unless we have a change
13 in that.

14 **COMMISSIONER GALAMBOS-MALLOY:** I do think,
15 though, that -- I don't know. I just think that we, as a
16 Commission, have to be aware of public perception
17 regarding providing very specific direction to our
18 consultants. And I feel like this is one of those fuzzy
19 areas where our direction is not specific enough, and I
20 don't know that June 1st is going to allow us the time. I
21 would actually be interested in the option of delegating
22 authority to legal or to a member of the legal advisory
23 committee to carry this work forward between now and the
24 next time we meet, and actually to make a decision, if
25 necessary.

1 **CHAIRPERSON ANCHETA:** Okay. Commissioner Yao's
2 motion is still on the table.

3 **COMMISSIONER YAO:** Yeah, I think my motion does
4 (inaudible). I think that legal -- the legal definition
5 of California Constitution will be interpreted by a legal
6 counsel. So, I'm not trying to change the definition or
7 defining. I'm just saying that to clarify everything,
8 for ourselves, for the public, we just want to reaffirm
9 the fact that they have to follow California
10 Constitution. So, it may not be necessary, but I think
11 that the discussion that we have (inaudible) easiest and
12 the most convenient way to get that message out. So,
13 it's (inaudible) call for the question.

14 **CHAIRPERSON ANCHETA:** Okay. Just on the motion
15 to call for the question of priority (inaudible) vote.

16 **COMMISSIONER DAI:** Point of order. Since we
17 already did give that direction, is the motion necessary?

18 **CHAIRPERSON ANCHETA:** It is, I think, as it's
19 phrased (inaudible) I believe.

20 **COMMISSIONER FILKINS-WEBBER:** It was for the pre-
21 maps.

22 **CHAIRPERSON ANCHETA:** I believe Commissioner Yao
23 was referring to all subject maps.

24 **COMMISSIONER YAO:** Yeah, it's all the maps. So,
25 I don't believe it's in conflict or in complement to the

1 previous decision.

2 **CHAIRPERSON ANCHETA:** Okay. The motion is called
3 to question. We need for two-thirds vote to call the
4 question. Ms. Sargis, would call the roll for the motion
5 to call the question.

6 **COMMISSION LIAISON SARGIS:** Ancheta.

7 **CHAIRPERSON ANCHETA:** Aye.

8 **COMMISSION LIAISON SARGIS:** Barabba.

9 **COMMISSIONER BARABBA:** Yes.

10 **COMMISSION LIAISON SARGIS:** Blanco.

11 **COMMISSIONER BLANCO:** Yes.

12 **COMMISSION LIAISON SARGIS:** Dai.

13 **COMMISSIONER DAI:** Aye.

14 **COMMISSION LIAISON SARGIS:** DiGuilio.

15 **COMMISSIONER DIGUILIO:** Yes. Yes.

16 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

17 **COMMISSIONER FILKINS-WEBBER:** Yes.

18 **COMMISSION LIAISON SARGIS:** Forbes.

19 **COMMISSIONER FORBES:** Yes.

20 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

21 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

22 **COMMISSION LIAISON SARGIS:** Ontai.

23 **COMMISSIONER ONTAI:** Yes.

24 **COMMISSION LIAISON SARGIS:** Parvenu.

25 **COMMISSIONER PARVENU:** Yes.

1 **COMMISSION LIAISON SARGIS:** Raya.

2 **COMMISSIONER RAYA:** No.

3 **COMMISSION LIAISON SARGIS:** Ward.

4 **COMMISSIONER WARD:** Yes.

5 **COMMISSION LIAISON SARGIS:** Yao.

6 **COMMISSIONER YAO:** Yes.

7 **COMMISSION LIAISON SARGIS:** Motion passes.

8 **CHAIRPERSON ANCHETA:** Okay. The question is now
9 on the table to vote. Any further comment? Ms. Sargis,
10 can you call the roll on the motion -- the original
11 motion. I'm sorry. Just read back the original motion
12 and we'll vote on it.

13 **COMMISSION LIAISON SARGIS:** The motion is that
14 the Commission shall reaffirm their directions with Q2 to
15 follow the California Constitution in terms of population
16 deviation.

17 **CHAIRPERSON ANCHETA:** Go ahead and call the roll.

18 **COMMISSION LIAISON SARGIS:** Ancheta.

19 **CHAIRPERSON ANCHETA:** No.

20 **COMMISSION LIAISON SARGIS:** Barabba.

21 **COMMISSIONER BARABBA:** Yes.

22 **COMMISSION LIAISON SARGIS:** Blanco.

23 **COMMISSIONER BLANCO:** Yes.

24 **COMMISSION LIAISON SARGIS:** Dai.

25 **COMMISSIONER DAI:** Yes.

1 **COMMISSION LIAISON SARGIS:** DiGuilio.

2 **COMMISSIONER DIGUILIO:** Yes.

3 **COMMISSION LIAISON SARGIS:** Filkins-Webber.

4 **COMMISSIONER FILKINS-WEBBER:** No.

5 **COMMISSION LIAISON SARGIS:** Forbes.

6 **COMMISSIONER FORBES:** No.

7 **COMMISSION LIAISON SARGIS:** Galambos-Malloy.

8 **COMMISSIONER GALAMBOS-MALLOY:** Yes.

9 **COMMISSION LIAISON SARGIS:** Ontai.

10 **COMMISSIONER ONTAI:** Yes.

11 **COMMISSION LIAISON SARGIS:** Parvenu.

12 **COMMISSIONER PARVENU:** Yes.

13 **COMMISSION LIAISON SARGIS:** Raya.

14 **COMMISSIONER RAYA:** No.

15 **COMMISSION LIAISON SARGIS:** Ward.

16 **COMMISSIONER WARD:** No.

17 **COMMISSION LIAISON SARGIS:** Yao.

18 **COMMISSIONER YAO:** Yes.

19 **COMMISSION LIAISON SARGIS:** Eight to five. The
20 motion fails.

21 **CHAIRPERSON ANCHETA:** At this point I believe we
22 can task the person of the legal committee who are on the
23 call with Gibson Dunn (inaudible) alert them to try to
24 get us a clear legal mandate as opposed to
25 recommendation. Well, let me put this way, and they'll

1 give us a clear legal opinion regarding this issue, and
2 that --

3 **COMMISSIONER BLANCO:** I would say that we could
4 do that with the (inaudible) call, and then I think if --
5 I think this is everybody -- I think everybody would
6 agree with this, that then, as they're working with Q2 on
7 the maps, that they apply the standard that is the
8 strictest deviation standard that's constitutional.

9 **CHAIRPERSON ANCHETA:** If they come back to the
10 working group and have an opinion, and because there is
11 an existing mandate, we still have an existing mandate
12 for Q2 to follow the Constitution, barring the
13 (inaudible) map (inaudible).

14 **COMMISSIONER BLANCO:** No, the only thing --

15 **CHAIRPERSON ANCHETA:** (Inaudible) have some
16 guidance.

17 **COMMISSIONER BLANCO:** We don't have guidance now
18 for anything past the draft maps as it stands in terms of
19 following the Constitution. The motion would have
20 extended it to all the maps.

21 **CHAIRPERSON ANCHETA:** Okay.

22 **COMMISSIONER BLANCO:** So, now we just have it for
23 the first set.

24 **CHAIRPERSON ANCHETA:** Okay. We have no formal
25 guidance. That's doesn't preclude Q2 from acting

1 (inaudible). We can't (inaudible) haven't given them
2 specific guidelines.

3 **COMMISSIONER DIGUILIO:** (Inaudible).

4 **COMMISSIONER DAI:** Yeah.

5 **CHAIRPERSON ANCHETA:** Okay. So, I would suggest
6 that that still be covered on the call with the staff
7 meetings.

8 **COMMISSIONER BLANCO:** We'll cover it.

9 **CHAIRPERSON ANCHETA:** Mr. Miller (inaudible) to
10 make sure that happens (inaudible) Q2 and hopefully
11 follow the guidelines (inaudible) meetings. Commissioner
12 Filkins-Webber.

13 **COMMISSIONER FILKINS-WEBBER:** So, if --
14 Mr. Miller, if, I guess, confirming with Gibson Dunn in
15 preparation for the conference call, reference page 29 of
16 their records, Subsection I2, regarding their
17 recommendation for the deviation. And that's where that
18 is at, and it's also based on their discussion on page 2
19 of -- page 2 of the Section A. So that, yeah, and I
20 guess it's page 2 of the whole document, regarding the
21 Attorney General's interpretation for the California
22 Constitution versus also the citation in *Wilson*. So,
23 that's where the problems lie at this moment is that w
24 don't have the true Supreme Court decision that provides
25 the Constitutional standard. So, we want the basis for

1 their legal recommendation of population deviation.

2 So, if there isn't anything more on that, legal
3 will, again, defer item 1A and 1B, and just ask that we
4 give -- be given due consideration in the future business
5 meetings, because we've now been punted three times and
6 we've only had a half an hour in legal in the last three
7 business meetings from Long Beach, Santa Ana to now, and
8 we do need to discuss these issues. This is the third
9 time I've deferred, and I want --

10 **CHAIRPERSON ANCHETA:** (Inaudible) Commissioner
11 Barabba, because he can't (inaudible) the agenda to do
12 that. I'm sorry. Commissioner Galambos-Malloy
13 (inaudible).

14 **COMMISSIONER BLANCO:** Just that you're Chair?

15 **COMMISSIONER GALAMBOS-MALLOY:** On June 1st and 2nd.

16 **CHAIRPERSON ANCHETA:** Yeah, to the extent of
17 Commissioner Filkins-Webber's request of (inaudible)
18 legal earlier in the day to make sure that the issues do
19 get discussed. We recommend that to you.

20 **COMMISSIONER FILKINS-WEBBER:** Then that's it from
21 legal.

22 **CHAIRPERSON ANCHETA:** Okay. Mr. Miller, at this
23 point in time, required public comment is not on the
24 agenda. Can we waive that at this point? (Inaudible)
25 request it?

1 **MR. MILLER:** I think that it would be in our best
2 interest to inquire (inaudible).

3 **CHAIRPERSON ANCHETA:** Good evening, ladies and
4 gentlemen. I am assuming most of you are here for the
5 six o'clock public input hearing. The Commission has
6 been conducting some business. If you have come here and
7 if we have given you a number -- Welcome, by the way. We
8 are still concluding some business. We do allow public
9 comment related to -- not related to the public input
10 hearings that we're conducting.

11 So, if anyone wanted to comment on items that
12 were on our particular agenda, not including other public
13 input, does anyone fall into that category and wanted to
14 speak? One person? Why don't you come down and we'll
15 give you two minutes, please. And, again, we do -- we'll
16 reconvene at six o'clock (inaudible) start our public
17 input hearing.

18 **MR. CHERIDETH (phonetic):** Good afternoon. Is
19 this on?

20 **CHAIRPERSON ANCHETA:** Yes.

21 **COMMISSIONER BARABBA:** I believe so, yes.

22 **MR. CHERIDETH:** The microphone is one?

23 **CHAIRPERSON ANCHETA:** I think you've been here
24 before.

25 **MR. CHERIDETH:** And well, I'm just going to read

1 you a -- I heard you talking about the Constitution, and
2 so I'm going to read you something regarding the
3 Constitution, and I humbly request that you listen with
4 your heart, and I appreciate your time.

5 **CHAIRPERSON ANCHETA:** And, again, we're working
6 with a clock, too, so if you --

7 I'm sorry?

8 **CHAIRPERSON ANCHETA:** If you could limit your
9 remarks to about a minute and a half at this point.

10 **MR. CHERIDETH:** Well, I think we can do that.

11 **CHAIRPERSON ANCHETA:** Thank you.

12 **MR. CHERIDETH:** And keep in mind, this is not
13 just about redistricting, but about the Constitution.

14 "When it comes to redistricting, we
15 should all keep in mind the political
16 animal to be both dishonest and unkind.
17 Some common sense for thoughtful girls
18 and boys regarding the gift from the
19 Iroquois (phonetic) that the political
20 animal chose to ignore in favor of
21 (inaudible) corporate store. For only by
22 true love's almighty resolution do we
23 breathe air into the life of the
24 Constitution. Yes, the Native American
25 granted us this gift. Comes now true

1 hearts providing it a lift. The 500 year
2 Indian resistance so sayeth the sea and
3 earth be represented by a present
4 brother, Leonard Peltier. No less a
5 present to political corruption be the
6 likes of you, freeing all sentients via
7 the general strike be the path avoiding
8 wrath be clear, this be true."

9 There is very few people that actually abide by
10 the Constitution. They have been disregarding it in the
11 courts, they disregard it in law enforcement, and I have
12 made it very clear that there is a division in law
13 enforcement by the likes of oath keepers, by the likes
14 Officer Jack McLamb, who for 20 years has done Aid and
15 Abet Newsletter, which is a constitutional newsletter
16 geared to law enforcement and military, and also by
17 Sheriff Meck, who has written a constitutional booklet
18 that has been sent out to many sheriffs around the
19 country.

20 If you're not familiar with these, I humbly
21 suggest that you look into it, because I have to believe
22 that the core of your being you are seeking to do
23 positive thing. But, again, as we've seen in the last
24 presidential election, people like Dennis Kucinich and
25 Cynthia McKinney, who are both five times more qualified

1 than either of the two people that ran for president, or
2 Ralph Nader and Ron Paul are the persons that actually
3 spoke truth to the public. I am Peter Alexander
4 Cherideth. I've said you. You've heard it. So be it.

5 **CHAIRPERSON ANCHETA:** Thank you, sir. Any
6 additional speakers (inaudible)? All right. We will
7 adjourn the meeting for -- business meeting. We will
8 resume at six o'clock for the public hearing. Thank you.

9 (Meeting Adjourned)

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Dated June 6, 2011 at Sacramento County,
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Debra M. Aubert, Transcriber
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