

BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the matter of
Full Commission Business Meeting

University of the Pacific, McGeorge School of Law
Classroom C
3200 Fifth Avenue
Sacramento, California

Thursday, June 9, 2011

9:04 A.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Gabino Aguirre, Chairperson

Jodie Filkins Webber, Vice-Chairperson

Angelo Ancheta

Vincent Barabba

Maria Blanco

Cynthia Dai

Michelle DiGuilio

Stanley Forbes

Connie Galambos Malloy

Lilbert "Gil" Ontai

M. Andre Parvenu

Jeanne Raya

Michael Ward

Peter Yao

Staff Present

Dan Claypool, Executive Director

Kirk Miller, Legal Counsel

Rob Wilcox, Communications Director

Janeece Sargis, Administrative Assistant

Marian Johnston, Legal

APPEARANCES (CONT.)

Consultants Present

Dan Kolkey, VRA Attorney, Gibson Dunn & Crutcher

George Brown, VRA Attorney, Gibson Dunn & Crutcher
(Present via telephone)

Karin MacDonald, Q2 Data & Research, LLC

Ana Henderson, Q2 Data & Research, LLC

Jamie Clark, Q2 Data & Research, LLC

Tamina Alon, Q2 Data & Research, LLC

Nicole Boyle, Q2 Data & Research, LLC

Alex Woods, Q2 Data and Research, LLC

Kyle Kubas, Q2 Data and Research, LLC

Also Present

Public Comment

Scott Wilk, Coalition of Suburban Communities for Fair
Representation

Gary Cushing

Belia Bennett

Matt Pope

Anne Steinheller

Nick Capistrano

Aref Aziz

Tom Hiltachk

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P R O C E E D I N G S

CHAIRPERSON AGUIRRE: Good morning, good morning, good morning, good morning everybody. You know, this is an epic-making day and we're certainly glad that all of you are here.

I see that Mr. Forbes is in the house so --

(Laughter)

CHAIRPERSON AGUIRRE: -- as he dances down the aisle. So, anyway, we certainly what to also thank the public for joining us on this day, looking forward to a release of maps tomorrow, and we'll be talking about that as we move on.

Let's start with roll call, please.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Aguirre?

CHAIRPERSON AGUIRRE: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Ancheta?

COMMISSIONER ANCHETA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Barabba?

COMMISSIONER BARABBA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner Blanco?

COMMISSIONER BLANCO: Here.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
2 Dai?
3 COMMISSIONER DAI: Here.
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
5 DiGuilio?
6 COMMISSIONER DI GUILIO: Here.
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
8 Filkins Webber?
9 VICE-CHAIRPERSON FILKINS WEBBER: Here.
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
11 Forbes?
12 COMMISSIONER FORBES: Here.
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
14 Galambos Malloy?
15 COMMISSIONER GALAMBOS MALLOY: Here.
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
17 Ontai?
18 COMMISSIONER ONTAI: Here.
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
20 Parvenu?
21 COMMISSIONER PARVENU: Here.
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
23 Raya?
24 COMMISSIONER RAYA: Here.
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1 Ward?

2 COMMISSIONER WARD: Here.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
4 Yao?

5 COMMISSIONER YAO: Here.

6 ADMINISTRATIVE ASSISTANT SARGIS: A quorum is
7 present.

8 CHAIRPERSON AGUIRRE: All right, thank you very
9 much. Let me just quickly refer you to our agenda and
10 I'll quickly go through that and point out a few things.
11 You should have a copy of it.

12 We're going to start, of course, this morning,
13 there's -- you'll notice that I've made some time
14 allocations to each of the items. Generally, the business
15 today is committee business.

16 So, we hope to have public comment by 9:10. We
17 have about four speakers, maybe five speakers and they'll
18 each have three minutes to present their comments.

19 We do not have Rob Wilcox on board today so he
20 asked if perhaps one of us could take notes for the
21 summary. And you have a report from him, too, correct?

22 ADMINISTRATIVE ASSISTANT SARGIS: Yes.

23 CHAIRPERSON AGUIRRE: Yeah. Would you be willing
24 to take notes or --

25 ADMINISTRATIVE ASSISTANT SARGIS: Sure.

1 CHAIRPERSON AGUIRRE: Yeah, okay, for the summary.

2 We have about 60 minutes for the Legal discussion.

3 There's a few items there, some of them will go pretty
4 quick.

5 If then we move on to the Finance and
6 Administration discussion topics at about an hour later,
7 at 10:30. We expect to have a short break somewhere
8 around that time.

9 Then we'll move on to the Technical and Outreach
10 discussion. I've allocated 45 minutes because we want to
11 go to lunch at 12:00 o'clock, but I understand that we'll
12 probably run over on that.

13 And then we have a Public Information discussion
14 somewhere probably about 1:30 or so, finishing up our
15 business. And then, of course, there's other things that
16 always come up.

17 So, there's one important item of information
18 related to bio-breaks and that is that our student center
19 will close around 3:00 o'clock, given that there's no
20 students on campus. So, we try to impress on them our
21 importance --

22 (Laughter)

23 CHAIRPERSON AGUIRRE: -- in maintaining it until
24 the close of business, but they kind of refuse to
25 acknowledge our importance. So, we'll probably have a

1 break a little bit before 3:00 o'clock so we can take
2 advantage of that.

3 So, we're thinking that we'll be finishing around
4 4:00 o'clock, maybe 5:00 o'clock; at least that's my goal.
5 It's possible that we might run over, but we'll deal with
6 that as it comes.

7 For tomorrow, we'll very quickly convene at 9:00
8 o'clock, probably taking a vote right before lunch, at
9 12:00 o'clock and then a press conference in the
10 afternoon. So, and we'll get to more information on that
11 in each of the committee discussions.

12 So, are there any questions on any of that?

13 All right, let's start with public comment.

14 MR. WILK: Good morning, my name's Scott Wilk, I'm
15 with the Coalition of Suburban Communities for Fair
16 Representation. And for other identification purposes,
17 I'm a Board Member of the Santa Clarita Community College
18 District.

19 As you may recall, I had the honor of addressing
20 this Commission down in Suisun and we talked about our
21 plans. Speaking of our plans and our Coalition outreach,
22 the first thing we did is we had presented a petition,
23 with 395 respondents, asking that Santa Clarita be kept
24 whole. And as our coalition expanded and we started
25 working with people in Eastern Ventura County we did a

1 second petition that generated 402 people signing it.

2 Additionally, we had a volunteer on the website
3 last week, counting, and over half of the responses that
4 came out of L.A. County were from Santa Clarita Valley,
5 with the vast majority of them in support of our position.

6 So, I want to talk to you today about a couple of
7 issues that are of concern to us. Again, when I was in
8 Northridge I talked about Sun Su, the great Chinese
9 general and how he told his generals to hire scouts on the
10 ground because they know the local terrain. We want to
11 serve as our scouts and kind of give you guidance.

12 The first thing, on the Santa Clarita seat I've
13 heard a lot of comments that this has been kept whole. It
14 has not been kept whole. The Commission has chosen not to
15 put in the communities of Acton, or the community of Aqua
16 Dulce. Both are considered part of Santa Clarita Valley.

17 I know you have a hard job to do, so out of those
18 two I think Aqua Dulce is a better -- out of the two, Aqua
19 Dulce is more closely aligned with Santa Clarita Valley
20 and that should be considered.

21 If you look at the Antelope Valley Assembly seat
22 you create a finger by putting Aqua Dulce in the AVC.

23 The President of the Santa Clarita Historical
24 Society last night gave me a bad time because I said I was
25 not going to advocate for Acton this morning, but I'm not.

1 But in terms of Aqua Dulce, it's part of the Hart High
2 School District, part of the Santa Clarita Community
3 College District; it's the beginning of the Santa Clara
4 River, which is the last wild river in Southern California
5 and the beginning of the Santa Clara watershed.

6 People of Aqua Dulce don't go to Palmdale or
7 Lancaster to shop, dine, go to church or to the synogoge,
8 they come to Santa Clarita.

9 Finally, I live in the community of Saugus, in
10 Santa Clarita, and on some days it's easier, quicker to
11 get to Aqua Dulce than it is to the Valencia Town Center.

12 Regarding the Senate seat, which I guess you're
13 calling the Santa Clarita Valley/West San Fernando Valley
14 seat. Not what we advocated, but I understand you're
15 working within the constraints of the law.

16 On your plan you have cut up Thousand Oaks
17 multiple times. We believe Thousand Oaks should be whole
18 in at least one district. I believe it ought to be in the
19 Senate seat.

20 I think Simi Valley/Moorpark should be with Santa
21 Clarita. We've been historically in the same Senate seat
22 in the eighties, nineties, and two thousands, much closer
23 together. City Halls is 25.1 mile from Santa Clarita to
24 Simi Valley and 45.23 miles from Santa Clarita to TO. We
25 share a wildlife corridor, the 118 corridor and we share

1 the same Gabriel Mountains and the 11,000-acre Santa
2 Clarita Woodlands.

3 So, I think in terms of being compact it makes
4 more sense to put Simi Valley in with Santa Clarita in
5 that Senate seat. Thank you.

6 CHAIRPERSON AGUIRRE: Thank you very much. Any
7 comments or questions from the Commission?

8 All right, next speaker.

9 MR. CUSHING: I thought we were going to first
10 have to stand up down there.

11 My name is Gary Cushing. I live in Camarillo, I
12 own a business in Camarillo, I'm the past Chairman of the
13 Board of the Camarillo Chamber of Commerce. I'm also a
14 graduate student at CLU University.

15 And I was at one of your first meetings up in
16 Sacramento, when we were up there with CLU, and I was very
17 impressed by this process, and I plan to do my master's
18 thesis on this whole process and, hopefully, it will be a
19 successful paper and process.

20 Commissioners, I'd like to thank you for all your
21 time and energy, it's incredible how much time you've put
22 into this.

23 The reason I'm here today is to talk about Region
24 5 Senate seat. I'm a little disappointed that Thousand
25 Oaks has been cut up in both the Congressional and the

1 Assembly seat. And I'd like to see the Senate seat, for
2 them to be placed with Camarillo in the -- and I'm not
3 sure what you guys are calling that Senate seat.

4 But it makes more sense for Thousand Oaks to be
5 kept whole with Camarillo than for Simi Valley to be put
6 into that district.

7 Camarillo and Tio are one mile apart, as Mayor
8 Morgan pointed out in his testimony, in San Fernando, and
9 we have -- there's more things in common. And Simi Valley
10 and Santa Clarita historically have been in the same
11 Senate seat. So, it wouldn't be something unusual for
12 them to be placed together. So, thank you very much. Any
13 questions?

14 CHAIRPERSON AGUIRRE: Thank you very much. Any
15 questions? Thank you.

16 The next speaker.

17 MS. BENNETT: Good morning. Thank you, Chairman
18 Aguirre and Commission. My name is Belia Bennett. I'm
19 here not only as a representative of myself, from the City
20 of American Canyon, but also as a City Council member for
21 the City of American Canyon.

22 The City of American Canyon is located in Napa
23 County. This is the wine region. We are known as the
24 gateway to the wine country. We have a population of
25 19,454. This has doubled. It's the second largest city

1 in Napa County.

2 American Canyon is a new community; we were
3 incorporated in 1992. And I tell you this because you
4 need context of what's going on. We did not have a zip
5 code. We were able to obtain a zip code in 2001, but that
6 zip code is associated with Solano County.

7 So, I caution you, if you're using zip codes to
8 draw your lines, the zip codes will tell you we're in
9 Solano County. But we are not; we are most definitely in
10 Napa County. So, I urge you to be very cautious as you
11 look at our community.

12 As your visualization maps are right now we are
13 outside of the Congressional district that Napa County is
14 in, we are outside of the Assembly district that Napa
15 County is in.

16 I'm here to advocate that Napa County be kept
17 whole and there are many reasons why. One, we suffer from
18 an identity crisis, most definitely. People refer to us
19 as North Vallejo. If you draw us out of the districts,
20 they will continue to call us North Vallejo. It will make
21 us even harder for us to advocate with a zip code that's
22 associated with Napa County. This is a problem with been
23 working with the U.S. Postal Service for ten years, now,
24 and we haven't gained much traction.

25 To change our Congressional district would set us

1 back even more.

2 Next, we have very many regional concerns. We
3 have the Napa County Flood Project. I'm sure most of you
4 heard of our devastating 1985 flood. This is a project
5 that runs from the north part of our county all the way
6 down to the wetlands in American Canyon and the Salt
7 Restoration Pond Project that we have going on right now.

8 To change our Congressional district lines would
9 jeopardize our federal funding.

10 Likewise, we have the Highway 29 corridor. This
11 is the lifeline to Napa Valley. To change our Assembly
12 district, to leave us out where the major traffic
13 congestion lies is going to cause problems for addressing
14 our concern. We are a four-lane highway. We need to
15 change that, we know that, but we need an advocate that is
16 going to go to Sacramento and tell them that all of
17 Highway 29 needs to be considered. And we are starting
18 this process with the Corridor Study.

19 To leave us out of the Assembly district is going
20 to jeopardize that project as well. Thank you.

21 Additionally, American Canyon plays a vital role
22 in our agricultural preserve. When you go to Napa County
23 and you see the green hills and you see the vines all
24 along, and it looks beautiful, that is because of American
25 Canyon. American Canyon houses the warehousing, the

1 bottling lines for the industry. We are a vital role. To
2 leave us out of that premium wine industry is going to
3 cause a problem.

4 So, I ask you to look at, consider the identity of
5 American Canyon and what we've been trying to achieve for
6 our young city, of 19 years, to consider the
7 infrastructure for the areas, the industries and our
8 agricultural preserve.

9 Thank you very much. I will leave my -- the
10 resolution that the City Council adopted on Tuesday
11 evening, opposing your visualization maps that as they
12 are, that excluded American Canyon in the Assembly and the
13 Congressional district. Thank you.

14 CHAIRPERSON AGUIRRE: Thank you very much. Any
15 questions? Thank you.

16 The next speaker.

17 MR. POPE: Hello, good morning. Good morning Mr.
18 Chairman, members of the Commission. My name is Matt
19 Pope; I am currently the Chairman of the Napa County
20 Planning Commission. And like Council Member Bennett, I
21 am also a resident of the City of American Canyon and I've
22 come to speak briefly today regarding the redistricting
23 issues for both communities.

24 My comments were submitted yesterday in an e-mail,
25 so I won't repeat them, but I just wanted to touch on some

1 of the key points.

2 As an appointed official, myself, I understand the
3 position that you're in and the difficulty in making some
4 of these decisions, and thank you for your service to the
5 State.

6 And I also know from my experience that sometimes
7 public testimony, like this, from the people on the
8 ground, who are affected, really can help a deliberative
9 body make a well-informed decision and sometimes even
10 change a vote.

11 I want to share the concerns about the current
12 map's display of redistricting Napa County. I, for one,
13 am deeply concerned that Napa County would be separated
14 from Congressional representation alongside other wine-
15 producing, agricultural, and tourism and hospitality-based
16 counties, such as Sonoma, Lake, and Mendocino.

17 As an example, some of the specialized concerns,
18 currently Napa County is working on a Climate Action Plan,
19 as compliance with California law. One of the first
20 issues we had to deal with is our consultant came in and
21 said we know exactly how to deal with agricultural
22 counties; we've got this template that deals with
23 agricultural in California.

24 Our planning staff reviewed it very carefully and
25 said this would be totally ineffective in Napa County

1 because this is a template that would be appropriate for
2 kind of a Central Valley, agri-business, large-scale
3 operation as opposed to the smaller scale, often by-hand-
4 agricultural concerns of Napa County that would share more
5 over with the coastal winery regions.

6 Obviously, the name "Napa" is identifiable all
7 over the world as a premium California wine-producing
8 region. We would feel that it would be a disservice to
9 the Napa County and the California wine industry to
10 separate the representation and to separate Napa away from
11 the other coastal wine-growing regions.

12 On the other topic, as a citizen -- as a citizen
13 and resident of the City of American Canyon, to echo
14 Council Member Bennett's concerns, I would urge you not to
15 separate American Canyon out.

16 Currently this year, for example, the supervisor
17 representing American Canyon is the Chair -- the Vice-
18 Chair of the Napa County Board of Supervisors. The
19 President of the Napa Valley College Board of Trustees,
20 the President of the Napa Valley Unified School District
21 and myself, as the Chairman of the Napa Valley Planning
22 Commission all are American Canyon residents, and I think
23 that illustrates the new political and economic nexus
24 between the interests of American Canyon and the interests
25 of Napa County. Thank you.

1 Also mentioned the City of American Canyon
2 recently approved tourism, Napa Tourism Business
3 Improvement District in joining the other communities in
4 Napa County. There's been four hotels constructed in
5 American Canyon or around American Canyon since the last
6 census.

7 And as Council Member Bennett mentioned, there's a
8 650,000-square-foot lead-certified warehouse, operated by
9 the Jackson Family in American Canyon, all indicating the
10 close economic ties between American Canyon and the wine
11 industry.

12 So, in conclusion just would say that the only
13 logical remedy would be to keep Napa County represented
14 with the other coastal wine-producing regions and to keep
15 American Canyon in Napa County's Congressional district.
16 Thank you.

17 CHAIRPERSON AGUIRRE: Thank you very much. Any
18 questions?

19 Yes, one. Okay.

20 COMMISSIONER GALAMBOS MALLOY: This is more of a
21 comment. I feel the comments we're hearing this morning
22 are very useful as we think about post-June 10. I do
23 think, though, that we're hoping that you will also
24 continue to weigh in on those drafts because many of the
25 comments that I'm hearing are actually based on the

1 visualizations that we were using Tuesday morning for our
2 last session of line-drawing. And so, those
3 visualizations have changed since the time that they were
4 posted to our website.

5 Tomorrow morning, when we get together to review
6 the work that we did on Tuesday and approve those draft
7 maps, and release them, I would hope that you would
8 continue to track and weigh in based on the most recent
9 version of the maps as opposed to, you know, one or two
10 iterations ago.

11 CHAIRPERSON AGUIRRE: Thank you for that comment.

12 The next speaker.

13 MS. STEINHELLER: I guess my response to that
14 comment is if there is a latest draft, it would be great
15 to be able to get a copy of that. I've looked recently
16 and these are the -- the latest maps that I saw,
17 definitely saw American Canyon outside of Napa County.
18 And also, Napa County included into the Central Valley
19 which, as a representative of the wine industry here,
20 today, that's really what our comments are about.

21 So, just to back up, my name is Anne Steinheller
22 and this is a really honor to be able to stand in front of
23 you today and represent four industry groups out of Napa
24 County, which doesn't happen very often.

25 I am here representing the Napa County

1 Agricultural Commissioner's Office, the Napa Valley Grape
2 Growers, the Napa County Farm Bureau and the Napa Valley
3 Vintners.

4 And together these four groups represent just --
5 well, I'm going to say it, all vintners and growers in
6 Napa County.

7 And just so you understand kind of what that
8 means, we're an \$11 billion-dollar-a-year industry and we
9 represent 34 percent of the overall wine industry economic
10 impact in the State of California.

11 We just had an event last weekend, it was a three-
12 day wine auction and we raised \$7.3 million.

13 This is the -- and to be able to stand here and
14 say that I represent the wine industry of Napa County is
15 truly an honor for me because it's an amazing group of
16 people and amazing industry.

17 We're a little surprised to see that one of our
18 key components of Napa County, which is American Canyon,
19 is not being included within our county. This is a very
20 integral part of who we are as an identity as in Napa
21 County from the marshes, to the wine industry,
22 warehousing, to the bottling wines, to the housing for
23 people who work in the wine industry it's all part of
24 keeping our area continuous and whole.

25 We really do need American Canyon to have the

1 equal representation that we have in Napa County and have
2 one voice speak for all of us.

3 The other part of this is that, you know, I mean
4 if you sit down and you look at the bottle of wine that's
5 sitting on your table, who do you see on those labels?
6 You see Napa, you see Mendocino. You're going to start
7 seeing Lake and you're going to see Sonoma.

8 And when we talk about areas of -- what's the
9 specific language that you guys are using, is this
10 geographically contiguous agricultural communities of
11 interest. You know, that's who we are associated with.

12 If I have sustainability questions on agriculture,
13 I call the Ag. Commissioner's Office in Mendocino. If I
14 have a wine industry issue with Sonoma, where we're
15 talking about name protection, I call Nick Frye at the
16 Wine Grower's Office.

17 If we're looking at, you know, what's going on in
18 Lake County and how do we tie in together with our
19 transportation corridor along Highway 29, I call the Wine
20 Grape Commission in Lake County.

21 I don't know who to call in Colusa. I don't know
22 who to call in those Central Valley regions. It's a very
23 different form of agriculture than what we're doing on the
24 coastal regions.

25 Hillside farming and flatland farming are two

1 completely different things. And to have the
2 transportation corridor along Highway 101, and to have the
3 district as it stands right now continue is very important
4 to us.

5 So, thank you very much for your time today and
6 I'll be happy to entertain any questions.

7 CHAIRPERSON AGUIRRE: Thank you very much. Any
8 questions? Yes, Commissioner DiGuilio?

9 COMMISSIONER DI GUILIO: This isn't necessarily so
10 much a question. Again, I appreciate this.

11 But I think this is going to be helpful, as
12 Commissioner Galambos Malloy was mentioning earlier. We
13 anticipate getting a lot of feedback from our maps all
14 over the place. But I think one thing that's going to be
15 very important and we're going to be having this
16 discussion today, is that people recognize that we need
17 know where the problem areas lie, where we've gotten
18 things right, or probably we'll here when we got them
19 wrong, I'm sure.

20 And then you've provided some solutions, some
21 suggestions. But I think what would be helpful for us --
22 you know, I have this little spread sheet, that's kind of
23 how my mind operates. I've got a couple columns, you
24 know, where the region is, what's the problem, your
25 solution, and there's another column here that's called

1 how to deal with the consequences of trying to get your
2 request.

3 Let's say, let's use the example of Congressional;
4 you'd like to have American River included -- excuse me,
5 American Canyon.

6 Congressionally, you can be off by one person. If
7 we take your suggestion, it would be very helpful if you'd
8 looked at the results of that. That means you're going to
9 have to lose someone else in the district, you're also
10 going to have consequences in the region next to you, it's
11 going to be a ripple effect.

12 To be really effective I think it's important for
13 everyone who comes before us identifying a problem, and
14 even providing a solution, that's there going to be
15 unintended consequences. If we, you know, put Thousand
16 Oaks in one district and put Simi somewhere else, it's
17 going to have a ripple effect. So, everyone has to take
18 that into consideration and you'd be most -- you'd be most
19 effective for us, in our second round of deliberations, if
20 you'd looked at how to deal with those consequences, so I
21 would appreciate that.

22 MS. STEINHELLER: My comment back, and I know that
23 Belia -- Council Member Bennett would also like to speak
24 to this is that, you know, the Congressional lines as
25 you're drawing now, we're very happy. And as was

1 mentioned in Santa Rosa, Sonoma County residents are very
2 happy with having a dual representation in that county.

3 And so that's how I would take a look at this, is
4 we're very pleased with how the district is drawn right
5 now.

6 COMMISSIONER DI GIULIO: And I would say only that
7 what we're really looking for is the comments on the maps
8 that we've drawn. Because, well, one region may have been
9 very happy with what you have now, I'll guarantee you what
10 we've heard in the State of California there are a lot of
11 places, and places around you who don't. So, we're
12 balancing --

13 MS. STEINHELLER: Right.

14 COMMISSIONER DI GIULIO: -- those areas that we've
15 heard, from Santa Rosa, from Napa, and as well as the
16 other areas in trying to come up with something. That's
17 where we are right now with those maps.

18 So, what we need to have is comments on the maps
19 that we've had now and suggestions for addressing those.
20 So, just as you move forward, I think it would be very
21 helpful to -- you've got a great start and to continue
22 that conversation.

23 MS. STEINHELLER: Absolutely.

24 (Off-microphone speaker)

25 CHAIRPERSON AGUIRRE: Yeah, we can take -- we can

1 take further input online, and we'll be here tomorrow. I
2 invite you to come and see the visualizations that we will
3 be -- that we will have, which we are kind of exhibiting
4 tomorrow, so that would be a great time to catch up.
5 Thank you very much.

6 Next speaker, please?

7 MR. CAPISTRANO: Good morning Commissioners, my
8 name is Nick Capistrano and I'm here to talk about the
9 Southern California maps. Even though I live here, I am
10 an environmentalist and I do know a thing or two about
11 Southern California. And as for your Assembly maps, they
12 are a huge disappointment.

13 You were written by hundreds of people begging,
14 imploring you to keep the Griffith Park area together.
15 So, you split Hollywood Hills from Los Feliz and Hollywood
16 into four districts. I thought this had to be a joke.

17 And you put Los Feliz and Silver Lake with East
18 L.A.; \$10 million mansions with the poorest community in
19 L.A.? I thought this was also another joke.

20 And did you not hear the will of so many people
21 who urged you to keep Griffith Park -- I'm sorry, this is
22 a very big issue for me. To keep Griffith Park
23 communities of Studio City, Burbank, Los Feliz, Hollywood,
24 Hollywood Hills, and Silver Lake, and Atwater in one
25 district?

1 And your Senate map for the West Santa Monica
2 Mountains area is a similar environmental travesty.
3 Because Snake with Malibu, really, that's like an East
4 L.A. with Silver Lake, which is ridiculous.

5 Please consider the environmental areas as a
6 community of interest. I thank you for your time and I'm
7 so sorry, I'm late for work. Thank you.

8 CHAIRPERSON AGUIRRE: Thank you very much, Mr.
9 Capistrano.

10 COMMISSIONER DI GIULIO: I just have a comment; I
11 was hoping that the speaker could submit those list of
12 communities again. I know we've had a lot of comment, but
13 it would be helpful if we had the specifics. Thank you.

14 MR. CAPISTRANO: Again, I'm already late for work
15 and I will submit them.

16 CHAIRPERSON AGUIRRE: All right. Thank you very
17 much.

18 The next speaker.

19 MR. AZIZ: Thank you for having me. Once again, I
20 really appreciate it. Actually, let me introduce myself
21 once again. I know many of the Commissioners are familiar
22 with me after Tuesday.

23 But my name's Aref Aziz, I'm a resident of Newark,
24 California. Just for further -- further information, I'm
25 not representing the Alameda County Consumer Affairs

1 Commission, but I am an appointee on that Commission.

2 But what I would like to start out with is, you
3 know, I'd like to thank the Commission for the direction
4 from our last meeting and their efforts to meet our needs.

5 We believe that the direction for the north to
6 south Alameda -- the Commissioners' direction to Q2 for
7 the north-to-south Alameda County Congressional district
8 that connected the Fremont area, you know, with Hayward
9 and kept it in Alameda County, we really appreciated that
10 and that's definitely -- you know, that's exactly what we
11 wanted to see.

12 And let me just go on point that, you know, on
13 Tuesday we had 70 people here. I know it might have
14 seemed like a lot more, just because the room was so
15 filled, but we had 70 people here. And about 150 people
16 that contacted this Commission to give their COI
17 testimonies.

18 And, you know, some of us, including me, got the
19 chance to speak on the group's behalf. And we thank you
20 for how accommodating you were. I mean, we know it was a
21 surprise and it was great that you guys went out of your
22 way to accommodate us.

23 And just today I might be here alone, but I hope
24 the Commission and Q2 can reimagine the crowd. Because
25 back then -- you know, the crowd back then. Because today

1 I'm here by myself, but those voices are here with me.
2 And even though they are not here to fill this room,
3 they're need and desire for fair representation through
4 this process still fills this very room.

5 And, amazingly, in such a short amount of time we
6 had in upwards of 200 people contact -- a hundred citizens
7 who contacted you and said we should draw the lines.

8 And we believe, especially from what we heard
9 later that evening, that the Commission got that message
10 and is doing their best to work with us, as it was made
11 clear by the direction of -- and I believe it was
12 Commissioner Forbes who said this, for a north to south
13 Alameda County Congressional district that kept Fremont,
14 you know, grouped in with Alameda County.

15 And I know that I got some feedback and this was
16 heard. You know, nevertheless there were groups out there
17 who wanted to sensationalize what happened on Tuesday and
18 the points we were trying to make, you know, over this
19 process, this Commission and Q2. And we have been
20 contacted by many groups about this process. But we
21 assure you our coalition believes in this process and that
22 we will continue to work with you on this.

23 Just as a point, we asked for a Congressional
24 district that was north to south in Alameda County,
25 keeping the Tri-Valley separate and all the groups

1 together. And we, the people of the area, you know,
2 that's what we asked, and what we at least want is a
3 Congressional district with the vast majority of Fremont
4 together, and with Alameda County in a Congressional
5 district. And we feel that that is what has been --
6 that's what has been addressed. And we have e-mailed you
7 different compromises and different suggestions and I hope
8 you guys can check that.

9 Thank you so much. And I do have copies here if
10 anyone wants to see those e-mails or those suggestions
11 that we did give. Thank you so much, once again.

12 CHAIRPERSON AGUIRRE: Thank you very much. Any
13 questions? Yes, Commissioner Barabba?

14 COMMISSIONER BARABBA: Yes. When we asked the
15 question if, because we have difficulties of sharing the
16 pain, which area you had the biggest interest, I think the
17 comments from the group was Congressional

18 Could you give us the rationale of why you're more
19 interested in the Congressional than the Legislative
20 districts?

21 MR. AZIZ: Well, thank you for the question.
22 Anyone who has any questions or points of clarification,
23 please feel to ask me, that's what I'm here for today.

24 But the rationale, the reason why we wanted the
25 Congressional and why that kind of was the focus was

1 because in the Assembly district, although we want to see
2 as much of the Fremont area in an Assembly district
3 together, you did connect us in a Senate district.

4 But the problem is that in a Congressional
5 district we're so split up that we -- that, you know, a
6 majority of Fremont, a large majority is connected with
7 Santa Clara County and that's going to take away from our
8 representation and take away of our efficacy in the
9 projects and the things that are happening in our area.
10 And that was really the rationale. You know, maybe you
11 guys can get as much of the Assembly district as you can,
12 but since we're together with the Senate district we're
13 happy. But in the Congressional district we really want
14 to see as much as Fremont as possible in a Congressional
15 district, with Alameda County, Hayward and Union City,
16 following the I-80 corridor.

17 And I just think one of the points was a --
18 compromises are things that we can do. Again, I did e-
19 mail this Commission and I have those -- I have a few
20 copies here today, but we said maybe Milpitas can get
21 drawn in, because we know we have to help you help us.

22 COMMISSIONER BARABBA: I think you've answered my
23 question, thanks.

24 MR. AZIZ: Okay.

25 CHAIRPERSON AGUIRRE: And you can get those copies

1 to Janeece.

2 MR. AZIZ: Yes, I will. Well, if anyone wants
3 them, they're right here, but if Janeece wants to hand
4 them out --

5 CHAIRPERSON AGUIRRE: Thank you, Aref.
6 The next speaker, please?

7 MR. HILTACHK: Good morning, my name is Tom
8 Hiltachk. I'm here on behalf of the California Institute
9 for Jobs, Economy and Education. And with me again today
10 is Matt Rexroad. You may recall we presented statewide
11 maps to you a couple weeks ago.

12 First, I want to thank you for the opportunity to
13 address the Commission, again. And we've submitted a
14 letter for your review. We've submitted it electronically
15 and here's a hard copy being distributed to you.

16 It's fitting that you're meeting today at a law
17 school, actually the alma mater of Matt and I, because the
18 point we're trying to make today I think is that we
19 believe your job is principally a legal one, and much less
20 an artistic one, for lack of a better term.

21 And in this regard our letter really makes five
22 points and I really want just to summarize this for you
23 today.

24 First, we believe it's critical that you retain an
25 expert to evaluate the existence or nonexistence of

1 racially polarized voting in order for you to comply with
2 Section 2 of the Voting Rights Act.

3 We believe your handling of this issue thus far
4 has been inconsistent as between African American areas of
5 Los Angeles and the Latino and Asian/Pacific Islander
6 areas of San Gabriel Valley, Central, Orange County,
7 Imperial and San Diego.

8 We believe it's one thing to ignore evidence to
9 you or to disregard it, but find it quite different for
10 you not to even seek such evidence.

11 Secondly, we believe that your release of maps
12 tomorrow, it's imperative that you disclose to the public
13 the Section 5 data and the legal assumptions that you are
14 using to draw such districts to comply with Section 5.

15 As you may recall, when the Institute presented
16 you a statewide map two weeks ago we explained our legal
17 rationale and detailed a nonretrogressive approach taken
18 for all Section 5 districts.

19 Third, we continue to assert that the maps that
20 you distribute should achieve minimal population
21 deviations and we're concerned that the release of maps
22 tomorrow will have deviations much higher than even your
23 stated goal, and that will make it much more difficult for
24 you to make adjustments as the public provides comment on
25 other aspects of the maps.

1 Fourth, we strongly disagree with your sharing-
2 the-pain concept that seemingly has been employed to split
3 cities and counties. We believe that the legal criteria
4 is crystal clear and that your goal should be to split as
5 few cities and counties as possible.

6 And, finally, it is our view that some cities and
7 counties have been -- boundaries have been ignored for a
8 variety of reasons but, seemingly, mostly for artistic
9 reasons. Unfortunately, existing boundaries of cities and
10 counties may not be pretty, but we believe they must be
11 honored under our Constitution.

12 I wish you luck in the coming weeks and months and
13 Matt and I are available to answer any questions you may
14 have. Thank you, again.

15 CHAIRPERSON AGUIRRE: Do we have any questions?
16 Yes. I might comment that almost all of the items that
17 you have mentioned are up for discussion later on.

18 All right, thank you very much. Any other
19 speakers?

20 Thank you for joining us today and we'll move on
21 with our business agenda.

22 Let me just mention that I find myself here, being
23 this microphone, running this meeting today as part of a
24 rotating chair kind of method of sharing the pain.

25 (Laughter)

1 CHAIRPERSON AGUIRRE: So, but and to my left is
2 our Vice-Chair, Commissioner Filkins Webber, who will be
3 taking over as Chair next week, when we travel in Southern
4 California.

5 All right. So, unless there's any questions or
6 comments from our Commissioners, we'll move on to our
7 first committee discuss, Legal, so I'll turn this over to
8 Ms. Filkins Webber.

9 VICE-CHAIRPERSON FILKINS WEBBER: Thank you,
10 Chair. The agenda outlines areas for discussion. The
11 first area I'd like to discuss is very poignant based on
12 the last speaker's comments regarding racially polarized
13 voting analyst.

14 Just as a reminder, the Commission did identify
15 myself and Commissioner Ancheta to research potential
16 candidates for this position, and we've had some
17 discussions with Gibson Dunn & Crutcher, as well.

18 At this point I'd like to turn it over to
19 Commissioner Ancheta to advise the Commission on our
20 status in that regard.

21 COMMISSIONER ANCHETA: Well, good morning and
22 thank you. As the Commission will recall, we have been
23 pursuing multiple tracks to identify and try to get to a
24 selection by the full Commission of a suitable consultant
25 who can work on the racially polarized voting studies that

1 we need to conduct to make sure we're in compliance with
2 both the Voting Rights Act and the Federal Constitution.

3 So, we have been looking at sort of three tracks
4 at this point. One is the standard sort of invitation for
5 bid involved in the competitive bidding process.

6 The second is an inter-agency agreement with some,
7 you know, California State institution.

8 And the third, which I think Mr. Miller alluded to
9 at a previous meeting is -- I'm not sure it has a
10 particular label, but is comparable to an inter-agency
11 agreement, but it allows us to go outside the State so we
12 can look at public institutions in other states and
13 function similarly to an inter-agency agreement.

14 So, it's a little way of identifying someone who
15 is not a Californian, but works at a university or a
16 similar institution.

17 And we're still proceeding on all three tracks at
18 this point in terms of trying to identify a candidate.

19 Now, last night Mr. Miller did circulate the CV of
20 a candidate from the University of Washington, Professor
21 Matt Barreto, who's a political science professor at the
22 University of Washington.

23 And both Commissioner Filkins Webber and I, and
24 Mr. Miller did conduct an interview with him and Mr.
25 Miller has had some follow-up discussions and e-mails, as

1 well as Mr. Brown from Gibson Dunn.

2 And, actually, Professor Barreto came initially to
3 us on suggestion of Gibson Dunn, because they've done some
4 previous work, and based on reputation he was highly
5 recommended and has worked with well-known people in the
6 field. For example, his primary dissertation advisor is a
7 very prominent professor at UC Irvine, named Bernard
8 Grafman, who's considered one of the leading figures in
9 the field of this kind of analysis.

10 So, we did conduct an interview. I'm losing track
11 of the days already, as I'm normally losing track of the
12 days, but it's a few days ago at least.

13 And it was, I think, a very good interview. We
14 did discuss with him what some of our needs are. We did
15 talk to him about his experience conducting these types of
16 studies.

17 Commissioner Filkins Webber -- we're sort of
18 dividing up the presentation because we did have some
19 concerns, not so much about the quality, or the type of
20 work he's done, or his experience, but concerns about
21 either prior affiliations or the organizations for whom he
22 has done work, and then will probably continue to do some
23 work based on some contracts.

24 But just to let you know that's how we're kind of
25 going through the discussion.

1 Our sense is that he's very well qualified, we
2 think. He has done polarized voting studies for a number
3 of different organizations. He has not done it for
4 litigation, but that sort of reflects just the nature of
5 his own experience and his relative youth. And when I say
6 relative youth it's because there are number of folks who
7 have been doing this since the eighties and, you know,
8 will have more experience, more time in litigation
9 settings.

10 But our feeling was, based on his experience,
11 having done really the full battery of studies you would
12 normally conduct in these kinds of situations, in
13 litigation, that he would be very well qualified to do
14 that.

15 He has done work largely with Latino communities,
16 but has some analysis of both Asian American and African
17 American communities. So we felt that in terms of both
18 the depth of his experience and the breadth of covering a
19 number of different areas in California, as well, because
20 he did his graduate work at Irvine and has done a lot of
21 academic and commission study within the State, that he'd
22 be very well qualified to do that.

23 And if you look at his resume, again, it doesn't
24 sort of reveal all of the nitty-gritty of the statistical
25 analysis, but I think you can get a sense that he's done

1 quite a bit of work in the area that's quite relevant.

2 CHAIRPERSON AGUIRRE: Yeah. Any questions?

3 VICE-CHAIRPERSON FILKINS WEBBER: Well, I did have
4 a few follow-up comments.

5 CHAIRPERSON AGUIRRE: Yes.

6 VICE-CHAIRPERSON FILKINS WEBBER: As Commissioner
7 Ancheta said, we kind of split it up a little bit.
8 Because I do want to highlight the potential of where
9 there may be some questions or concerns, we are well aware
10 that he was one individual that was identified by CAPAFR
11 in having put together some numbers, had done some
12 statistical analysis for them in their presentation of
13 their map.

14 And that was, of course, our first concern because
15 you have to consider does this pose a conflict of
16 interest? And we asked Mr. Barreto, specifically, what
17 the nature of his work was for CAPAFR and, obviously, this
18 could be a significant concern to, obviously, Commission
19 members and our past discussions regarding issues of
20 conflicts, as well as several members of the public.

21 And what we uncovered was that Mr. Barreto, and
22 for members of the public, the information's on the
23 website regarding the work that he did do, and the
24 Commission's had an opportunity to review it as well.

25 And, basically, what he did is he analyzed the

1 numbers which -- and, in fact, the work that he performed
2 for them would be the precise work that we would be asking
3 him to do. He didn't reach any conclusions; he doesn't
4 even know what maps were submitted by CAPAFR based on the
5 data that he presented. He hasn't even looked at their
6 maps. So, he just gave them the numbers. He just did his
7 statistical analysis, looked at the voting patterns and
8 provided them his report.

9 But, again, if we look at the report, it didn't
10 reach any conclusions as to supporting one map's idea,
11 which is good, because then he -- he fell short of
12 doing -- crossing the line where there could be a conflict
13 if he was advocating or reaching a particular conclusion,
14 which was good. Because, again, he would be doing
15 precisely the same work that the Commission would
16 recognize and, therefore, we have come to the conclusion
17 that it doesn't form a conflict of interest because he's
18 not doing anything that would conflict with what we would
19 probably want him to do to begin with.

20 Also, just generally speaking, in interviewing
21 experts, I've done that throughout my career and I was
22 very intrigued and confident in the manner in which he has
23 presented himself to Commissioner Ancheta and I, and Mr.
24 Miller during our telephone conference which is,
25 essentially, that he is a statistical analyst. He uses

1 the numbers and he looks at the numbers, he doesn't
2 manipulate the numbers.

3 And in fact what he has told is that there's been
4 occasions in which he has been retained where they have
5 identified certain elections they may want him to look at
6 and he said, no, I'm not looking at certain elections, I'm
7 going to look at all the election information that's
8 available. And the reason he's doing that is because he's
9 not going to manipulate the information that he has
10 received.

11 So, I thought he was very forthright in that
12 regard and he also was quite clear that to the extent to
13 which the -- he takes -- he advises of what the numbers
14 show and he provides us this entire package that, you
15 know, then the determination can be made whether there is
16 racially polarized block voting in a given area. So, he
17 lets the numbers speak for themselves, which I find to be
18 credible overall.

19 There were a number of other items on his resume
20 that I, in particular, asked him about that I thought
21 might be of some concern for members of the public. So, I
22 basically did a limited cross-examination of him, as I
23 would do with any other expert. And I would hope that the
24 Commissioner wouldn't think I would do anything less
25 but --

1 COMMISSIONER BARABBA: He's still interested in
2 the job.

3 (Laughter)

4 VICE-CHAIRPERSON FILKINS WEBBER: Yes, he is. For
5 instance, there are some changes that he would wish to
6 make to his CV and so we -- if any members of the public
7 or if any of the Commission members, as you've taken a
8 look at it, have any questions about that, we can discuss
9 it because I did talk about some of his recent research
10 appointments.

11 And one other fact I would like to point out is --
12 and we all understand this, but I want to make this clear,
13 again. Individuals, such as himself, and individuals that
14 have this type of expertise are only retained, for the
15 most part, other than for research projects, but in the
16 litigation context, in the context in which we're looking
17 at they're always retained by a plaintiff's group and in
18 the context of redistricting work that generally is the
19 larger organizations that have political support and
20 monetary support.

21 So, you will see names such as the larger
22 organizations that we have dealt with, such as MALDEF, and
23 La Raza and CAPAFR, you will see those names in his work
24 and some of the grant work that he's received. And,
25 again, it's because of the fact that those are the

1 individuals that must produce this evidence at the time of
2 any litigation.

3 So, he is generally an expert that will be seen on
4 one side.

5 In that regard, he's not the type that -- because,
6 again, you don't produce this as a defense, you know, to
7 redistricting, it's always brought up as evidence that
8 supports the necessity for a Section 2, so he does have a
9 lot of work on that side. And we recognize that, but it
10 doesn't necessarily mean that he is persuaded or -- and,
11 in fact, as he has advised us, he's not an advocate.
12 Again, he lets the numbers speak for themselves.

13 So, at this point it is Commissioner Ancheta and
14 I's recommendation that the Commission approve his -- our
15 recommendation to retain him. We do -- we are still
16 working out some cost and contract issues, so if the
17 Commission doesn't have any further questions or concerns
18 regarding this candidate, we will proceed with further
19 negotiation in that regard if you approve him as a
20 consultant for the Commission.

21 CHAIRPERSON AGUIRRE: Any questions? Yes,
22 Commissioner Ancheta?

23 COMMISSIONER ANCHETA: Just to add to that point,
24 I think one of the strengths of this individual is that
25 his work is very thorough. And, of course, we're only

1 dealing with what we've budgeted as sort of a \$50,000 sort
2 of cap on the fee, so this is a challenge because -- and
3 the time constraints, of course, are another significant
4 challenge.

5 And I think part of what's happening this morning,
6 and I believe Mr. Brown and Professor Barreto are going to
7 be working some of this out, is that you can't do the
8 level of analysis for all the potential districts that we
9 have to the level that is equivalent to, say, what you'd
10 be doing in a Section 2 case. So, we want to make sure
11 that we're comfortable with what we need to get from an
12 expert and, also, that the expert feels comfortable that
13 they're doing work that they feel is in fact rigorous
14 enough and adequate to draw a certain conclusion that
15 there is, in fact, racially voting in a particular area.

16 And that's not an easy thing to try to balance.
17 So, just to let you know, we would love to say he's ready
18 to go tomorrow, that needs to be sort of thought through
19 and worked out. Hopefully, by later today that will be
20 developed. But that's sort of where we're at, now, in
21 terms of -- and I think Mr. Miller is sort of, with his
22 Blackberry in hand, will maybe give us some updates as the
23 morning progresses.

24 CHAIRPERSON AGUIRRE: Yes --

25 COMMISSIONER DAI: Commissioner Dai.

1 CHAIRPERSON AGUIRRE: Yeah, Commissioner Dai.

2 COMMISSIONER DAI: Thank you. So, I just wanted
3 to clarify, Commissioner Ancheta, you mentioned that we
4 were working on three tracks, so I'm assuming this is the
5 pseudo-inter-agency agreement with professors from other
6 public universities outside of the State?

7 COMMISSIONER ANCHETA: Right, that's correct.
8 And, you know, there are still a couple names that are out
9 there in terms of some California-based ones. We haven't
10 explored those. We didn't -- we felt Professor Barreto
11 was the strongest of the candidates.

12 And we do have the IFB process going forward.
13 Again, we want to cover our bases. The problem, again,
14 with the IFB is that it's slow, as we all know.

15 COMMISSIONER DAI: Yeah.

16 COMMISSIONER ANCHETA: So, we see this as probably
17 the best, the preferred track for right now.

18 COMMISSIONER DAI: Thank you. As, obviously, a
19 member of the Finance and Administration Advisory
20 Committee, in terms of the cost I understand there are
21 probably a couple of choices. One is to kind of limit the
22 depth of the analysis, since we aren't in litigation and
23 we probably don't need that kind of depth, and the other
24 is to be very judicious about what areas we actually
25 select, so the number of areas that are selected for our

1 PV analysis. And then, hopefully, we can negotiate on
2 that to get the cost within -- hopefully, within our
3 target budget.

4 CHAIRPERSON AGUIRRE: Okay, Commissioner Yao.

5 COMMISSIONER YAO: I want to question Professor
6 Beretta's time availability in our work schedule
7 requirements. Obviously, we're behind the eight-ball at
8 this point in time in terms of trying to get some of the
9 analysis done, and with just two months to go is he going
10 to be able to meet our expectation?

11 VICE-CHAIRPERSON FILKINS WEBBER: He did -- we did
12 ask him this question. In particular, he identified
13 research assistants, too, that he works closely with on a
14 regular basis. He had also considered the possibility of
15 retaining additional research experts.

16 Also, because this is the summer he's out of
17 school and he doesn't have any other projects, so he's
18 pleased to assist us in that regard.

19 CHAIRPERSON AGUIRRE: Yes, Commissioner DiGuilio
20 and Commissioner Ontai?

21 COMMISSIONER DI GUILIO: I appreciate all the work
22 that went into this by Commissioner Ancheta and
23 Commissioner Filkins Webber. Particularly, I know we joke
24 about that, but anyone who can survive the scrutiny of
25 Commissioner Filkins Webber and the cross-examination, I

1 mean that does say something.

2 So, I was glad to hear that you addressed the
3 issue of any perceived or potential conflicts of interest.
4 And I think based on what you had said I feel confident in
5 that.

6 And I understand, too, one of your comments you
7 had made in this is that some of the work they've done is
8 they just ran the numbers; they didn't take a position on
9 this. So, do you feel comfortable that's the role they'll
10 be playing for us as well, too, is they will just be --
11 they'll be running the numbers for us, it will be our job
12 to then interpret those or apply those as necessary with
13 our legal?

14 VICE-CHAIRPERSON FILKINS WEBBER: Actually, the
15 job will be that he will be working with Gibson Dunn &
16 Crutcher.

17 COMMISSIONER DI GUILIO: Okay.

18 VICE-CHAIRPERSON FILKINS WEBBER: And Mr. Brown,
19 in particular, because obviously we need to rely on the
20 advice of counsel to make a determination as to where
21 these Section 2 districts need to be created.

22 So, he will be working primarily with Mr. Brown
23 and Mr. Brown, obviously, has been participating with this
24 Commission as to where we've identified, based on
25 geographically compact, you know, ethnic minorities.

1 So, as we envision the work, in discussing through
2 some of the conference calls we've had with Mr. Brown, in
3 our weekly conference calls, is that essentially he would
4 be performing the work, reporting back to Mr. Brown, and
5 then Mr. Brown can provide a comprehensive legal opinion
6 to this Commission regarding whether a Section 2 district
7 needs to be formed.

8 And that's the best manner in which to do it,
9 rather than this Commission trying to decide for itself
10 based on information that, frankly, I have never seen a
11 study like that before.

12 So, this is the circle on how the communication's
13 going to come about.

14 COMMISSIONER DI GIULIO: So, he'll be running --
15 again, he'll be running the numbers, but the decisions
16 and --

17 VICE-CHAIRPERSON FILKINS WEBBER: Recommendations.

18 COMMISSIONER DI GIULIO: -- the recommendations of
19 those numbers will come from our legal?

20 VICE-CHAIRPERSON FILKINS WEBBER: Correct.

21 COMMISSIONER DI GIULIO: Okay. And then the last
22 thing is I'd just say, since we've kind of merged these,
23 our advisory committee meetings together and I'm assuming
24 other than the two members of the Legal, the other members
25 of Legal if they've had a chance to review this. And I

1 guess at the end I'd like to get a final recommendation
2 from the Legal Advisory Committee on this, as well. I
3 understand Commissioner Filkins Webber and Commissioner
4 Ancheta, but I'm assuming there's some -- if you're going
5 to make a recommendation about this individual or how we
6 proceed further, that we give Legal, the full Legal
7 Advisory Committee a chance to discuss this.

8 CHAIRPERSON AGUIRRE: Ms. Blanco, to respond,
9 we're still waiting on you and Mr. Ontai.

10 COMMISSIONER ONTAI: Go ahead, go ahead.

11 CHAIRPERSON AGUIRRE: Yes, Maria.

12 COMMISSIONER BLANCO: Well, this is the first time
13 I see this, but this is how -- now that we're not having
14 subcommittee meetings separate, this is the way it goes.

15 So, I think it's a good recommendation. I share
16 some of the concerns that I think Commissioner DiGuilio
17 flagged, that I really want to make sure that we feel
18 comfortable.

19 We've taken, as a Commission, a fair amount of
20 criticism about some of our consultants that are perceived
21 to have bias, and I would note that he's worked for APAC,
22 the Latino Lawyers Committee for Civil Rights, ACLU,
23 MALDEF, the Brennan Center, you know, and that his work --
24 he runs an Institute on Race and Ethnicity and, you know,
25 that his work is in the -- and he's worked for La Raza

1 and, you know, all groups that we have received a lot of
2 criticism on the Commission for being, I think
3 incorrectly, perceived as having connections with.

4 So, I just want to make sure that this is
5 something that everybody feels comfortable with, so that
6 this doesn't come back at us in some indirect form that
7 we've retained somebody that could appear to be biased.

8 And so, but it sounds like we had a very good
9 interview that got to the heart of these matters.

10 But that would -- I know his work, I think highly
11 of him. But my concern is more whether the Commission
12 will face criticism.

13 CHAIRPERSON AGUIRRE: Sure. Commissioner Forbes,
14 do you have any comments?

15 COMMISSIONER FORBES: Yes, I've been thinking
16 about that very issue and I just wondered whether in our
17 looking around for a consultant, whether we've found
18 someone who does defense work? In other words, if you're
19 going to cross-examine this person to challenge their
20 conclusions they must -- the other side must have somebody
21 to have analyzed this person's work, or a person like this
22 work.

23 And have we addressed the concern that
24 Commissioner Blanco raised, have we looked for someone who
25 has done defense work in this field?

1 CHAIRPERSON AGUIRRE: Commissioner Ancheta?

2 COMMISSIONER ANCHETA: Well, there are experts who
3 do that. I think the issue for us is what best serves the
4 Commission's needs. Because, typically, the defense
5 statistical expert is not conducting these studies, they
6 are poking holes in somebody else's studies. And we need
7 someone to actually conduct studies or develops an
8 analysis that helps us figure out, well, when are we at
9 risk. And probably the best way to do that is to get
10 somebody who's on the plaintiff -- who's done more
11 plaintiff's work because they're sort of anticipating what
12 you need to prove.

13 But there are, you know, there are plenty of
14 people with PhDs in statistics or political science who
15 can poke holes in arguments. That's typically how you win
16 on the defense side.

17 So, that's why, again, it's a very good question
18 in trying to look at the appropriate person or make sure
19 we have a good pool.

20 But, again, I think we're constrained by the
21 people who do this work. There are very few people,
22 nationally, who really do this to a great extent. Again,
23 there's a lot of statisticians, a lot of people in
24 political science who have quantitative skills.

25 But if you ask how many people actually know what

1 King's EI, which is a very technical procedure that's used
2 in this area, not that many people know what King's EI is
3 all about. So, anyway, that's one of the limitations
4 we're dealing with.

5 COMMISSIONER FORBES: I think it's helpful to have
6 that explanation on the record.

7 CHAIRPERSON AGUIRRE: Yeah. Commissioner Ontai,
8 then Commissioner Galambos Malloy.

9 COMMISSIONER ONTAI: Jodie, did either you or
10 Angela discuss Mr. Barreto -- I don't know how this is
11 done but, typically, how much time does it take to do a
12 Section 2 analysis? Is that a turnaround of a week, a
13 day, or two?

14 And then how do we coordinate that effort with our
15 VRA attorneys, our mappers and then with the Commission,
16 itself?

17 When you put a circle of time around all of that,
18 that needs to be done for us to make a decision, and we
19 have a month and a half left, how do we do that? Did you
20 look into that?

21 CHAIRPERSON AGUIRRE: Commissioner Ancheta?

22 COMMISSIONER ANCHETA: Yes. We don't have an
23 answer for that, yet, but this is part of what's happening
24 this morning.

25 It is a daunting task if you're trying to say --

1 well, let me put it this way, there's a spectrum that
2 we're dealing with here and we've set certain constraints
3 budgetarily and we have certain time constraints.

4 You can start at zero which is, you know, we don't
5 do any analysis, that's fully complying with the law, but
6 we put ourselves at risk.

7 You can do the equivalent of a Section 2
8 litigation level of study for every potential district,
9 that's at the other end of the spectrum. We're somewhere
10 between those two end points.

11 We have time problems, we have budget limits. We
12 could revisit the budget a little bit, but I don't think
13 we even necessarily want to do that.

14 We're going to have to figure out which districts
15 to target and how deep we need to go to feel comfortable
16 to say, well, we've covered ourselves. I think that's
17 where we're at, at this point, because we're not
18 litigating a Section 2 case. Someone else may end up
19 doing that and they have to prove a case, and all the
20 things they need to prove, not just the Gingles factors,
21 but the totality of the circumstances, all that data you
22 need to win a case.

23 We don't have to do that. But we need to feel
24 comfortable enough to say okay, well, we've got enough
25 here to say, you know, somebody could sue us, at a certain

1 level of confidence we're probably going to get sued if we
2 don't do it a certain way, that's where I think we have to
3 be.

4 Now, again, how many studies you have to do to
5 reach that level, which districts, those are harder
6 questions and we have to defer to Mr. Brown to -- or to
7 Gibson Dunn to try to prioritize those.

8 And, you know, as came out in public comment, we
9 have to be consistent in our principles and how we are --
10 and clear to the public how we are going to prioritize.
11 Because, inevitably, we can't do, you know, 25 majority
12 minority -- potential majority minority districts at all
13 levels.

14 We have to do some analysis, but we can't have the
15 usual eight to ten election study per district going back
16 ten years, which is what you might do in a case. That's
17 not going to happen.

18 So, I think the hard thing, and this is why it's a
19 hard conversation, there's been quite a bit of back and
20 forth with Mr. Miller, and Professor Barreto, and now Mr.
21 Brown is engaged, how can we best do this given we've only
22 got really about a month, because we should get this out
23 by the second draft, frankly.

24 CHAIRPERSON AGUIRRE: Yeah.

25 COMMISSIONER ANCHETA: It's got to be done

1 quickly. And, you know, we have to look at whatever
2 existing studies are out there, what are the most
3 important districts, what can we rely on from statewide
4 data versus very specific election data? I don't have
5 ready answers for that, but we have to look at some way of
6 not compromising what we need, not compromising this
7 person's academic and professional integrity and get the
8 job done.

9 So, there's a lot of stuff here that we have to
10 try to balance.

11 So, to get to the original question, it takes many
12 hours, you know, hundreds of hours to run a lot of
13 these -- all of these studies together. And I think we
14 have enough time to -- he has enough time available to do
15 it, with a number of research assistants helping him, but
16 there are severe constraints we're working under and we
17 have to figure out what that balance will be.

18 COMMISSIONER ONTAI: That's very helpful, but my
19 concern is that things will fall through the crack if we
20 don't have a conductor in this process coordinating the
21 three consultants that we have. And I'm concerned about
22 how that's going to be done.

23 CHAIRPERSON AGUIRRE: Yeah, we're -- I think we're
24 going to catch that in the Technical discussion.

25 So, Galambos Malloy, Ms. DiGuilio, and

1 Commissioner Blanco, and brief comments, and then
2 Commissioner Yao, and then we're going to ask for a
3 motion.

4 COMMISSIONER GALAMBOS MALLOY: I appreciate where
5 the conversation has gone. My thinking was really
6 regarding the ever-increasing list of potential RPV
7 analyses that Commissioners Filkins Webber and
8 Commissioner Ancheta have been tracking, and thinking of
9 that in terms of the timeline we have before us.

10 I would think that in an ideal world that it would
11 be helpful, I'm thinking of the front end of the process,
12 in prioritizing where we need to do the RPVs. In an ideal
13 world you'd have a situation where we would have our VRA
14 attorney, in consultation and, you know, doing some work
15 between meetings with our chief counsel and with our Legal
16 Advisory Committee, be able to come to the Commission with
17 the recommendations on where we move forward with RPVs,
18 but that the full Commission would actually be aware of
19 and on the same page with how we are prioritizing and
20 moving forward.

21 The reality, when I look at our meeting schedule
22 for the coming month is I wonder if that is really the
23 process that we will be able to employ in order to keep
24 things moving at a good clip? And if not do we, as a
25 Commission, actually need to consider extending the level

1 of authority that we've given Commissioner Filkins Webber
2 and Commissioner Ancheta in moving this process along,
3 that to trust that they can work with our VRA attorney and
4 our chief counsel in between meetings to be prioritizing
5 and updating the list of RPVs, and coming back to the
6 Commission with updates.

7 So, I'd be interested if you have thought through
8 the -- more of the work flow process on that and what your
9 recommendations would be?

10 CHAIRPERSON AGUIRRE: Yes, I might respond that we
11 have a work plan agenda item in the Technical Committee
12 that will address this, that issue right there.

13 VICE-CHAIRPERSON FILKINS WEBBER: Just real
14 briefly, though, it does go back to the manner in which
15 Mr. Brown has identified -- excuse me -- how the flow of
16 work would go.

17 But you're right, I would think that prioritizing
18 is going to be essential. And I think relying on Gibson
19 Dunn's analysis, and we probably can agendize this for a
20 conference call and then we can bring it back in that
21 manner. But I think it will work into the work plan
22 agenda item later, too.

23 CHAIRPERSON AGUIRRE: Commissioner DiGuilio?

24 COMMISSIONER DI GUILIO: And just real quickly, to
25 kind of follow up on that was I'm looking for some actual

1 timelines for this, as well, too, particularly on the
2 technical side. And this was -- Commissioner Filkins
3 Webber and I have had some overlap in Technical and Legal
4 issues this week, but one of the things that Technical's
5 going to need, based on our short timeline, is we need to
6 have some definitive answers about -- we're going to talk
7 about Section 5. But when it comes to Section 2 we
8 need -- Gibson Dunn should be in a position to at least
9 give us an initial assessment of some of the Gingles pre-
10 conditions.

11 So, some of that might help, also, to prioritize
12 some of what we look at for those -- for RPV analysis.

13 But based on that we -- in order for the
14 Commission to be able to have it taken into consideration
15 on the technical side, for our next draft maps, we're
16 talking a very short time. I mean, we're talking next
17 week, maybe the week after.

18 So, not that it can be done, obviously. But we
19 need to have that process, we need to have initial
20 assessment by Gibson Dunn and then the actual, you know,
21 material done shortly thereafter.

22 So, I think again, in terms of the option of this
23 individual versus the IFB, I don't even know if we have a
24 choice in terms of our timeline, if this person is someone
25 who is acceptable, between that and what Gibson Dunn will

1 do, and we have to keep it moving forward.

2 CHAIRPERSON AGUIRRE: Yes, thank you.

3 Commissioner Blanco?

4 COMMISSIONER BLANCO: Oh, this kind of anticipates
5 a report that I think we have later in the Legal Committee
6 agenda about reporting on our conference call.

7 But just to answer these concerns, because I think
8 they are serious concerns, the timing of how quickly we
9 can do the RPV before, really, the second draft, because
10 there's no -- because we need our second draft to really,
11 in a sense, have finalized the districts that looked like
12 they might or might not be Section 2 because we've already
13 said that going into round three it -- what we will be
14 doing in terms of modifications will be more -- will be
15 minimal compared to what we might do between this round of
16 maps tomorrow and the next round.

17 So, we're really talking about a couple of weeks
18 here. So, I mean, just to put a fine point on it and so
19 it's -- so to -- I just want to mention that in the call,
20 yesterday, with legal counsel I think we came -- we
21 narrowed it down pretty much to maybe four places where we
22 need an RPV. Is that -- well, we'll report and
23 Mr. Miller -- but I think we talked about Santa Ana,
24 Downtown L.A., Fresno, that one district in Fresno, and
25 San Diego, the Assembly district in San Diego.

1 And we said that with the San Gabriel Valley,
2 because of the analysis that was already done by Mr.
3 Barreto, we might not need an RPV there.

4 And we concluded that we probably did not need one
5 for San Fernando Valley East because that district is
6 based not on numbers, but on community of interest
7 testimony, not on trying to draw a majority minority
8 Section 2 district.

9 The same thing was true when we looked at the
10 Fontana and the Pomona districts that those we drew based
11 on community of interest testimony, not on looking -- not
12 in looking at CVAP, the Latino CVAP.

13 So, when we went through that list, yesterday, we
14 pretty much came down to four places where we still felt
15 we need -- and we will talk more about that in a few
16 minutes. But just to allay some of the concerns, I think
17 the list is whittled down a little bit. And it's still a
18 lot, four studies, but it is shorter than it was yesterday
19 morning.

20 CHAIRPERSON AGUIRRE: Yeah, our attorneys are
21 doing some work behind the scenes and really kind of
22 setting up the scenario for this study to happen.

23 So, Commissioner Yao, then the last comment from
24 Commissioner Ward.

25 COMMISSIONER YAO: My comment is going to be very

1 short. I am happy to accept Dr. Matt Barreto as our
2 advisor. But one thought that I want to interject to this
3 Commission is, using an engineering term, perhaps we
4 should do a little bit of parallel processing. In other
5 words, considering the fact that we only have one month to
6 do an enormous amount of work and as a way to do a little
7 bit of risk mitigation perhaps the Technical panel can
8 also identify a second candidate and perhaps -- I know we
9 have money issues and a lot of other issues, but if
10 anything -- if any hiccups occur in the next four weeks, I
11 hope that we can have an alternate path to getting the
12 same work done, whether it's a workload issue, or whether
13 it's availability, or other issues.

14 So, in addition to approving Dr. Matt Barreto, I
15 would like to also consider approving a second person so
16 that we have options and not just putting all the eggs in
17 one basket.

18 CHAIRPERSON AGUIRRE: Okay. Yes, Commissioner
19 Ward?

20 COMMISSIONER WARD: Thank you. Yeah, I'd like to
21 thank Commissioner Ancheta and Commissioner Filkins Webber
22 for their obviously thorough work at finding us a suitable
23 candidate for this important work.

24 I have two questions. One, I believe that this
25 has been cleared up, but I'd like to make it crystal clear

1 for the record that Mr. Barreto will not be paid by or
2 performing work for any groups that might pose a
3 perception of conflict of interest to the analysis he
4 performs for the Commission. Is that correct?

5 COMMISSIONER ANCHETA: Yes, and that was one of
6 many pointed questions that Commissioner Filkins Webber
7 raised in the interview.

8 VICE-CHAIRPERSON FILKINS WEBBER: I apologize, I
9 was conferring with Counsel, so I'm afraid I missed your
10 question?

11 COMMISSIONER WARD: That's okay, Commissioner
12 Ancheta got it.

13 COMMISSIONER ANCHETA: Well, the question was are
14 we confident that there will not be a conflict of interest
15 between what Professor Barreto would be doing for us and
16 other work he may be conducting?

17 And I -- my answer was that Commissioner Filkins
18 Webber did, I think, address that in the interview.

19 And I think there is some ongoing work that I
20 think he's doing, but we felt it was pretty remote in
21 terms of -- there's some commission research, but I think
22 it's ongoing, right?

23 VICE-CHAIRPERSON FILKINS WEBBER: Yeah, he's
24 doing -- well, actually, he's finished. Because I was
25 fearful that he might be involved in projects, presently,

1 that could either influence a potential opinion, which is
2 where you get your concern about a potential conflict of
3 interest.

4 One area of work was -- if I'm not mistaken, and I
5 have misplaced my notes, but I thought it was San Mateo
6 County. But he's finished with that work and has already
7 submitted whatever numbers he needed to, to the council or
8 to the board that he was working with under those
9 circumstances. So, he doesn't have any presently pending
10 items, all of his work is completed.

11 I also asked him about his present grants because
12 that's where you might see some ongoing work issues. And
13 I asked him about one of the grants from the National
14 Council of La Raza, and he had talked about that.

15 I've also asked him about his other grants. He
16 may have a pending grant right now on the second item,
17 which was for six months from January 2011, regarding
18 Latino public opinion tracking poll of voter attitudes.
19 That is ongoing and it appears that he's reporting back to
20 La Opinion, and providing some -- and participating in
21 some of these polls and studies.

22 So, we've asked if he had any hesitation about
23 letting us know what those contract provisions are. But,
24 again, it's just polling so, again, it doesn't conflict
25 with what we're asking him to do as far as looking at

1 election data.

2 And one other issue I'd like to address is that we
3 have looked at quite a number of candidates, Commissioner
4 Yao. And so, even though we did not get an opportunity to
5 speak with everyone, we did not hear back from others. We
6 had an extensive list of individuals, but when you really
7 look at their -- most of them would have to be evaluated
8 through the bid process and we really have run -- we had
9 this colloquy with DGS regarding this RPV analyst and
10 we've approached it from different ways, and we couldn't
11 approach it in the same manner in which we did Q2, and
12 then we couldn't approach it in the same manner that we
13 did legal, so it had to be this combined.

14 And so, literally, we have been working on this
15 bid for some time and, frankly, at this point, I'm not
16 even sure that DGS has even approved whatever our last
17 version was. So, that's where our hands have been tied,
18 as well.

19 So, we have looked at quite a number of
20 individuals and, again, Mr. Barreto does also come on
21 advice of counsel, which is a phrase that I love to use a
22 lot. And Mr. Brown has worked with Barreto I think on at
23 least one occasion. So, that kind of addresses, I think,
24 all of the questions that I heard raised earlier.

25 COMMISSIONER WARD: My second question was just in

1 clearing up, I understand that Mr. Barreto has not taken
2 any advocacy positions with his work for other agencies.
3 But reading through his provided list of articles and/or
4 books that he has listed himself as providing authorship,
5 my eyes did raise a bit what on Foss would appear to be
6 some strong partisan opinion.

7 I was wondering if the legal team questioned Mr.
8 Barreto about any of these writings and what his response
9 might have been.

10 VICE-CHAIRPERSON FILKINS WEBBER: Yes, I did.

11 (Laughter)

12 VICE-CHAIRPERSON FILKINS WEBBER: In particular,
13 regarding a book chapter, number 12 that he has with a
14 book that was entitled "Tea Party Politics in a Blue
15 State" and stuck in the middle of the "Lose Tea Party
16 Effects on the 2010 Election."

17 In particular I asked him to give a summary on
18 what the information was that he had provided, which was
19 satisfactory as far as just looking at polling. He does a
20 lot of polling work.

21 But, again, he did not participate in the
22 selection of the title of the book, that was another
23 colleague that did that. And, again, that was a chapter
24 that related primarily to a study of polling data and I
25 think post-election polling.

1 There were a number of other books. Anything else
2 that appears to be striking to you, Mr. Ward, I suspect I
3 probably questioned him about.

4 And I want the members of the public to know that,
5 as well.

6 But again, I went through a number of other -- he
7 had some fascinating work on Muslim in American and how
8 Islam shapes political and corporation. Again, the titles
9 did give the appearance of some advocacy, but he had
10 assured me that in most of these works he is working with
11 other authors, who dictated the titles of the manuscripts
12 and the books and, primarily, what he was looking at was
13 the actual data, and not necessarily an advocacy position.

14 But, again, that's based on the interview and,
15 certainly, if somebody looks at this and comes to a
16 different conclusion -- I did not have an opportunity to
17 read all of the books or everything else he has on his
18 resume to confirm any of that.

19 But I did question him, in particular, about all
20 of those items.

21 CHAIRPERSON AGUIRRE: All right.

22 COMMISSIONER ANCHETA: And just to add, and I
23 think this was included in Mr. Miller's e-mail, we did
24 give him the list of --

25 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

1 COMMISSIONER ANCHETA: -- formal conflict of
2 interest questions and I think they were all answered no.
3 So, but I think you have that in front of you in terms of
4 the e-mail.

5 CHAIRPERSON AGUIRRE: Well, he certainly has an
6 impressive resume and wide experience, and certainly looks
7 like a kind of nonpartisan, so to speak, an unbiased
8 statistician.

9 And my understanding of statistics is that, you
10 know, within the numbers you could draw some conclusions,
11 but it seems like that's going to be handled through
12 Gibson Dunn, who will then advise us as a Commission.

13 So, are we ready to make a motion? Yes?

14 COMMISSIONER ONTAI: I will make a motion that
15 this Commissioner hire Dr. Matt Barreto as our RPV
16 consultant.

17 CHAIRPERSON AGUIRRE: Yes.

18 COMMISSIONER YAO: I will second that motion.

19 CHAIRPERSON AGUIRRE: Okay, motion by Commissioner
20 Ontai and a second by Commissioner Yao.

21 Yes?

22 CHIEF LEGAL COUNSEL MILLER: I just suggest that
23 we -- I believe this is on, yes. This is the meeting
24 where this will be perfected.

25 Just if you would add to your motion subject to

1 satisfactory financial terms, I think that would be just
2 right.

3 COMMISSIONER ONTAI: Subject to satisfactory
4 financial terms.

5 COMMISSIONER YAO: I will second that motion,
6 also.

7 CHAIRPERSON AGUIRRE: Okay, accepted by our first
8 and second.

9 Is there any public comment on the motion?

10 Seeing none then let's have a roll call vote,
11 please. Oh, read the motion, yes, please.

12 ADMINISTRATIVE ASSISTANT SARGIS: Okay. The
13 motion is that the Commission -- the motion is that the
14 Commission shall hire Dr. Matt Barreto as the racially
15 polarized voting analyst subject to satisfactory financial
16 terms being reached.

17 And this is a special majority vote.

18 Commissioner Aguirre?

19 CHAIRPERSON AGUIRRE: Yes.

20 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
21 Ancheta?

22 COMMISSIONER ANCHETA: Yes.

23 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
24 Blanco?

25 COMMISSIONER BLANCO: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
2 Dai?
3 COMMISSIONER DAI: Yes.
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
5 Raya?
6 COMMISSIONER RAYA: Yes.
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
8 DiGuilio?
9 COMMISSIONER DI GUILIO: Yes.
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
11 Forbes?
12 COMMISSIONER FORBES: Yes.
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
14 Galambos Malloy?
15 COMMISSIONER GALAMBOS MALLOY: Yes.
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
17 Parvenu?
18 COMMISSIONER PARVENU: Yes.
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
20 Barabba?
21 COMMISSIONER BARABBA: Yes.
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
23 Filkins Webber?
24 VICE-CHAIRPERSON FILKINS WEBBER: Yes.
25 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

1 Ontai?

2 COMMISSIONER ONTAI: Yes.

3 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

4 Ward?

5 COMMISSIONER WARD: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner

7 Yao?

8 COMMISSIONER YAO: Yes.

9 ADMINISTRATIVE ASSISTANT SARGIS: The motion
10 passes.

11 CHAIRPERSON AGUIRRE: Okay, thank you very much.
12 I would ask Commissioner Ancheta and Commissioner Forbes
13 to, in your next conversation with him, tell him that we
14 need him yesterday, okay.

15 COMMISSIONER FORBES: Now, you said Commissioner
16 Forbes, you meant Filkins Webber?

17 CHAIRPERSON AGUIRRE: Filkins Webber, yes.

18 COMMISSIONER FORBES: Thank you.

19 (Laughter)

20 CHAIRPERSON AGUIRRE: You know, lawyers kind of --

21 COMMISSIONER FORBES: Yeah, I learned that from
22 Commissioner Dai to be sure to duck those things.

23 CHAIRPERSON AGUIRRE: All right.

24 VICE-CHAIRPERSON FILKINS WEBBER: Thank you. The
25 next item is, as we are all aware, we did receive a letter

1 from Common Cause and a representative of their group was
2 also present last Tuesday, I think, when we were here, to
3 identify the letter.

4 And just as a summary and for any new members of
5 the public that may not be aware, but we did receive a
6 letter. Common Cause was principally involved in drafting
7 Proposition 11 and as such they have provided a response,
8 as they have looked at our ongoing work. And, in
9 particular, there was some concern regarding material that
10 we received from Gibson Dunn & Crutcher, training material
11 that we received at our Los Angeles meeting.

12 Just my discussion and comment regarding the issue
13 is that it's -- again, just for the Commission's sake, for
14 members of the public, this is the training manual, which
15 I use as my bible, I keep it with me all the time, that we
16 got from Gibson Dunn & Crutcher.

17 Just a couple of key points on this issue and then
18 we can talk about the response. First of all, when we
19 asked for training for the Los Angeles meeting the
20 Commission should be reminded and the members of the
21 public should be reminded that we had already had quite a
22 bit of training through the Secretary of State, through
23 the Bureau of State Audits. And we didn't want just an
24 esoteric, you know, law school dissertation of the law
25 again.

1 We really wanted something that we could use
2 practically, and tell us how we can use the priority in
3 the Constitution, to actually use it practically and
4 functionally to actually draw lines.

5 And Gibson Dunn & Crutcher understood that that's
6 what we wanted. So, when they put together their
7 guidelines for map-drawing that's precisely what it was is
8 guidelines for map-drawing.

9 It wasn't, again, a reiteration of the legal, you
10 know, I guess legal discussion and teaching of the law
11 anymore. It was actually how to use the law to draw maps.

12 So, in that regard, on the first page of their
13 discussion they specifically state that nothing herein
14 shall be construed to modify the priority of criteria for
15 redistricting as specified in the California Constitution
16 under -- and it puts the sections, 21, section 2.

17 And so they have that at the top. And so as we
18 saw, when you go through the rest of it, which is the
19 concern of Common Cause, is that it gives the appearance
20 as if there were prioritizations that were taken out of
21 order and that Gibson Dunn was in some way advocating for
22 a different order, contrary to the Constitution.

23 And that's not had happened. And Commissioner
24 Dai, in particular, had asked this of our counsel at the
25 time of the Los Angeles meeting, as well.

1 So, again, this was an opportunity for them to
2 actually provide us direction on map-drawing and how to
3 use the legal requirements to actually conduct our
4 purpose, but it in no way, shape, or form has it
5 influenced our decision to do anything contrary to the
6 Constitution, or to take any category outside of its level
7 of priority as mandated by the Constitution.

8 So, in that regard I feel, and I certainly leave
9 it up to the rest of the Commission, and certainly invite
10 the Commission to further, I guess, elaborate on what
11 their understanding was and to certainly confirm that we
12 had no intent of performing any work that would be outside
13 of the priority that's dictated.

14 And so, therefore, the question becomes whether or
15 not we just provide this verbal response that we're
16 providing now, whether the Commission feels that there's
17 any necessity to even go any further.

18 And I'll open it up to anybody who might be
19 interested.

20 CHAIRPERSON AGUIRRE: Yes, Commissioner Dai?

21 COMMISSIONER DAI: Yes, I just wanted to, for the
22 record, indicate, since that was the Los Angeles meeting
23 and I was Vice-Chair and Commissioner Barabba was Chair,
24 and the two of us did meet with Gibson Dunn at the time
25 and at the time I had expressed concern that their order

1 of presentation might be misconstrued as to reordering the
2 rank order of criteria.

3 And as a result we did get that very clear notice
4 at the training material indicating that that was not
5 their intent.

6 And just for clarity, if the Commission will
7 recall, at the time we went through and kind of addressed
8 issues around each of the criterion, for each criterion
9 what some of the potential issues might be around that.

10 So, we first made a sequence of motions to
11 clarify, you know, exactly how to interpret each one of
12 those criteria.

13 And then, subsequently, we then passed a kind of
14 an overall motion that dealt with adhering to the
15 California Constitution, which addressed the rank order
16 application of those criteria.

17 So, that's -- and that happened when I was
18 Chairing in Norco. So, that was the actual sequence of
19 events. And while we can understand that upon a first
20 reading that that might be something that's misconstrued
21 by the public and so I think it is important to clear this
22 up on the record.

23 And I personally think Common Cause, you now,
24 where they're a well-respected organization and did a lot
25 of work on Props. 11 and 20, and we're happy that they,

1 you know, brought this to our attention so that we have
2 the opportunity to clear that up.

3 I kind of could go either way on whether a brief
4 response in writing is necessary.

5 VICE-CHAIRPERSON FILKINS WEBBER: It's really
6 interesting, just one other point, Chair, if I may, to
7 keep in mind, also, that they might have another intent.
8 And I certainly don't want to speak for them and I don't
9 know this, but just understanding when you're dealing with
10 a new law is one thing that the courts do whenever you're
11 going to get into litigation is they always look at the
12 Legislative intent.

13 And in this case it would be the drafter's intent.
14 So, what I think I've seen them do throughout this
15 process, because we've had them provide additional opinion
16 regarding what their intent was, especially conflict of
17 interest applying to staff is one example, and that they
18 have rendered an opinion to us.

19 So, I think what they're also doing is
20 categorizing ideas of where they think -- they've watched
21 our work and where they may either propose additional
22 changes in the future, or further clarity, or they're
23 documenting their intent because that will be used by the
24 court to the extent in which Proposition 11 or Proposition
25 20 will ever be challenged.

1 So, it is a way in which I think they might be
2 documenting something for court.

3 CHAIRPERSON AGUIRRE: Yes. Commissioner Barabba?

4 COMMISSIONER BARABBA: Yes, I think as a courtesy
5 to an organization that's done an incredible job of
6 causing us to be here, it's probably worth a letter maybe
7 from our General Counsel that says we recognize the
8 confusion and that we, based on the comments that we've
9 had so far, we hope this clarifies any questions that were
10 raised in your mind.

11 CHAIRPERSON AGUIRRE: Yes.

12 COMMISSIONER ONTAI: I would agree with that.

13 CHAIRPERSON AGUIRRE: All right. So, any other
14 discussion? Yes, Commissioner Malloy?

15 COMMISSIONER GALAMBOS MALLOY: If the Commission
16 feels this is the direction we want to move, I'm fully
17 comfortable to support it. The only point that I wanted
18 to raise in this regard is that I think we have quite a
19 robust community of stakeholders who are invested in this
20 process at different levels, who have both informed the
21 Commission's development, or have come before us in
22 various lights.

23 And so I just want to be cautious in terms of
24 where do we draw the line of providing written responses
25 to the myriad concerns that are going to come before us

1 regarding process, regarding content, regarding maps. So,
2 I would -- it's not so much regarding whether the content
3 of this letter is useful. I think the conversation has
4 been useful.

5 But when the next letter comes in why have we
6 decided to respond to Common Cause and we have decided not
7 to respond to any of the other formal public comments that
8 we have received? I think that's an important thing that
9 we need to consider and much as with the other aspects of
10 our work have clarity, have some sort of policy so that
11 others don't have the expectation that we will be spending
12 so much time sending these letters.

13 Clearly, it's within our purview that we need to
14 be addressing the issues that evolve from the
15 correspondence and from the testimony, but not so much
16 that we would be in the position to respond to them each,
17 individually.

18 I think that's really a daunting task and
19 something that we clearly don't have the time or the
20 budget to take on.

21 CHAIRPERSON AGUIRRE: Yes, Commissioner Dai?

22 COMMISSIONER DAI: Thank you, Commissioner
23 Galambos Malloy for bringing up that point and ensuring
24 that we're very clear about what our policies are and that
25 we behave consistently.

1 I would advocate for sending a short and sweet
2 letter, which we know our Chief Counsel is very good at
3 being brief. Simply, I'm very convinced by Commissioner
4 Filkins Webber's point about legislative intent so, in the
5 same we can clarify that we are consistent with their
6 legislative intent.

7 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco?

8 COMMISSIONER BLANCO: Yes. I wasn't sure, I
9 stepped out, whether we are specifically considering both
10 whether to respond and also whether the attached letter
11 we've received today --

12 CHAIRPERSON AGUIRRE: I think just whether to
13 respond.

14 COMMISSIONER BLANCO: Just whether.

15 VICE-CHAIRPERSON FILKINS WEBBER: And how we would
16 respond, whether verbal or whether we would do something
17 written.

18 COMMISSIONER BLANCO: So, we're not --

19 VICE-CHAIRPERSON FILKINS WEBBER: Because we've
20 recognized on the record --

21 COMMISSIONER BLANCO: -- considering the attached
22 letter?

23 VICE-CHAIRPERSON FILKINS WEBBER: No.

24 COMMISSIONER BLANCO: Okay, because I had a couple
25 concerns. One, my legal concern and I've expressed this,

1 is that I think that we have been following the criteria
2 correctly. We've done that through our instructions to
3 the line-drawers, et cetera.

4 And I'm concerned that a response that sort of
5 goes into an explanation of how we've been doing things
6 actually, you know, what we haven't been doing, actually
7 may end up confusing the matter more than helping the
8 matter.

9 The cleanest thing here to say is we understand
10 there's an issue as to how you presented the materials,
11 that was resolved with your comment that the order of the
12 discussion doesn't signify the importance of the criteria
13 as listed in the proposition. We have our directions that
14 we've given and throughout the process those who have
15 observed them, followed, have seen that we are.

16 You know, anything else other than that I worry
17 become part of a legal record, we're sort of going back
18 and forth and the end result looks like we didn't know
19 what we were doing, and what order, and what criteria we
20 were following.

21 So, I understand that our attorneys may feel a
22 little bit, as attorneys tend to do, feel defensive that
23 something they wrote is sort of being criticized in a very
24 public manner, but I think this letter is our letter and
25 it's directed at us, in a sense, not at -- so much at

1 Gibson Dunn. It's are you guys following the criteria the
2 way it's laid out in Proposition 11 and 20 and I think our
3 answer should be, yes, we are, thank you very much for --
4 we had some concerns, originally, and those have been
5 clarified.

6 CHAIRPERSON AGUIRRE: Yeah.

7 COMMISSIONER BLANCO: And I think that's where we
8 should leave it.

9 CHAIRPERSON AGUIRRE: Okay, Commissioner DiGuilio?

10 COMMISSIONER DI GUILIO: Could I suggest maybe
11 kind of a merger of what's been suggested here because I
12 see Commissioner Blanco's point.

13 As a Commissioner and not knowing some of the
14 legal aspects of some of this, and seeing Common Cause's
15 letter, I was hoping to get some response from our legal
16 team to that.

17 So, in some ways the letter that they wrote almost
18 should have been addressed to us, as a Commission, as
19 opposed to Common Cause.

20 So, I see that we, as a Commissioner, we're well
21 within our rights to ask Gibson Dunn to respond to
22 something like this, that if we feel is significant or
23 maybe has a potential basis.

24 So, in some ways I feel like that letter is
25 addressed to us and then we maybe should take Commissioner

1 Barabba's suggestion and, you know -- we've had this
2 discussion, as Commissioner Dai's laid out, we've put this
3 out in terms of how the decision process went and at this
4 point maybe we could just say thank you, and from the
5 Commission to Common Cause. And we, as a Commission, if
6 we feel the response by Gibson Dunn is sufficient, then
7 that should be where we leave it.

8 CHAIRPERSON AGUIRRE: Yeah. So, yes, the last
9 comment by Commissioner Raya.

10 COMMISSIONER RAYA: I'm looking at the letter. Is
11 there something I missed? The letter is addressed to the
12 Commissioners, the letter that we received.

13 VICE-CHAIRPERSON FILKINS WEBBER: From Common
14 Cause or --

15 COMMISSIONER RAYA: No, the letter from our
16 attorneys.

17 COMMISSIONER DI GIULIO: I just assumed that there
18 was some perception that we'd be sending that letter to
19 Common Cause so -- okay, I just -- that's fine, I just had
20 thought that maybe there was a discussion that it was
21 going out to Common Cause. Okay, I'm sorry for the
22 misunderstanding.

23 CHIEF LEGAL COUNSEL MILLER: I'll be brief.

24 CHAIRPERSON AGUIRRE: Mr. Miller, yes.

25 CHIEF LEGAL COUNSEL MILLER: When we received the

1 Common Cause letter it seemed there was a fair amount of
2 concern among the Commission, in the e-mail that I
3 received, as to whether or not the advice you'd previously
4 received was correct.

5 And it's for that reason that it seemed useful to
6 have Gibson Dunn respond directly to you, the Commission,
7 about the issues raised in the Common Cause letter. So,
8 that's the sole purpose of the communication you received
9 was to reaffirm, clarify and respond to the questions they
10 had raised about it.

11 And in responding to Common Cause, as was
12 suggested here, we'll just send a short, but friendly,
13 letter on behalf of the Commission.

14 CHAIRPERSON AGUIRRE: All right, any other
15 discussion? Do we need a motion for that or just
16 direction to staff?

17 VICE-CHAIRPERSON FILKINS WEBBER: Just direction
18 to staff.

19 CHAIRPERSON AGUIRRE: Direction to staff. So,
20 unless there's any objection then that -- we'll follow
21 that direction.

22 VICE-CHAIRPERSON FILKINS WEBBER: Yes, Mr. Miller
23 will take the lead on getting that together.

24 CHAIRPERSON AGUIRRE: Well --

25 VICE-CHAIRPERSON FILKINS WEBBER: Go ahead.

1 CHAIRPERSON AGUIRRE: Yeah, our schedule is shot,
2 all right, so we will proceed with a bio-break for about
3 ten minutes. Ten? All right, so I will gavel the meeting
4 at 10:45. Thank you.

5 (Off the record at 10:35 a.m.)

6 (Back on the record at 10:49 a.m.)

7 CHAIRPERSON AGUIRRE: Commissioners, we have lots
8 of work to do so if you can settle down, and so we can
9 move forward.

10 All right, we're on live again with our Webcast
11 and certainly we want to thank the public for watching
12 this and participating in this very important meeting that
13 we have today.

14 We've been discussing some legal issues and some
15 legal topics that have come up, and we're ready to move on
16 to our next item. So, I'm going to turn it over to our
17 Vice-Chair, Commissioner Filkins Webber.

18 VICE-CHAIRPERSON FILKINS WEBBER: The next item is
19 the update from our weekly conference call. I understand
20 there was another call yesterday, I'm afraid I could not
21 participate in.

22 But at least for the one from last week, we are
23 developing with Mr. Brown, he identifies agenda items that
24 we discussed, one of which was the response and whether
25 there would be a response to Common Cause. So we, of

1 course, had addressed that earlier today, so we had a
2 discussion about that.

3 The next item that we discussed in our conference
4 call was beginning to think about the final report that we
5 will need together and, obviously, through our VRA
6 attorney's participation. And they had given a little bit
7 of an outline to start to build the basis for the report.
8 And Mr. Brown's idea was that we would probably start with
9 Q2 identifying, just generally, what the direction of the
10 Commission is or was during this entire process, and
11 probably working down from there.

12 So, he is working on it and I think that this will
13 kind of correspond with later items on our agenda today
14 regarding work plans, and we can probably identify or
15 highlight areas of where we begin to work on the report.
16 So, that will be a continuing item we'll discuss with
17 Gibson Dunn.

18 Then the other item we discussed was some concerns
19 that were raised by some members of the public and other
20 groups regarding Los Angeles County.

21 And, again, just a discussion of our continuing
22 effort to draw districts or at least recognize districts
23 based on communities of interest, and cities, and
24 neighborhood boundaries. And so we had a bit of a
25 discussion regarding communities of interest. And, again,

1 we'll get into that as we start to discuss, as I think it
2 might be under Technical's portion of the agenda, in
3 considering of hiring, potentially, or at least developing
4 an idea of how we create a community of interest chart, a
5 database, or how is it that we're capturing the
6 information about communities of interest and ensuring
7 that we are respecting the information brought to us by
8 the members of the public.

9 So, that's a summary of our conference call from
10 last week.

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13 database, or how is it that we're capturing the
14 information about communities of interest and ensuring
15 that we are respecting the information brought to us by
16 the members of the public.

17 So, that's a summary of our conference call from
18 last week.

19 CHAIRPERSON AGUIRRE: Questions? Yes, Commissioner
20 Blanco?

21 COMMISSIONER BLANCO: Yeah, on that item I'm
22 really glad that we're going to do this and I understand
23 that we may even try and expand the team. I think we're
24 going to hear later about that.

25 Because one thing that I'm concerned about is that

1 often when we've been involved in the map-drawing process
2 I've noticed that we refer a lot to things we've heard.
3 We'll say this person said this, and this person said
4 that, and I don't hear us as often referring to the
5 written materials, which are quite voluminous.

6 It's easier to -- I think for human beings, that
7 somebody speaks in front of you and there's a recollection
8 that's easier because you've heard live testimony.

9 And so I am concerned that our record may be --
10 look lopsided towards oral testimony where we have
11 received, in fact, quite a bit of written testimony.

12 So, I hope that as we try and create this
13 documentation that we -- I urge all of us to make sure
14 that we really look at all the written materials so that
15 we don't fall into that.

16 If we get somebody to do this, let's make sure it
17 doesn't just sit there because we cannot weigh the live
18 testimony any more than we weigh the written testimony.
19 So, we're going to have to make sure that even when we're
20 asking the mappers questions in the next round, how we
21 usually have Bonnie call up the stuff. And a lot of times
22 she's calling up stuff that people have said, oh, speaker
23 this, or there was a speaker.

24 I want us to be able to have the ability to call
25 up the written public comments that we've received in the

1 same manner that we've been recalling the in-person
2 testimony.

3 CHAIRPERSON AGUIRRE: Yes, Commissioner Dai?

4 COMMISSIONER DAI: Yeah, I just wanted to clarify
5 for the record, I believe the database that Q2 is
6 maintaining includes all of the written comments as well.
7 They are, you know, a little bit behind because of the
8 recent increase in volume of written comments that have
9 been submitted to the Commission, and that is something
10 that we'll take up in Finance and Administration, as well,
11 in terms of how we address that.

12 VICE-CHAIRPERSON FILKINS WEBBER: This does flow
13 into the next agenda item. I talked a little bit about
14 the anticipated final report preparation, I didn't have
15 any ideas of anything additional, other than the fact that
16 Gibson Dunn, as we had discussed in the conference call,
17 is looking at starting with a broad generalization with
18 use of Q2's information and then working down from there,
19 so that will be a work in progress.

20 But it does lead us right into Item B, which is
21 this legal basis for the development of the community of
22 interest spreadsheets or documentation. And this is what,
23 obviously, this discussion is about right now.

24 Because as you'll recall Mr. Brown had made it
25 very clear that we need to identify robust community of

1 interest testimony. And as it turns out, based on the
2 conference call that was held yesterday, if we narrow the
3 Section 2 areas that we will be getting the racially
4 polarized voting analysis on, then we need to build up our
5 support with the necessary documentation, the public
6 comments, as well as the oral to identify the community of
7 interests that we have recognized, that supported our
8 decisions, especially in areas where there might be an
9 issue of whether it's Section 2.

10 And if we decided we weren't going to do a
11 racially polarized voting, then what was our determination
12 for creating a district? And oftentimes we've seen that
13 we've done it based on communities of interest. And South
14 L.A. is a good example and, quite possibly it sounds like
15 maybe San Gabriel, and that district.

16 So, if we don't decide to do that, we need this --
17 this idea. And I, as well, am also a little concerned
18 with having access as a Commissioner to some type of
19 spreadsheet or database that identifies either by region
20 or -- and, again, this goes in line with Technical, even
21 though Commissioner DiGuilio had to step out for some
22 mapping questions, I think.

23 This is going to form the legal basis for our
24 decisions on the manner in which certain districts have
25 been drawn, so we do need something.

1 And so whether -- I don't know if it does go into
2 Finance and Technical, but this is a good beginning
3 discussion that we do need to identify this from the legal
4 stand point because it will form the basis of our final
5 report preparation, and will certainly aid us and guide us
6 as we draw nearer to the final maps.

7 Commissioner Galambos Malloy, did you have
8 something to say?

9 COMMISSIONER GALAMBOS MALLOY: I can see why your
10 agenda overlaps so much with Technical. I'll save my
11 question and comment for Technical's agenda. Thank you.

12 VICE-CHAIRPERSON FILKINS WEBBER: So, at least on
13 a legal basis that's why we need to identify a document
14 which, again, goes back to the reporting requirements that
15 we've talked about before.

16 Commissioner Yao?

17 COMMISSIONER YAO: Maybe this is a good time to
18 again bring up the topic of whether we need documentation
19 per district map. We generated a lot of discussions, not
20 only at the regional level, but as we looked at each and
21 every one of the 177 district maps. And I think if we can
22 find a way to document the key factors that we made
23 decisions by each of the districts that would go a long
24 way in terms of generating the supporting document as we
25 release the maps.

1 It does mean that we have to go back to our notes,
2 go back to past events and document these type of events.
3 But I fear if we don't do that, it's really going to be
4 difficult to create a rationale as to why we drew the map
5 that we did. Because when there's so many conflicting
6 testimonies in the district and we have to rethink as to
7 why we have this finger here, or why we have a straight
8 line here, or why we decided one city's in the district
9 and one city is not, it's difficult for me to see that how
10 we can document those without doing it every step of the
11 way.

12 So, if there's a legal requirement to do so,
13 either by the report or by -- or if the committee feels we
14 need that kind of documentation, I would suggest that we
15 find a way to make that happen.

16 VICE-CHAIRPERSON FILKINS WEBBER: I think it does
17 form building blocks to get us to that point, because if
18 we didn't do that and have some preliminary documentation,
19 such as what we were looking at with the wrap-up
20 documents -- and, in fact, this entire discussion might
21 even start with those wrap-up documents because they did
22 identify all of the recommendations made by the public
23 that identified communities of interest and then we made a
24 selection based on those wrap-up documents.

25 So, I see it, again, as a building block and the

1 wrap-up documents may very well be the foundation, but now
2 we need to get beyond that. And what decisions did we
3 make from the wrap-up documents and then going even
4 further to create, you know, a database, a spreadsheet
5 that actually identifies the communities of interest so
6 that the individuals that will be working on the final
7 report do not have to start from scratch.

8 So, at least from a legal perspective, and we can
9 get into this more in Technical, on how the Commission may
10 decide to do this, I do see it as a necessity to have
11 building blocks to make the decision and the support for
12 the final draft maps to be prepared and identified.

13 And it certainly will aid the Commission in making
14 some decisions when we actually are making final decisions
15 when we get to the second draft map and, obviously, the
16 final. Because I'd like to see, you know, an entire
17 network, I guess, or a document of some sort that we can
18 reference either by region or by district when we make
19 some of these decisions.

20 So, if we have that as a work in progress when we
21 get down to making some of the final decisions at the
22 second draft stage, or even at the final draft stage, when
23 we have to make key decisions we can have something before
24 us that we can rely on and refresh our recollection,
25 because we have received thousands of public comments.

1 So, I'll leave that further discussion to legal --
2 or to Technical, because this was recognizing that I do
3 feel from the legal stand point.

4 Does anyone else have any comments on --
5 Commissioner Ward?

6 COMMISSIONER WARD: This is Item 2-b you're
7 discussing now, right?

8 VICE-CHAIRPERSON FILKINS WEBBER: Yeah, it is. I
9 moved it forward because it was a part of our conference
10 call and we started that discussion. So, technically it's
11 4-B, excuse me, it's 4-B, under Legal.

12 COMMISSIONER WARD: Possible addition of
13 administrative support for cataloguing public testimony?

14 (Off-mic conversation)

15 COMMISSIONER WARD: Okay, that's helpful. Thank
16 you.

17 CHAIRPERSON AGUIRRE: Yes, Commissioner Parvenu?

18 COMMISSIONER PARVENU: Just one point of
19 clarification. My understanding was that the person that
20 we're recommending the Q2 hire, the analyst or the other
21 added person, that would be his or her responsibility to
22 quantify or capture this data, and to place it in a
23 spreadsheet format so that we could use that for future
24 analysis, and also so that information would be available
25 for the in-line process review. Is that not what we've

1 recommended to Q2?

2 VICE-CHAIRPERSON FILKINS WEBBER: Commissioner
3 DiGuilio, did you have a response?

4 COMMISSIONER DI GUILIO: Now, are you talking
5 about the COI testimony or are you talking about our
6 decisions, Commissioner Parvenu?

7 COMMISSIONER PARVENU: Both, actually.

8 COMMISSIONER DI GUILIO: It's my understanding
9 that the -- the supplemental staff hire for Q2 will be
10 based on helping to catalogue and deal with particularly
11 the increased amount of public comments we anticipate
12 being submitted online, electronically.

13 So, that will help to take that data and put it
14 into their existing tracking system. The aspect of -- and
15 also, as you saw, they have someone who will be available
16 at the meetings to take care of our directions to line-
17 drawers when we are meeting.

18 But the part of tracking our COI, the basis for
19 our decisions -- you know, the COI testimony that we're
20 using to base our decisions, that has not been resolved as
21 of yet.

22 CHAIRPERSON AGUIRRE: Does that answer your
23 question?

24 COMMISSIONER PARVENU: Yes, it does.

25 CHAIRPERSON AGUIRRE: Yes, okay.

1 COMMISSIONER PARVENU: Maybe we can discuss it
2 further under the Technical.

3 CHAIRPERSON AGUIRRE: Yes. Commissioner Yao?

4 COMMISSIONER YAO: The question I have for the
5 Legal Advisory Committee is whether the documentation,
6 whether it's a spreadsheet or other form of documentation
7 by region is going to be adequate to meet the legal
8 requirement down the line.

9 I had previously proposed that we need to document
10 it by each of the district maps and I would welcome a
11 decision or a recommendation by the Technical Advisory
12 Committee as to which form of documentation is going to be
13 adequate to fulfill -- fulfill our documentation need.

14 CHAIRPERSON AGUIRRE: Is that -- does the
15 Technical have a comment about that?

16 COMMISSIONER DI GIULIO: Are you talking about for
17 the final report?

18 COMMISSIONER YAO: Correct.

19 COMMISSIONER DI GIULIO: It's my understanding
20 that Gibson Dunn will be providing one report and Q2 will
21 be providing another. I think it would behoove us to get
22 the details of exactly what they're going to be including
23 in those reports and what's left over for us, as a
24 Commission, to determine how to supplement that.

25 COMMISSIONER YAO: I'm looking at the -- what we

1 think is the legal requirement, without worrying about
2 who's going to do what. So, I'd like a recommendation as
3 to what do we think is the legal requirement for -- in
4 terms of not only for the report, itself, but in terms of
5 our ability to defend the map after the fact, okay.

6 VICE-CHAIRPERSON FILKINS WEBBER: I can ask Gibson
7 Dunn & Crutcher's opinion in that regard, in our next
8 conference call, because I certainly don't want to step on
9 their toes.

10 They, obviously, have been thinking about this
11 more than likely.

12 COMMISSIONER YAO: Sure.

13 CHAIRPERSON AGUIRRE: All right, any other
14 discussion?

15 VICE-CHAIRPERSON FILKINS WEBBER: The next item
16 I -- somebody may have added it to the agenda, and it
17 might have been Mr. Miller or somebody else, the legal
18 ruling on Section 5 areas and deadline. I don't know if
19 somebody else had added it.

20 COMMISSIONER DI GIULIO: That might have been --

21 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

22 COMMISSIONER DI GIULIO: Yeah, this is a bit of an
23 issue that items end up being on the agendas and the leads
24 have no idea how they got there.

25 VICE-CHAIRPERSON FILKINS WEBBER: Yeah.

1 COMMISSIONER DI GIULIO: This was something that,
2 in order for on the Technical side which, when I saw it
3 there, I thought, oh, it's supposed to be in Technical.

4 But, again, going back to the conversation before
5 is that we need to have a legal ruling, or some type of a
6 decision or a recommendation from Gibson Dunn on at least
7 Section 5 because they've had that for quite a while. We
8 made decisions about Section 5 districts that we've at
9 least, initially, put into our draft maps.

10 So, we need to have an official ruling. We've had
11 some discussion and I don't know what you'd call it, what
12 their advice was.

13 VICE-CHAIRPERSON FILKINS WEBBER: Well, are you
14 looking for it from at least on the draft maps that we
15 release tomorrow, because I --

16 COMMISSIONER DI GIULIO: No. No, we need to
17 have -- what we'd like to do is have that by probably next
18 week, some definitive to say that those Section 5s have
19 been ruled to be legally compliant or noncompliant,
20 whatever their decision is, so that we can have that in
21 enough time for consideration for the second draft maps.

22 So, sometime by the end of next week, maybe the
23 earliest the next -- the week after because if there's a
24 significant problem they've determined then our technical
25 team needs to go back and make some changes, or take their

1 advice under consideration and start working on some other
2 things. Because we just don't have the time to reinvent
3 the Section 5 wheel while we're doing line-drawing for the
4 second draft map.

5 So, those Section 5 decisions -- or, I don't --
6 legally, I don't know that you call it, a decision, an
7 option --

8 VICE-CHAIRPERSON FILKINS WEBBER: Well, it will be
9 their recommendation regarding the adequacy of the Section
10 5 and their likely opinion whether it will withstand a DOJ
11 review.

12 COMMISSIONER DI GIULIO: And we've had some --
13 they've had some opinions about that in our meetings,
14 they've had some in the weekly conference calls, but
15 nothing has been put in official format for us. So, we
16 need to have a deadline that they can give their opinion
17 to us, and then that can also have them focus on the
18 Section 2 issues.

19 Mr. Miller's thinking about his words carefully
20 here.

21 CHAIRPERSON AGUIRRE: Yes.

22 CHIEF LEGAL COUNSEL MILLER: Well, it's the form
23 of the advice that I'm uncertain of. They have said, for
24 example, that we -- it makes our task much easier with the
25 Department of Justice if there's no retrogression in those

1 districts. And if there is, then we need to be able to
2 explain why that occurred.

3 And examples of good explanations are the --
4 essentially, the impossibility of drawing them without a
5 modest amount of retrogression because of the population
6 that's there now, the population in surrounding counties.

7 Is the Commission anticipating a letter on this
8 subject? I'm just trying to make sure that we hit the
9 nail on the head.

10 Perhaps others, who were on yesterday's call, can
11 weigh in on what's been received, and what the expectation
12 would be for further guidance on this subject.

13 VICE-CHAIRPERSON FILKINS WEBBER: I wasn't on the
14 call, but my expectation is similar to Commissioner
15 DiGuilio's. I would anticipate that they're going to look
16 at the draft maps of Section 5 districts tomorrow --
17 tomorrow afternoon, I mean after we release them. And
18 that they will immediately, I would think, prioritize
19 their evaluation and would start with Section 5 because
20 that has been -- it obviously impacts every district
21 around it.

22 So, I would anticipate that they look at the
23 numbers, the final numbers -- final in the sense of the
24 draft numbers. Look at the draft numbers for Section 5
25 tomorrow; they can obviously coordinate, potentially, with

1 Q2 if they need additional information in that regard.
2 Then they could advise us, in looking at those districts,
3 whether or not they feel that they could support the lines
4 as they were drawn for the Section 5, whether it meets the
5 qualifications and the requirements.

6 And if it doesn't, then I would expect that they
7 would give us some recommendations that you need to
8 increase a particular group in order to satisfy the fact
9 that -- or rendering the opinion that there still appears
10 to be retrogression in one particular area and then,
11 obviously, that would be a coordinated effort with Q2.

12 So, I'm looking at them to advise us in the manner
13 in which the districts were drawn on the draft maps,
14 advise us as to where they may not be sufficient, or
15 confirm that, from their legal opinion, it would be
16 sufficient to withstand DOJ.

17 So, that's kind of my thought process there.

18 CHAIRPERSON AGUIRRE: Yeah, and the flow would be
19 that Q2 comes with this identification of Section 5
20 issues, would then go to Q2 and work together with them to
21 modify those maps so that they do meet legal criteria and
22 pass muster with the DOJ, potentially.

23 And then it would come back to Gibson Dunn, who
24 then would evaluate the results of that redraw, and then
25 would provide information to us, as a Commission, more

1 formally.

2 So, yes, Commissioner Blanco, Commissioner Dai,
3 Commissioner Yao?

4 COMMISSIONER BLANCO: So, I think this is one of
5 the areas where -- and I'll summarize, I think, and others
6 can pitch in what was said about this yesterday, and then
7 I'll -- I think we are getting to one of those areas
8 where, if you remember correctly, when we first
9 interviewed the firm and discussed what their role would
10 be with us, you know, as counsel, you'll remember that at
11 the bottom line Mr. Brown, and perhaps Mr. Kolkey, as
12 well, I don't remember, said; ultimately, what we do is we
13 give you the legal options and legal advice, but you may
14 have to make some decisions.

15 CHAIRPERSON AGUIRRE: Uh-hum.

16 COMMISSIONER BLANCO: So, I think the Section 5
17 area, the way I understand the way it's going, is going to
18 be one of those areas. There is not black law -- black-
19 letter law on what happens with small numbers in terms of
20 retrogression. There are no cases. Apparently, they have
21 not been able to track down Section 5 guidance from the
22 Voting Rights Division in the Department of Justice. It's
23 just not something that they can say here's the law on
24 what happens with these small populations.

25 The best they were able -- and I don't think

1 we're -- so, I don't think they're going to be able to say
2 here's the law. I think what Mr. Brown said to us
3 yesterday is continue to try and not to retrogress. If
4 you cannot, because you've made other decisions, then
5 document it fully. If you decide that that Asian number
6 has to drop from 11 to 4 point something, or five, I can't
7 remember what the exact figure is, in Merced, because
8 you've decided to keep Stockton whole, then you have to
9 document all your reasoning and then that's where we make
10 that decision.

11 They're not going to tell us do or don't do that.
12 My impression is that they're not going to say do that or
13 don't do that, that's where we make the call.

14 And they did say keep trying. All they said to us
15 yesterday is keep trying to get rid of it, but at some
16 point you have to make the decision. Do you want to --
17 what do you want to do where you've tried everything and
18 you haven't been able to eliminate a substantial drop in
19 percentages for the small populations?

20 And that the only case law that they really can
21 cite to is showing everything you've done and documenting
22 your reasons why and then, you know, you -- that's what
23 you go to the Department of Justice with.

24 So, I know we probably want more clarity, I don't
25 think we're going to get -- I mean, they're going to

1 continue to look at it, but they told us, yesterday, that
2 they've been looking at this now for quite a few weeks
3 trying to do the legal research, and there's nothing on
4 point.

5 And the only thing that's on point is showing that
6 you've tried everything else and that's as far as -- so I
7 think we are going to have to make some decisions. Well,
8 we can direct Q2 to keep trying and, you know, what would
9 be important, they said, was ask them to keep copies of
10 all the attempts and the reasoning of all the attempts and
11 what they resulted in. And, obviously, we have to do the
12 same, not just Q2.

13 But that is what I took away from that call. I'd
14 be curious what other folks took away from that.

15 CHAIRPERSON AGUIRRE: Yeah, and given your earlier
16 comments, Commissioner Blanco, about the time -- the
17 timing. Time is of the essence and we need to get on that
18 very quickly.

19 Commissioner Dai, Commissioner Yao, Commissioner
20 DiGuilio and Commissioner Ontai, yes.

21 COMMISSIONER DAI: Thank you, Chair. I just
22 wanted to supplement what Commissioner Blanco said. I was
23 also on the call, yesterday, and I think she summarized it
24 quite well. Basically, their job as, you now, our VRA
25 counsel is to advise us where the law is clear and, where

1 it's not, advise us of the legal risks. And then it's
2 really up to the Commission just to make a call on it.

3 And we know that we have certain areas where we
4 have directed Q2 more than once, in our public line-
5 drawing sessions, to see what else they could do to tweak
6 the numbers. We've tried, you know, moving -- making
7 certain cities whole and moving other things around and
8 there's, you know, maybe been a very modest improvement in
9 some of the numbers, but it did not specifically change
10 from the very first iterations that we saw. Remember,
11 these were the first visualizations we saw because we
12 started with Section 5 counties.

13 And in many cases, you know, some of the
14 visualizations we preferred were due to other COI
15 testimony and I think there was at least one case where
16 there was retrogression for Latinos and, you know, minor,
17 but we have to decide, you know, do we want to take that
18 risk when there is a pretty clear line that if the number
19 is below the benchmark that -- you know, that is going to
20 raise a lot of issues.

21 And the case, the affirmative case that we would
22 have to make would be much harder. So, I think we need to
23 make a call on this very soon. I think Commissioner
24 DiGuilio's right, sometime in the next week.

25 I do not think that Gibson Dunn's counsel is going

1 to change and we just need to make a decision. Because if
2 we change the Section 5 districts, as everyone on this
3 Commission knows, it will -- could radically change the
4 districts, particularly in Northern California, but it
5 also have impacts on Southern California, the ripple
6 effect would be substantial.

7 So, we know that several of the districts are
8 fine, they're all above the benchmark, those are easy.
9 There's some where there are small populations that
10 there's a drop. And I think there's one case where the
11 Latino CVAP is below, and we just need to look at the data
12 and make a call.

13 Of course, we do need to get all the
14 documentation. But we saw the concentrations, there's
15 only so much that we can do with the current
16 configuration. So, unless we choose a different
17 visualization, I don't think those numbers are going to
18 change a whole lot.

19 CHAIRPERSON AGUIRRE: Commissioner Yao?

20 COMMISSIONER YAO: I have a very -- I have a
21 totally different expectation on how to deal with this
22 issue. The reason I say that is when we submit whatever
23 plan we have to the -- whatever district plan we have to
24 the Department of Justice, they're going to make a yes/no
25 decision. It's very clear that they're saying -- either

1 going to say it's acceptable or it's not acceptable. And
2 one of the reasons we retained the legal services to
3 advise us is so that we can get those kind of decisions
4 ahead of Department of Justice, making those decisions on
5 our maps.

6 And if they can't come through and give us a black
7 and white decision, saying you have done all you could and
8 it is likely to get approved, then I don't think we have
9 done enough.

10 I would expect them, every step of the way, to not
11 only help us, but also give us a good indicator as to what
12 is adequate or inadequate.

13 Simply bouncing back to us and saying, well, you
14 got to make the tough decision and I'm not going to make
15 it for you; that's not what we're paying them for.

16 And with regard to the Section 5, the data's been
17 available for a long, long time. This is not a Section 2,
18 where we had to draw the map and decide as to whether that
19 does or does not meet it. But I think the criteria's been
20 there from day one and -- and case in point is I need
21 advice as to whether to add that finger back to Stockton,
22 to pull the numbers in, and not just saying, well, you do
23 what you feel is best and we'll help you document it, and
24 see where it falls, because we can't accept that kind of
25 risk.

1 And risk does exist. I'm not -- I'm not saying
2 that we can eliminate it, but we need somebody to help us
3 with those kind of legal decisions. And I'm a little
4 disappointed that we're not getting it today, and I see no
5 commitment of providing those kind of legal services in
6 the near future.

7 CHAIRPERSON AGUIRRE: Yeah, and I suspect we're
8 going to deal with that question when we talk about a work
9 plan and the technical aspect of -- the technical
10 discussion point.

11 So, DiGuilio and then Commissioner Ontai.

12 COMMISSIONER DI GIULIO: So, as I understand it,
13 again not being a legal person, so it sounds like from
14 what Gibson Dunn maybe said yesterday, and the call, is
15 they feel like they've given, or pretty much given all of
16 their advice regarding Section 5.

17 So, if that's the case, and I guess I feel like if
18 that's the case, I feel a little unsatisfied. But in the
19 sense that I feel like I've heard a little bit at one
20 meeting, a little bit another, a little bit of phone --
21 you know, different people are hearing phone calls.

22 It's like could we just have maybe one consensus
23 and then -- on their advice, and then we, as a Commission
24 have to set a date to say we accept it or we don't accept
25 it.

1 So, maybe it's not so much we need -- we need to
2 hear -- whatever way it's going to be structured, if
3 that's it for Gibson Dunn, if they're not going to give us
4 anything more, then we should know that.

5 If they plan on giving us something, synthesize
6 their advice, then let's set a date.

7 And we also have a second date where we, as a
8 Commissioner, have to make a decision about if we agree
9 with those Section 5 counties and then we can move on,
10 because we have to -- the issue has not been put to bed.
11 And if it's not been put to bed, it still leaves a big
12 problem -- it leaves an area of concern for the second
13 round maps if we -- if there's still a possibility that
14 we're going to change that.

15 CHAIRPERSON AGUIRRE: Okay. Commissioner Ontai,
16 Commissioner Ancheta.

17 COMMISSIONER ONTAI: I agree with Commissioner
18 Blanco's and Commissioner Dai's summarization of our
19 conference meeting, telephone conference meeting. That
20 pretty much outlined what was discussed.

21 But let me ask counsel if you could remind the
22 full Commission, and the viewing public, why we have these
23 calls, and who's called to be on these conferences?

24 CHIEF LEGAL COUNSEL MILLER: The Commission agreed
25 to permit, if you will, a small and rotating group of

1 Commissioners who do not share responsibilities on
2 committees in such a way as to violate Bagley-Keene, to
3 have access to the legal advice.

4 So, the format that we follow is this; starting
5 with the rule that any three Commissioners on a single
6 committee would constitute a public body, we don't permit
7 that on the call.

8 There are two Commissioners from the Legal
9 Committee and then the rotating Chair and Vice-Chair
10 participate in the call as a way to permit broader
11 exposure on an ongoing basis.

12 And I believe Commissioner DiGuilio, from her
13 Committee, is a regular participant on the call. So,
14 that's the format and that's the reason for that format.

15 COMMISSIONER ONTAI: Thank you.

16 CHAIRPERSON AGUIRRE: Yes, Commissioner Ancheta
17 and then the last comment from Commissioner Blanco.

18 COMMISSIONER ANCHETA: Yes, thank you. I mean, I
19 was on the call, and I think I was pulled in. But, one, I
20 was there in the office but, two, because Commissioner
21 Filkins Webber was not available and I was sort of coming
22 in as a member of Legal, so I guess I'm on Technical, too.
23 So, whatever balance, I sort of was good to bring in.

24 (Laughter)

25 COMMISSIONER ANCHETA: And I was there. But, and

1 again, this was somewhat ad hoc. It came, I think at Mr.
2 Brown's request, to try to have some guidance from this
3 constituted subset of the Commission, and I think we just
4 said, well, let's do it because he wants to give us
5 some -- give us some -- a little more detail.

6 But there were some things that he brought up
7 which I think the full Commission, in this discussion of
8 coming up -- regarding a work plan, and some other more
9 specific implementations regarding Gibson Dunn and Q2.

10 But I thought, as I recall, that we got some
11 pretty clear guidance yesterday, on that call, regarding
12 the Section 5 districts, which is that we would need to
13 look at all of the groups and trying to make sure that
14 none of them retrogress.

15 Now, we may not be able to do that and I think
16 it's not clear how the DOJ will do it. And I think that's
17 a fair assessment of how we're working under this
18 environment.

19 That there is a level of risk because the DOJ can
20 kick it back. Now, the DOJ, when they kick it back, they
21 actually tell you -- pretty much tell you what you should
22 fix. So, it's not as if they're going to just say start
23 over again and so something, they will give you some
24 specific advice, because they have teams of mappers and
25 attorneys who look at these things very carefully, as

1 well. So, they don't just sort of punt it back and you
2 have to start from square one.

3 But it is -- I think it is going to be very
4 challenging and we have to look at things like the
5 Stockton finger, because that may be something we have to
6 do, there may not be another option there.

7 But I think that it's been correctly stated that
8 we do need to document all of these things very carefully.
9 And when we simply can't do it, I mean it's going to be
10 some very, very oddly shaped district that that runs
11 counter to a lot of Constitutional case law that says
12 Section 5 retrogressions can't go that far, and there is
13 some establish case law regarding the breadth of
14 compactness, or violations of compactness that we have to
15 take into consideration.

16 But I think the advice has generally been sound.
17 I think we have to look at the communication of the advice
18 to the full Commission, who is actually deciding what to
19 do and what is the appropriate role of counsel and Q2.
20 And we've got to think, as I think the Chair will discuss
21 at some point, I think under Technical, I think --

22 CHAIRPERSON AGUIRRE: Yeah.

23 COMMISSIONER ANCHETA: -- is the suggestion that
24 there will be sufficient oversight by the Commission to do
25 that.

1 CHAIRPERSON AGUIRRE: Yes. Commissioner Blanco?

2 COMMISSIONER BLANCO: Yes, I appreciate
3 Commissioner Ancheta's clarification. I mean I think
4 there was direct advice to if you can eliminate all
5 retrogression, do so.

6 So, I mean he -- to the extent that that was not
7 clear, I think he did say that, and because he could not
8 find anything in the law that really distinguished between
9 large percentage groups and smaller ones.

10 So, thank you for that, I think that was -- maybe
11 we didn't make that clear.

12 But then we said we've tried that with what we
13 have and we haven't been able to do that, and that's where
14 he's sort of said, well, then you have to document, you
15 know, and we may have to make decisions about Stockton,
16 for example.

17 But I was going to suggest that given this
18 conversation that we may, and I don't know whether they
19 will want to do this but, you know, we're the client and
20 we can ask for it, is my position -- we could ask for
21 something in writing that says here is our advice on
22 Section 5, and that states just what we -- and then
23 there's not difference of -- Angelo, did you hear that?
24 Oh, I heard this part. And, you know, we've got it, we
25 proceed with that.

1 And, you know, it may not be that it tells us do
2 this the way that some of us would like it, but at least
3 we get what they're telling us, that then helps us make
4 our decisions, we get that in writing.

5 VICE-CHAIRPERSON FILKINS WEBBER: That's what I've
6 taken away from this discussion, since I wasn't on the
7 call yesterday.

8 So, and I'm also looking at our calendar. So, if
9 we can go back and we can either do it today, with the
10 assistance of Mr. Miller, provide an e-mail asking that
11 they just provide, you know, maybe a one page -- or a one
12 page document that would identify the district and just
13 what their opinion is, you know. Do we still have
14 retrogression on a particular group, just tell us what
15 their opinion is.

16 And then I think Commissioner Dai and Commissioner
17 Blanco is what it sounds like is that then it's the
18 Commission that needs to make a decision on what we're
19 going to do. So, in that regard, we need to agendize it.

20 Because the next meeting, business meeting that --
21 is two weeks. Well, we have one, I think, scheduled for
22 the 16th, but that's too late to agendize, because I think
23 what we need to have is an individual agendized item for
24 June 23rd. And, Commissioner Blanco, I believe you are
25 Chair for that business meeting.

1 So, if we -- I had made a not here to ask you to
2 consider agendizing a map-drawing decision on the Section
3 5 districts. Because if we do need to move quickly on
4 this opinion and make some definitive decisions on what
5 we're going to do in those districts, based on their
6 opinion, we should have an agendized category for map-
7 drawing decisions or directions to Q2, and that would be
8 the earliest time that we can do it and agendize it today.
9 And so, we need to put that on the agenda.

10 So, we can probably get an opinion from Gibson
11 Dunn in writing by next Thursday to submit, or sooner, and
12 then we can move forward.

13 Commissioner Dai, did you have something to add?

14 COMMISSIONER DAI: Yeah, I mean the agenda for the
15 16th is sufficiently broad that we should be able to
16 agendize it for the 16th, and I think we need to do it
17 sooner, rather than later.

18 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

19 COMMISSIONER DAI: And I did want to address
20 Commissioner Yao's point. I know Commissioner Yao's
21 preference for black and white kinds of decisions and,
22 unfortunately, as all the attorneys and the Commission
23 know, that's actually rarely the case and particularly
24 true in redistricting law, as it seems to appear and a lot
25 of it's based on, you know, a body of case law that may or

1 may not be completely consistent.

2 And so, I think the challenge here is that
3 probably the best that we can expect from our VRA counsel
4 is, again, unless we have clearly exceeded the numbers,
5 the benchmark numbers, you know, it's not that clear what
6 the Department of Justice will do. You can -- you kind of
7 look at the history of what they've done in the past but
8 in the end they can only assess -- you know, assess what
9 the potential risk might be if we make a decision that
10 has, you know, mildly retrogressive effects. And they
11 have made recommendations in past sessions, they've
12 advised us to, for example, try to get some public
13 testimony from the API community in Stockton, to see
14 whether they would rather be with Stockton, you know, in a
15 district with Stockton. Or, you know, otherwise we may
16 have to recreate the Stockton finger.

17 So, I mean I think they've given us very specific
18 advice on how to mitigate the potential legal risks and we
19 just need to decide if we're going to stick with the
20 visualizations that we started with and go ahead and do
21 that extra work.

22 VICE-CHAIRPERSON FILKINS WEBBER: I think you're
23 right. In looking at the agenda, the legal discussion
24 topics that have been agendized for next week is
25 Department of Justice pre-clearance as well as a review of

1 Commission requests of VRA counsel. So, it actually fits
2 right in there perfectly, so we may be able to move
3 quickly.

4 So, if we put in a request, and I can discuss it
5 with Mr. Miller at lunch, to get an e-mail over to Mr.
6 Brown to ask that they put together a one-page sheet on
7 their opinion, so we can move forward. We can also get it
8 posted to the extent in which anyone also may have some --
9 the public may have some input on that.

10 Anything else on this discussion?

11 CHAIRPERSON AGUIRRE: Yes. Commissioner DiGuilio?

12 COMMISSIONER DI GIULIO: I'm not sure if it fits
13 here real -- but just since you mentioned it and since
14 it's kind of related to Section 5, I would think we would
15 need -- we've mentioned this before, but I think we would
16 need some advice from our legal, from Gibson Dunn about
17 how we go about soliciting this information that
18 Commissioner Dai meant. I don't know if there has to
19 be -- I don't know if there's any legal implications on
20 how we ask just specific places, specific communities'
21 advice, versus the fact that we're asking everyone for
22 their feedback.

23 So, I would like to at least go vet it through
24 legal to see if we need to have some of those
25 considerations taken. And then if not, then we can

1 develop maybe a plan as a Commission, in outreach, on how
2 to do that, if that's okay.

3 CHAIRPERSON AGUIRRE: Commissioner Yao?

4 COMMISSIONER YAO: Are we ready to leave Item
5 Number 4 on the agenda?

6 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

7 COMMISSIONER YAO: Again, not for the discussion
8 immediately, we put off numbering the districts for the
9 draft map, but I believe it could be a legal issue down
10 the road, so I would want the Legal Committee to make some
11 decision as to what we need to do where we got the
12 numbering of the districts.

13 VICE-CHAIRPERSON FILKINS WEBBER: I believe Mr.
14 Miller was looking into that issue and we can touch base
15 with him and discuss it in Legal next Thursday, since it's
16 not technically agendized today.

17 COMMISSIONER YAO: Is it agendized for next
18 Thursday?

19 VICE-CHAIRPERSON FILKINS WEBBER: Well, Thursday,
20 let me pull it back up. It's generally broad enough that
21 we can -- Commission's legal obligations and governance
22 matters, litigation. Yeah, and other relevant legal
23 topics.

24 COMMISSIONER YAO: Okay.

25 VICE-CHAIRPERSON FILKINS WEBBER: And we certainly

1 apologize to members of the public, but we see how these
2 issues, we have to agendize them so generally so that we
3 really can get to work on them promptly, so we certainly
4 appreciate your patience in that regard.

5 Anything else on Item 4? Seeing none, I don't
6 believe I added Item 5, so if anybody would like to lay
7 claim to it, I'm not certain what it means.

8 I think there might have been some overlap.
9 Again, this is Technical Advisory, we had a lot of issues
10 that worked back and forth, and it might be getting into
11 what we discussed earlier on the work plan, and legal
12 compliance in that regard.

13 COMMISSIONER DI GIULIO: I'm going to punt, I
14 think this was maybe a misplacement. Maybe it overlaps,
15 but it's supposed to be in Technical. So, let me let
16 Commissioner Aguirre set that up, if that's okay.

17 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

18 CHAIRPERSON AGUIRRE: Yes, we'll cover it in
19 Technical.

20 (Laughter)

21 VICE-CHAIRPERSON FILKINS WEBBER: I do have two
22 more things after that, I wrote them in.

23 CHAIRPERSON AGUIRRE: All right, is that a good
24 set up?

25 COMMISSIONER DI GIULIO: Are you modeling good

1 behavior?

2 (Laughter)

3 VICE-CHAIRPERSON FILKINS WEBBER: I do have two
4 other matters, once we finish up Item 5, once -- oh,
5 you're finished?

6 CHAIRPERSON AGUIRRE: Yeah.

7 VICE-CHAIRPERSON FILKINS WEBBER: Oh, okay. Item
8 Number 6 I'd like to turn over to Mr. Miller regarding
9 other legal -- I know it's not on here, it's a pretend 6,
10 it's under the "other legal matters" so it actually would
11 be, you know, 4-D, okay, because it is a significant other
12 legal matter that we need to address today.

13 CHIEF LEGAL COUNSEL MILLER: I just wanted to make
14 a couple of comments about the Public Records Act in that
15 we received a request I wanted to call to your attention.

16 Typically, Public Records Acts requests in State
17 government are absolutely commonplace, they come in daily.
18 The difference between our situation and other areas is
19 that they are generally directed toward the bureaucracy,
20 if you will, and seek very large volumes of information
21 contained uniquely in the bureaucracy.

22 What's different here is we don't have an
23 infrastructure that retains documents on site very much.
24 Those that we have are on the internet, most other
25 documents are retained by Q2.

1 The one exception, that means to the extent we
2 have documents they're generally speaking your documents,
3 as Commissioners, because we're not producing very many,
4 and that's fine.

5 That brings me to the recent request that we've
6 received. It's not a burdensome one, but it's a more
7 personal one. We have a request for all of the per diem
8 reimbursements that have been submitted by Commissioners,
9 and that's a proper form of request pursuant to the Act.

10 But I just wanted to alert you to the fact that we
11 will have to respond to it and will be producing, as a
12 result, the individual requests, the travel reimbursement
13 forms that you've provided to us in the ordinary course of
14 discharging your responsibilities.

15 VICE-CHAIRPERSON FILKINS WEBBER: Well, I do have
16 a question. There's a difference between travel --

17 CHIEF LEGAL COUNSEL MILLER: I'm sorry, I got a
18 clarification, it's not all of the travel, it's actually
19 focused on the per diem piece, narrowly.

20 VICE-CHAIRPERSON FILKINS WEBBER: Will you be
21 providing the Commission a copy of the PRA request, as you
22 had done in the past?

23 CHIEF LEGAL COUNSEL MILLER: Yes, we're happy to
24 do that?

25 VICE-CHAIRPERSON FILKINS WEBBER: And when did it

1 come in?

2 CHIEF LEGAL COUNSEL MILLER: It came in about ten
3 days ago. The rule is that we -- just clarifying, again,
4 we have ten days simply to advise the person requesting
5 whether or not documents exist that are responsive to the
6 request. Subsequent to saying yes, we have or no, we
7 don't, then we have a reasonable amount of time to produce
8 them.

9 We haven't here because I wanted to let you know
10 of the request before we gathered everything and provided
11 it to the requestor.

12 VICE-CHAIRPERSON FILKINS WEBBER: Were there
13 specific dates?

14 CHIEF LEGAL COUNSEL MILLER: All.

15 VICE-CHAIRPERSON FILKINS WEBBER: It's just all up
16 to the date of that request?

17 CHIEF LEGAL COUNSEL MILLER: Yes, all. That's
18 correct.

19 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

20 CHIEF LEGAL COUNSEL MILLER: Just for
21 completeness, the requestor also asked for what we've
22 provided to anyone else who has filed a PRA request, which
23 is also proper and in this case it's easy because we have
24 those.

25 COMMISSIONER RAYA: My question is kind of looking

1 forward, now that you mentioned RTECs, and even on the per
2 diem forms, like I can't really think at the moment what's
3 on there, but I know I would have some concerns about
4 redacting some information. For example, credit card
5 information, address, and so on. I don't --

6 VICE-CHAIRPERSON FILKINS WEBBER: Well, the per
7 diem form doesn't have an address on it at the top.

8 COMMISSIONER RAYA: Okay.

9 VICE-CHAIRPERSON FILKINS WEBBER: It does have the
10 last four of our Social so --

11 COMMISSIONER RAYA: Yeah, that as well, I have a
12 concern about that. I don't -- I mean I think there must
13 be some limit to what we're obligated to put out there.

14 CHIEF LEGAL COUNSEL MILLER: Yeah, I think we can
15 take that personal information off.

16 COMMISSIONER DI GIULIO: Yeah, I do think
17 Commissioner Raya has a good point because if the request
18 does end up with the TEC forms there is a lot in terms of
19 our home address, our car information. I mean, all that's
20 standard and I'm assuming would be redacted, as well as in
21 the receipts, themselves, that we've submitted, there is
22 our credit card information.

23 CHIEF LEGAL COUNSEL MILLER: I understand that
24 concern and we'll be sensitive to that. I did misspeak
25 when I said that that was sought in this one, it's just

1 the per diem.

2 VICE-CHAIRPERSON FILKINS WEBBER: What about our
3 signature? I mean, again, we don't know where the request
4 is coming from. I mean, and we sign things all the time,
5 but it's something else other Commissioner members might
6 have some concern with.

7 CHIEF LEGAL COUNSEL MILLER: Well, we do know
8 where the request is coming from, we know the requestor
9 because we provide the documents back to that individual.

10 His name is Steve -- I'll let another person --

11 EXECUTIVE DIRECTOR CLAYPOOL: Steve Maviglio.

12 CHIEF LEGAL COUNSEL MILLER: Right. I just
13 have -- I stumble over that name every time. He's, I
14 believe, a Democratic consultant.

15 COMMISSIONER ANCHETA: But once it is in the
16 public, once a member of the public has requested it, we
17 don't have any control over where it's disseminated,
18 right?

19 CHIEF LEGAL COUNSEL MILLER: That's correct.

20 COMMISSIONER ANCHETA: So, I think all these
21 privacy concerns are very legitimate and should be looked
22 at very carefully.

23 CHIEF LEGAL COUNSEL MILLER: We will look at
24 whether the signature -- are you requesting that we look
25 at the signature as something to come off? Okay, we will

1 look into that.

2 VICE-CHAIRPERSON FILKINS WEBBER: It appears that
3 way, yes, signature and the Social.

4 CHAIRPERSON AGUIRRE: Commissioner Yao, then
5 Commissioner Galambos Malloy.

6 COMMISSIONER RAYA: I'm sorry, but all of the
7 above that we have listed, signature, Social, address,
8 credit card information, car license. Anything that's
9 going to leave, you know, leave our personal information
10 vulnerable.

11 CHAIRPERSON AGUIRRE: Commissioner Yao?

12 COMMISSIONER YAO: Senior moment here. Go on to
13 someone else, I'll recall.

14 (Laughter)

15 CHAIRPERSON AGUIRRE: Yes, who was next? Yes,
16 Commissioner Malloy?

17 COMMISSIONER GALAMBOS MALLOY: Mr. Miller, a
18 follow-up question on this request. Given, I think, the
19 level of just privacy considerations in providing these
20 types of documents, I'm wondering is there any flexibility
21 on the part of the Commission in terms of how we provide
22 the information?

23 My -- without having seen the request, if I try to
24 anticipate what the purpose is, is that it's trying to get
25 a sense of how Commissioners have been using per diem, you

1 know, amounts of per diem, et cetera.

2 Is there a way that we could compile and provide
3 that information without having the actual forms provided
4 to the requestor or would that not be living up to our
5 obligations under the Public Records Act request?

6 CHIEF LEGAL COUNSEL MILLER: First of all I want
7 to repeat that we will redact all information that we're
8 able to redact. So, I realize that's a separate question.

9 It might be satisfactory to compile a report and
10 provide it, and we'll look into that.

11 COMMISSIONER RAYA: I'm sorry, but when you say
12 all information that we are able to redact, I need to know
13 what that means?

14 CHIEF LEGAL COUNSEL MILLER: Well, for example,
15 I'm not -- I don't know, presently, if we're able to take
16 your signature off a form requesting payment. I think
17 it's easy to say that there's no reason why someone should
18 be entitled to your Social Security number or personal
19 address.

20 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

21 COMMISSIONER YAO: Do we have a standard procedure
22 to recover the costs associated with providing the
23 information?

24 CHIEF LEGAL COUNSEL MILLER: The law provides that
25 to us. As a provider, it's not entirely satisfactory, but

1 what it states is you cannot charge an individual,
2 requesting the information, for the time involved in
3 preparing it, just the actual cost of making a copy.

4 COMMISSIONER YAO: I think the requested
5 information is perfectly within -- within the law and I
6 don't think we have any -- any option of not providing it
7 in its entirety, if the requestor requests for the formal
8 form that we request the per diem. I don't think we have
9 any option of not providing it to him.

10 So, any time we spend State's money and, in the
11 case of the per diem, we are spending the State's money,
12 those are hundred percent public records. So, I don't
13 think there's any decision on our part.

14 I mean, redacting it certainly is something that's
15 doable, but in terms of not willing to provide the form
16 that we request the money, if that's -- if such is what I
17 heard at the very beginning of the conversation is what he
18 wanted to see, I don't think we have any option of not
19 providing that to the requestor.

20 CHAIRPERSON AGUIRRE: Commissioner Ontai?

21 COMMISSIONER ONTAI: Just following up on that, so
22 if someone is requesting this information do they -- do
23 they pay up front, do we reimburse them? How does that
24 work?

25 CHIEF LEGAL COUNSEL MILLER: We request receipt of

1 payment for the copying costs at the time the documents
2 are provided.

3 VICE-CHAIRPERSON FILKINS WEBBER: I have one other
4 question. Just one. Unlike what I see in the context of
5 litigation, this never exists, but I don't recall if in a
6 PRA, is this a continuing demand or does it end?

7 CHIEF LEGAL COUNSEL MILLER: You're one step
8 ahead.

9 VICE-CHAIRPERSON FILKINS WEBBER: And we could
10 explain what that really means to the --

11 CHIEF LEGAL COUNSEL MILLER: Yeah, I can answer
12 that question that in this instance the individual making
13 the request has asked that it be provided on a continuing,
14 going-forward basis.

15 Having said that, there is a difference between
16 litigation where that request can be made and a Public
17 Records Act request, which does not have that provision.

18 So, while the requestor has asked for things on a
19 going-forward basis, we're going to say no to that because
20 the Act doesn't contemplate that.

21 Now, in a month the requestor could make the same
22 request again, retrospectively, but our position is he
23 would have to do that to be entitled to additional
24 documents.

25 VICE-CHAIRPERSON FILKINS WEBBER: Anything

1 further? Oh --

2 COMMISSIONER ONTAI: I'm sorry, just one more
3 question. On that last note, how much time is it going to
4 take away from administration?

5 CHIEF LEGAL COUNSEL MILLER: In this particular
6 instance it's not a great deal of time. But these are
7 very much individualized, they can be extremely time
8 consuming. Because we haven't been in business all that
9 long and do have these documents available, it's not
10 particularly burdensome.

11 COMMISSIONER ONTAI: Okay. So, as we go forward,
12 if it does become a problem, you'll come to us and let us
13 know?

14 CHIEF LEGAL COUNSEL MILLER: Yes, we will. We
15 don't have a lot of flexibility, unfortunately, but I
16 think it is useful for you to know the magnitude of those
17 requests and the time associated with preparing a
18 response.

19 EXECUTIVE DIRECTOR CLAYPOOL: I would like to
20 point out, though, that each one of these requests eat up
21 time for your staff and we're never reimbursed to the
22 point where it would even begin to pay for that
23 reimbursement.

24 In this particular case we have both Ms. Davis and
25 Lisa Haldeman probably have four to six hours each into

1 amassing this information, and we have the time taken up
2 by Ms. Johnson, who we fortunately have to be able to pull
3 this information together.

4 So, these aren't inexpensive requests and we have
5 to -- as we asked for funds that was part of the funding,
6 and part of the direct funding that we asked for in this
7 upcoming budget was to handle requests, similar to this,
8 on an accelerated basis.

9 COMMISSIONER ONTAI: Well, that's my concern it
10 doesn't tie up administration when we're heading right
11 into a very intense period.

12 CHIEF LEGAL COUNSEL MILLER: Hands are tied on
13 this.

14 VICE-CHAIRPERSON FILKINS WEBBER: Commissioner
15 Ward?

16 COMMISSIONER WARD: I'm sorry, I was just going to
17 ask the counsel, who did you say that -- we haven't seen
18 the PRA request; who made that?

19 VICE-CHAIRPERSON FILKINS WEBBER: You're just
20 testing Mr. Miller, yeah.

21 (Laughter)

22 CHIEF LEGAL COUNSEL MILLER: Steven Maviglio.

23 COMMISSIONER WARD: Okay. I think I'm familiar
24 with that name, I think he's -- he's been a former -- he's
25 put in other PRA requests, correct?

1 EXECUTIVE DIRECTOR CLAYPOOL: Has put in other PRA
2 requests and is a regular writer about this process.

3 COMMISSIONER WARD: Okay. Has staff determined
4 any information on who this person is and what their
5 interest might be in the Commission?

6 COMMISSIONER DAI: It doesn't matter.

7 COMMISSIONER WARD: I'm just wondering if we know
8 that information? I'd like to know. Because I believe
9 they queried my entire life history in e-mail, so I'm just
10 wondering what we know about them?

11 EXECUTIVE DIRECTOR CLAYPOOL: We know this
12 individual. Do we -- are we taking staff time to try to
13 discern why they want the information? No. We have to
14 turn over the information and that's as far as we go.

15 VICE-CHAIRPERSON FILKINS WEBBER: Okay, just to
16 move this along really quick, anything further, Mr.
17 Miller, on that issue?

18 CHIEF LEGAL COUNSEL MILLER: I just want to
19 reconfirm that we will confirm back to the Commission the
20 fullest extent that we are able to redact information from
21 the documents, and we'll provide you with a copy of the
22 actual request that we've received.

23 VICE-CHAIRPERSON FILKINS WEBBER: Well, two final
24 issues that shouldn't take more than 30 seconds. Due to
25 our ability to be live-streamed across the State of

1 California, Commissioner Galambos Malloy, did you have
2 something you wanted to add to this final legal discussion
3 that we had earlier?

4 COMMISSIONER GALAMBOS MALLOY: Yes, I received,
5 and we all, as Commissioners, have received a e-mail that
6 was forwarded to us from Kathay Feng, at Common Cause, and
7 I just wanted to acknowledge this because we did earlier
8 to direct staff, in the form of Mr. Miller, to write a
9 letter of response to Common Cause. Based on her e-mail,
10 I don't think that is necessary or the best use of their
11 time.

12 They said, briefly:

13 "Thank you for your oral discussion of our letter
14 dated June 3rd, 2011 regarding the Constitutional
15 redistricting criteria. We think you have addressed
16 the Gibson Dunn training materials on the record. We
17 are appreciative that you are conscientious about
18 following the criteria. As we said in the letter, we
19 were writing to clarify the criteria order as laid out
20 in the Constitution, not to question the integrity of
21 the Commission's work. Please do not feel the need for
22 the Commission to respond in writing to our letter. To
23 the extent that Gibson Dunn has communicated to clarify
24 the intent of any of these training materials or
25 statements made during the training, we simply ask that

1 this be made public. Thank you for all that you are
2 doing, Kathay Feng.”

3 So, with that, my suggestion would be if we could
4 just not direct staff to send a letter on our behalf.

5 CHAIRPERSON AGUIRRE: Comments? So ordered.

6 VICE-CHAIRPERSON FILKINS WEBBER: One final issue
7 of, I think, very significance for Legal, is that I'd
8 really like the Commission to assist me in wishing Mr.
9 Kirk Miller a Happy Birthday.

10 (Applause)

11 COMMISSIONER BARABBA: We have to sing. We have
12 to sing, we have to sing.

13 (Laughter)

14 COMMISSIONER BLANCO: We have to sing, we do.

15 (Singing Happy Birthday to Mr. Miller)

16 VICE-CHAIRPERSON FILKINS WEBBER: And that
17 concludes legal.

18 CHIEF LEGAL COUNSEL MILLER: It's apparent that
19 prior chorale experience was one of the screening criteria
20 for being on the Commission.

21 CHAIRPERSON AGUIRRE: And I'll assure that our
22 harmony is much better on redistricting than in singing.

23 (Laughter)

24 CHAIRPERSON AGUIRRE: All right, so let's say I
25 think we're done with Legal, so before we move on to the

1 next session why don't we take a lunch. Let's say 45
2 minutes? All right.

3 So, we'll be resuming approximately at about
4 12:35. Okay, thank you very much.

5 (Off the record for the lunch break at 11:53 a.m.)

6 (Back on the record at 12:50 p.m.)

7 CHAIRPERSON AGUIRRE: All right. All right, so
8 we're resuming our meeting today, following with our
9 business agenda. We've just finished, we ran through the
10 Legal discussion topics. Then we are onto Finance and
11 Administration discussion topics, so we will have -- we'll
12 start with our Executive Director report.

13 COMMISSIONER DAI: Actually, I'll go ahead and
14 introduce.

15 CHAIRPERSON AGUIRRE: All right.

16 COMMISSIONER DAI: So, I asked Dan to give us a --
17 Mr. Claypool to give us an update on, basically, some of
18 our -- the budgeting changes, the fact that we are hitting
19 the end of a fiscal year for the State California. What
20 that means for us, as you've probably already seen some
21 notes about getting TECs in.

22 And then we clearly have had some anticipated --
23 we're going to have some anticipated overruns in some
24 areas and how that's going to be handled within the
25 budgeting process.

1 Mr. Claypool?

2 EXECUTIVE DIRECTOR CLAYPOOL: Thank you,
3 Commissioner. I'd like to start by talking about the
4 State and the State budgeting process so that everyone
5 knows approximately what's going to happen this next month
6 or six weeks.

7 There's no change in our status insofar as your
8 funding. We still have the million dollar augmentation
9 that was transferred, so you're sitting at a total funding
10 for the Commission of \$4 million since -- since all of
11 this began, minus the, clearly, the \$625,000 that went to
12 the State Auditor and the Secretary of State.

13 The Secretary of State has actually requested,
14 now, that those funds be transferred, but that's just a
15 recent request, as of yesterday, and so we're starting to
16 look at -- that money will actually just disappear from
17 your account, because it's already been earmarked.

18 And then we still have the \$1.9 million budget in
19 the current Governor's budget. And as we discussed last
20 time, the only thing that could happen to that budget
21 would be -- or that line item would be if the Governor
22 chose to eliminate it by line item, and I don't think we
23 really are that significant in that budget.

24 We are reaching the end of the fiscal year and
25 what that means to the State is they're actually trying to

1 close their books out. So, we've asked each of you to get
2 in all your travel expense claims, and as soon as
3 possible, because anything -- and I think the deadline
4 that Deborah had seen was today, but other State agencies
5 had to the 22nd. It was if you -- if they weren't in by
6 now, then you would not be paid for them until July. So,
7 we're hoping that all of you have put them in. We will
8 push for the 22nd deadline, clearly, and plead ignorance,
9 if we have to, in order to try to get those paid.

10 The other news that we received, there was some
11 question as to whether or not this Commission's bills
12 would be paid after June 30th, and the reason for that is
13 because the State Controller's Office has said that they
14 would not be paying many of the bills after that date.

15 Our money, according to the Controller's Office,
16 however, is three-year money, and so it's a continuing
17 activity and we're anticipating that they will continue to
18 pay our bills.

19 However, we have asked all of our contractors to
20 submit as many of the -- to become as current as possible
21 because it is possible that there could be confusion as to
22 which Commission is having their bills paid, and which
23 isn't, and we want them to be as current as possible.

24 We have reached out to -- in particular, we've
25 reached out to our line-drawer and to our technical

1 consultants to make sure that they come as current as
2 possible, and we're working with them to make sure that
3 that occurs.

4 So, that's the -- kind of the state of the State's
5 budget and the state of your budget.

6 As far as Commissioner Dai has said, we still
7 continue to have greater than expected rates of
8 expenditures in some areas, and particularly in per diem,
9 and we continue to have less than expected expenditures
10 particularly in your travel.

11 So, we're still anticipating, we're not showing
12 that, we're saying that you're running faster than the
13 rate. You haven't run over the amount that we budgeted,
14 so we haven't transferred any monies back and forth to
15 cover those line items, we're just watching them and we're
16 confident that one's going to cover the other.

17 There are other areas, particularly in staff
18 overtime, where we continue to run over each month and
19 have greater amounts of overtime than we had anticipated.
20 And we have transferred money out of places where that
21 same staff has saved you -- given you significant savings,
22 particularly in our venue and equipment savings when we're
23 having these types of meetings.

24 This facility is just a classic case in point,
25 thank you to Janece, and Lonn, and Ron, who I'll just

1 throw in for -- you don't know Ron. He's an honorary
2 member of your staff, and Janeece's husband, who helped
3 very much to secure this facility. When we have a
4 facility like this and we pay nothing for it I would
5 just -- I'm going to throw this number out, but I'd say
6 each -- each facility savings like this is probably a 15
7 to 20 thousand dollar savings to you each day that you sit
8 in it. So, we're very fortunate to have this type of
9 donation.

10 In transcription, we've had this discussion last
11 time, and we have resolved, to a great extent, our backlog
12 that we had by adding our Cal Reporting transcriptionists,
13 again, and we're going to add a person into the facilities
14 in each of the venues after this, so that our
15 transcription comes as quickly as we have promised it.

16 In our past transcription area, we are still
17 lagging. The remaining video transcriptions are complete,
18 as I understand it, but the person who's doing it for us
19 is waiting for a seating arrangement to complete those
20 transcriptions.

21 Part of our delay, as we said last time, was
22 clearly because we had a contract that was lost and that
23 set us back by about three weeks. Two weeks to discover
24 that DGS couldn't discover where our contract was and a
25 week after that to resubmit it.

1 Another part of that is coming with a little bit
2 of confusion amongst the staff as to who's communicating
3 with this entity. And so as of that I'm just going to say
4 that from here on out I'm going to just take charge of
5 that, and it will be done because -- because if I don't,
6 I'll come back here and you'll give me the same looks that
7 I keep getting on this issue. So, we're going to end that
8 as quickly as we can.

9 Staffing, we discussed the addition of a note-
10 taker with Q2 and we're going to discuss that in just a
11 bit.

12 As you've seen, Kyle Kubas was added to our last
13 session and completed that task admirably. Karin was
14 quite pleased with that addition to her staff.

15 We haven't actually completed the -- the amount
16 that will be transferred for that position. However, in
17 discussions with Commissioner Dai, I've assured her and I
18 can assure this Commission that that person's service will
19 not exceed the maximum limit of a personal services
20 contract of \$4,999 and I'm assuming that it will be less.

21 Karin had spoken about that person being aboard
22 for about ten days and so, you know, ten days, even if
23 they're 16-hour days, I wouldn't imagine that we would
24 exceed a personal services contract amount.

25 However, I want to point out, because this was a

1 bit of confusion last time, it will not be a personal
2 services contract, it will be an expansion of that which
3 we are willing to pay.

4 We've also spoken, preliminarily, with Q2
5 regarding the possibility of adding up to four persons to
6 assist in the cataloguing of the individual e-mail and
7 letter testimony.

8 As you know, the volume of this type of testimony
9 has increased significantly and we expect that it will
10 continue to accelerate as we go into this post-draft map
11 phase. And I believe we need, as a Commissioner, to be
12 prepared to handle this type of volume in order to keep
13 the information provided to you as current as possible,
14 and also the information provided to the public.

15 I'm not sure, we look at this as primarily kind of
16 a graduate assist type work and that's what we're talking
17 to her about trying to find. But mainly the function of
18 whatever individual or individuals that we would provide
19 in this arena would be going through this testimony and
20 just cataloguing it, so that when they give you their
21 updates, you have a sense of who's reporting and what.

22 Other than that, we have changes to the policy and
23 procedure manual, but I believe we're going to have
24 Commissioner Dai run through those.

25 And so are there any questions for me before

1 Commissioner Dai takes this back over?

2 VICE-CHAIRPERSON FILKINS WEBBER: Yes, I do. The
3 item of the additional administrative support for the
4 cataloguing of public testimony, is this separate? Maybe
5 Commissioner DiGuilio can help me in making sure that we
6 are not talking about different people, or maybe we are,
7 I'm not sure. Whether this is the same individual that we
8 were talking about that would help us identify, you know,
9 a spread sheet, or having those building blocks of the
10 necessary reporting for community of interest testimony
11 and the public comments, or is this something different?

12 COMMISSIONER DAI: As I understand it, there's
13 kind of maybe three things that we're contemplating, and
14 we've got answers to two, but not to the third.

15 The first one is the note-taker for the line-
16 drawers, to capture what we, as a Commission, say to the
17 line-drawers.

18 The second is simply the staff to do data input,
19 take all the COI testimony -- I think that's what
20 Commissioner -- you've just been updated. What Mr.
21 Claypool was saying was to hire staff that will simply
22 take all of the COI that's coming in and put it in the
23 cataloguing.

24 We have yet to determine how we're going to
25 structure and who will do the actual summary back to us

1 for those COI, how to report it. That's the thing we'll
2 talk about in Technical, about some ideas for the
3 structuring and reporting of all that testimony back to
4 us.

5 VICE-CHAIRPERSON FILKINS WEBBER: Okay. So, I
6 guess my question then is that I thought that Bonnie was
7 the one that was designated of Q2 to do the cataloguing,
8 so tell me how this is different?

9 COMMISSIONER DAI: Yeah, let me -- unless there
10 are other questions for Mr. Claypool, I'd like to go ahead
11 and go onto the staffing and personnel so we can talk
12 about this in detail.

13 CHAIRPERSON AGUIRRE: It's Commissioner Ontai and
14 then Commissioner Yao.

15 COMMISSIONER ONTAI: Real quick question, I might
16 have missed it. So, at the end of the 29th, when all of
17 the TEC and per diem forms are in, we are in the black or
18 the dark for how long until it picks up again?

19 EXECUTIVE DIRECTOR CLAYPOOL: Oh, okay, you're
20 talking about the travel expense claims.

21 Actually, we -- it would probably be up to a month
22 before they would start issuing checks, again, and it's
23 just the typical lag they have as they close out their
24 books and pick it up.

25 And I'm sitting here thinking, and they said July.

1 I have to check on that and let you know. But I'm
2 thinking that it shouldn't be that long, but there is a
3 lag.

4 COMMISSIONER ONTAI: Okay, thank you.

5 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

6 COMMISSIONER YAO: Question on the cataloging of
7 the public testimony. Will that database be available,
8 question number one, to the Commissioners? B, are those
9 database available to the public?

10 COMMISSIONER DAI: I think that would be a good
11 question for Commissioner DiGuilio. We're just trying to
12 deal with the financial aspects in this thing, so why
13 don't we go on to the Technical.

14 VICE-CHAIRPERSON FILKINS WEBBER: I apologize, I
15 jumped ahead because he went through these, and I thought
16 maybe we might have been on B, and maybe I missed it.

17 COMMISSIONER DAI: Right, right, I'm actually
18 trying to --

19 COMMISSIONER YAO: Oh, we're not on B?

20 COMMISSIONER DAI: No, I'm trying to get to two.
21 So, we just finished Number 1, the Executive Director
22 report, and I'm moving on to two, now.

23 COMMISSIONER YAO: Oh, I'm sorry. I'm sorry.

24 COMMISSIONER DAI: So, maybe I can present this
25 and then we can move on.

1 So, anyway, we got a preview from Mr. Claypool on
2 a couple of decisions we need to make. As you know, the
3 Commission must actually approve every single staff
4 member, including those of our consultants. So, you
5 should have in front of you a resume for Ms. Kyle Kubas,
6 who is the new note-taker that we approved of at our last
7 session. She showed up, I think, a little earlier than we
8 all expected. We were all pleasantly surprised we didn't
9 have to take notes on Tuesday's session.

10 But, as usual, we didn't have a business meeting,
11 so we are now in our business meeting and we need to
12 review her credentials and make sure there are, you know,
13 no questions or concerns about conflicts.

14 So, are there any questions? Again, this is the
15 augmentation to Q2 to ensure that our direction,
16 Commission direction is being captured in detail enough
17 such that they can accurately effect our direction.

18 CHAIRPERSON AGUIRRE: Commissioner Galambos
19 Malloy?

20 COMMISSIONER GALAMBOS MALLOY: I reviewed the
21 information provided to us and feel that Kyle, Ms. Kubas
22 is a good addition to the team. I thought it was
23 appropriate that she had done some work as an enumerator
24 for the U.S. Census; I think that would serve her well.

25 So, I would actually like to make a motion that we

1 expand Q2's contract formally to include Ms. Kubas in her
2 capacity as Q2's note-taker.

3 COMMISSIONER BARABBA: Second.

4 CHAIRPERSON AGUIRRE: So, we have a motion by Ms.
5 Galambos Malloy and a second by Commissioner Barabba.
6 Discussion?

7 COMMISSIONER DAI: I just -- Mr. Claypool
8 mentioned, but I just want to assume that this was -- that
9 Q2 did approve of the job that she had done, so this is
10 their recommendation? It's not just ours, it's from them
11 or I mean this is a person that was approved because they
12 felt that she did capture what they needed, is that
13 correct?

14 EXECUTIVE DIRECTOR CLAYPOOL: That's correct.
15 They've vetted her and they were quite pleased with her
16 work.

17 COMMISSIONER DAI: Okay. Well, you know, the
18 Census -- the people that work for the Census Bureau,
19 they're kind of questionable, but I guess we'll accept
20 her.

21 (Laughter)

22 COMMISSIONER DAI: No, that was a joke for the
23 record.

24 COMMISSIONER BARABBA: I didn't work there, I
25 directed there.

1 (Laughter)

2 COMMISSIONER DAI: Oh, touché.

3 CHAIRPERSON AGUIRRE: Yeah, you should see him;
4 he's a whiz on that website, too.

5 All right, so any other discussion?

6 Anybody from the public that would like to comment
7 on that motion?

8 Seeing none, let's take a roll call vote, please.

9 ADMINISTRATIVE ASSISTANT SARGIS: Would you like
10 me to restate the motion? Chair Aguirre?

11 COMMISSIONER YAO: Please restate the motion?

12 ADMINISTRATIVE ASSISTANT SARGIS: Okay. The
13 motion is to expand the Q2 contract to include Kyle Kubas
14 as the official note-taker.

15 CHAIRPERSON AGUIRRE: Okay.

16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
17 Aguirre?

18 CHAIRPERSON AGUIRRE: Yes.

19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
20 Ancheta?

21 COMMISSIONER ANCHETA: Yes.

22 ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

23 COMMISSIONER BLANCO: Yes.

24 ADMINISTRATIVE ASSISTANT SARGIS: Dai?

25 COMMISSIONER DAI: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Raya?
2 COMMISSIONER RAYA: Yes.
3 ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?
4 COMMISSIONER DI GUILIO: Yes.
5 ADMINISTRATIVE ASSISTANT SARGIS: Forbes?
6 COMMISSIONER BARABBA: He's not here.
7 ADMINISTRATIVE ASSISTANT SARGIS: Oh, sorry.
8 Galambos Malloy?
9 COMMISSIONER GALAMBOS MALLOY: Yes.
10 ADMINISTRATIVE ASSISTANT SARGIS: Parvenu?
11 COMMISSIONER PARVENU: Yes.
12 ADMINISTRATIVE ASSISTANT SARGIS: Barabba?
13 COMMISSIONER BARABBA: Yes.
14 ADMINISTRATIVE ASSISTANT SARGIS: Filkins Webber?
15 VICE-CHAIRPERSON FILKINS WEBBER: Yes.
16 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?
17 COMMISSIONER ONTAI: Yes.
18 ADMINISTRATIVE ASSISTANT SARGIS: Ward?
19 COMMISSIONER WARD: Abstain.
20 ADMINISTRATIVE ASSISTANT SARGIS: Yao?
21 COMMISSIONER YAO: Yes.
22 ADMINISTRATIVE ASSISTANT SARGIS: The motion
23 passes.
24 CHAIRPERSON AGUIRRE: All right, thank you very
25 much. Let's move on to the next item.

1 COMMISSIONER DAI: Yes, thank you.

2 COMMISSIONER ANCHETA: Mr. Chair, I'm sorry, there
3 is just a procedural question because Ms. MacDonald did
4 communicate with the Chair and the Vice-Chair and I think
5 I was cc'd regarding some other technical assistants, and
6 I think Mr. Miller will recall we had been forwarded some
7 resumes from Q2. This was a couple weeks ago and I think
8 I had left it with Mr. Miller.

9 Does the Chair remember --

10 CHAIRPERSON AGUIRRE: Did you remember seeing
11 those? I wasn't sure how we were going to act on those,
12 but perhaps Mr. Miller can advise us.

13 COMMISSIONER ANCHETA: Yeah, because I left it
14 with Mr. Miller. I thought maybe since we hadn't -- he
15 hadn't come back to me regarding having to have a motion,
16 that we didn't have to do a motion, a couple of weeks ago.
17 But we may have just dropped the ball, so I wanted to get
18 some clarification on that.

19 CHIEF LEGAL COUNSEL MILLER: You're correct; I
20 think it's appropriate to follow the same procedure for
21 those as for this one. And if the Commission hasn't
22 received those, why don't we do that at our very next
23 opportunity?

24 COMMISSIONER DAI: So, I think that --

25 COMMISSIONER ANCHETA: Just to clarify, because I

1 had left it with Mr. Miller because there were two, I
2 think, technical assistants that Q2 wanted to bring on and
3 we weren't -- I wasn't sure whether we needed to have the
4 full Commission approve them or not so I --

5 COMMISSIONER DAI: We actually do.

6 COMMISSIONER ANCHETA: Well, anyway, I left it
7 with Mr. Miller at that point and I -- that was why I left
8 it. So, we probably need to do that, as he's just
9 suggested.

10 VICE-CHAIRPERSON FILKINS WEBBER: Is the
11 suggestion that we need to get to this next week?

12 COMMISSIONER DAI: Yes.

13 VICE-CHAIRPERSON FILKINS WEBBER: Okay, then I
14 don't know anything about it.

15 COMMISSIONER DAI: I will put it on the F&A agenda
16 for the next -- for the 16th.

17 VICE-CHAIRPERSON FILKINS WEBBER: Okay. Well, if
18 there's resumes we need to look at then that hasn't been
19 communicated or facilitated to the rest of the Commission.

20 COMMISSIONER DAI: I just found out, too, so we
21 will make sure that gets distributed and we will take care
22 of it at our next business meeting.

23 Okay. All right, we are on to 2-B, now. So,
24 again, as Mr. Claypool indicated, we are looking at the
25 possibility of adding some administrative support and

1 capacity.

2 And the way I'd like to explain this is we do have
3 Ms. Glazer, who is responsible for cataloguing all of our
4 public testimony. But, as you know, we had to -- for
5 example, for these first draft maps, we had to give a
6 deadline of May 23rd for input, just because of capacity
7 reasons and ability to incorporate the written testimony
8 into the database.

9 And so this is partially to try to reduce that
10 delay and enable us to fully consider a greater volume of
11 public testimony on a more real-time basis. I don't want
12 to promise real-time, but closer to real-time, so there's
13 not that processing delay that happens, that requires us
14 to have an earlier cutoff for the written testimony.

15 As Commissioner Blanco pointed out, the written
16 testimony is as important as the live testimony we receive
17 and we want to make sure to include as much of it as
18 possible. So, that was what the thinking was in adding
19 some assistants, to kind of augment what Ms. Glazer has
20 been doing, to make sure our database is as complete as
21 possible when we are getting ready to do the line-drawing.

22 In addition, we could foresee potentially using
23 some of these assistants to maybe assist with the kind of
24 documentation that would be needed to create the legal
25 record.

1 I mean, I don't know that we want to limit it to
2 doing the cataloguing, but basically we're talking about
3 the addition of some administrative assistants.

4 So, that is kind of what is on the table right
5 now.

6 And, Mr. Claypool, is this correct, it would be a
7 similar kind of augmentation as we did for the note-taker?

8 CHIEF LEGAL COUNSEL MILLER: Yes, that's what
9 makes the most sense in this particular case.

10 COMMISSIONER DAI: Any estimate on what the
11 anticipated cost would be to do this?

12 CHIEF LEGAL COUNSEL MILLER: I don't. I don't
13 have that estimate. We need to speak with -- that's why I
14 said preliminary, we need to speak with Karin and see what
15 level of person we're talking about, number of hours and
16 also, really, the parameters of the task.

17 VICE-CHAIRPERSON FILKINS WEBBER: This is where
18 I'm a little troubled because now it sounds as if we're
19 going to, again, on a second occasion, augment the Q2
20 contract.

21 So, in the sense that we're adding staff to them
22 and I, certainly, anticipated that there would be public
23 comments because that's entirely what this procedure's
24 been about, and I don't think that the volume we've
25 received is all that surprising.

1 The turnaround time, in being able to get the
2 information, is what's been troubling. And I know that
3 this has been somewhat of an issue almost even from
4 Lancaster, when we started to get into some of these input
5 hearings is actually having this information available to
6 us. Because this database that's been created by Q2, as I
7 understand it, the way that Ms. Glazer has been
8 documenting the testimony and easily making it accessible
9 to herself when we've had inquiries, is still troubling
10 that we don't have access to it, yet.

11 And as I understand, it might be some sort of
12 software issue. So, I just see that we're compounding the
13 problem. Because now, if we're adding staff to Q2 that
14 might, I guess -- I understand that they might be
15 cataloguing the information and it will speed up the
16 process, but I guess my problem is that I anticipate they
17 would do that, Ms. Glazer was already put on board to do
18 that. I don't know why it wasn't anticipated that they
19 would need another person and now we have to add to that,
20 or should we consider that this individual would be part
21 of CRC staff, and not Q2, so that we could have better
22 control, I guess, or a better access to this cataloguing
23 of data. Because we don't, we're not getting it right
24 now. I mean I guess it's out there, but we haven't
25 received any other paperwork, other than the wrap-up

1 document.

2 So, I'm just trying to understand, because they
3 had a better idea of what would be -- you know, when they
4 presented their bid to us, and their costs, and their
5 expectation, and their staff, I don't think this is the --
6 the manner in which this whole entire procedure has come
7 about changes that. So, that's why -- the note-taker I
8 understand because we need to make sure we have an
9 appropriate record on line-drawing directions.

10 Cataloguing is something that I thought that they
11 bid on to begin with. So, if there's something different
12 here or some way -- I understand the volume and
13 facilitating, but I still don't want to compound the
14 problem with Ms. Glazer now, I would want it to be
15 somebody that's working with us and can get us this
16 information.

17 COMMISSIONER DAI: Yeah, I think it's going to
18 depend on, as usual, the form of the contract is going to
19 depend on what's easiest. And that's why we're going to
20 have to see does it fit within a personal services
21 contract? That's why I asked Mr. Miller about the amount.

22 It just turns out that depending on a bunch of
23 different factors it may or may not be easier to augment
24 Q2's contract versus hiring directly. And so, I think
25 we'll look at all of those options.

1 My understanding is that if you go back and look
2 at the scope of work absolutely, you know, capturing the
3 public testimony is part of the bid. There was no
4 standard put in there for how fast that turnaround would
5 be. So, it's just a question of, you know, the
6 Commission's choice of if we have to keep moving up the
7 deadline just of a capacity issue, to be able to turn that
8 around quickly.

9 So, I see this as a way of speeding things up so
10 that we get the maximum amount of public testimony
11 captured, so that's included in the work for doing line-
12 drawing.

13 VICE-CHAIRPERSON FILKINS WEBBER: Does this
14 overlap with this discussion of the potential, I guess,
15 cataloguing of the COI?

16 COMMISSIONER DAI: Well, that's what I'm saying --

17 VICE-CHAIRPERSON FILKINS WEBBER: I'm wondering if
18 this is the same individual that we're talking about
19 but --

20 COMMISSIONER DAI: We can -- I don't see --

21 VICE-CHAIRPERSON FILKINS WEBBER: Potentially.

22 COMMISSIONER DAI: Yeah, potentially. I don't see
23 any reason why we should limit this; I mean if that's
24 something that we need. Because, clearly, we know that Q2
25 and Gibson Dunn are going to have to work together to

1 adequately document the legal record, the COI. I mean
2 we've talked about even for Section 5 documenting every
3 iteration that they've tried. That's, you know,
4 additional staff that they would have to take away from
5 line-drawing to do.

6 And so it's certainly, I think, in the
7 Commission's interest to try to supplement that and take
8 the administrative burden off so they can focus on
9 actually implementing our direction.

10 CHAIRPERSON AGUIRRE: Commissioner Yao, then
11 Commissioner Blanco.

12 COMMISSIONER YAO: I think I, too, am trying to
13 understand whether there is an increase in scope of work,
14 therefore, justify the additional expense, or whether
15 we're just trying to help Q2 to do what they were supposed
16 to do to begin with.

17 So, I would welcome somebody to clearly define
18 that for me because our milestones has not changed. If
19 it's too slow, you know, whose responsibility is it for
20 being too slow?

21 CHAIRPERSON AGUIRRE: Commissioner Blanco, then
22 Commissioner Barabba.

23 COMMISSIONER BARABBA: Yes. It seems to me that
24 this is the first time that this has been done. The
25 likelihood of anybody knowing specifically how many people

1 are going to be needed to get the job done is remote at
2 best, and so we're kind of rolling with the punches here
3 and I think we ought to give a little leeway to the
4 uncertainty that we're facing, and get on with the job
5 rather than worrying about whether we're putting too many
6 people on.

7 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco?

8 COMMISSIONER BLANCO: I would agree with that,
9 it's never been done before and -- I think that the
10 original, the way I understood the original team
11 composition for Q2, with the person that was going to put
12 together the public testimony, was -- I think it was a
13 function that was very tied to the line-drawing. In other
14 words it was -- yes, part of it was for us, but part of it
15 was so that they could also have things readily available
16 as they were drawing the lines.

17 I think what we're -- I think now we have two, or
18 perhaps three additional needs. One, we may have so much
19 more -- we have so much information that maybe they need
20 another person, and maybe that's part of what we're
21 talking about.

22 But I think we're talking about two additional
23 things. I think we're talking about adding turnaround
24 time. And, personally, I think that we're talking, also,
25 about a better database system that's accessible to all of

1 us.

2 So, that part of it could be Q2 or could be, you
3 know, somebody that works for us. So, I think that only
4 part of this is about being able to handle volume more
5 quickly to turn it around for our sessions. I think we're
6 also talking about this other component, which is the part
7 that's getting mixed a little bit with the record. Which
8 is how do we have a really professional database that if I
9 wanted to sit here right now and go, boom, region
10 whatever, San Bernardino, that we could -- you know, maybe
11 this is asking for too much, but that is what I would like
12 us to have as we go through this period moving forward.

13 Because we're asking people to now give very specific
14 testimony about some draft maps and we have to be able to
15 recall that stuff very quickly and bring it to bear.

16 Because if we -- if we ask for very targeted
17 testimony from people to help us, and we don't have the
18 ability to use their targeted testimony effectively, in a
19 sense I'm concerned about how -- you know, how much we can
20 really incorporate the testimony we're going to take from
21 here on out.

22 So, for me it's not just a question of volume and
23 turning around, it's also the formatting and access for
24 Commissioners' most ease. Not just for Q2's, but for us
25 to have something that works really well in the next -- in

1 the next coming period.

2 CHAIRPERSON AGUIRRE: Yeah, Commissioner DiGuilio?

3 COMMISSIONER DI GUILIO: So, can I say that part
4 of this, what I hear from the Commissioners is maybe --
5 I'm keeping track of this -- is that as we work with Q2 is
6 to see if there's a way to increase access for
7 Commissioners to use the database, as well?

8 COMMISSIONER BLANCO: Yeah.

9 COMMISSIONER DI GUILIO: So, I will put that on
10 the Technical Advisory Committee pending items and see if
11 we can work with Q2 to find a system that would make it
12 easier for us to access.

13 CHAIRPERSON AGUIRRE: Commissioner Ward?

14 COMMISSIONER WARD: Yeah, thank you. Yeah, I
15 appreciate that, Commissioner DiGuilio. I know we'd had
16 conversations about this in the Scion dealership, wherever
17 that was. I can't remember at this time.

18 COMMISSIONER DI GUILIO: Lancaster.

19 COMMISSIONER WARD: Lancaster, thank you. But,
20 yeah, I think that was a problem we've been trying to
21 solve is we know that the database has been well-
22 maintained, from what I understand, but its availability
23 has been at issue.

24 And in regards to the line item here of adding
25 support, I'm not entirely clear how that would help

1 resolve that particular issue of availability to the
2 Commission and public.

3 COMMISSIONER DI GIULIO: Right.

4 COMMISSIONER WARD: And, you know, I guess I -- in
5 hearing my fellow Commissioners, I understand the need for
6 leeway and I think, certainly, we're all growing with the
7 process. And I think that's part of what we accomplished
8 with adding, already augmenting the contract with bringing
9 on someone to keep track of the direction, and making sure
10 that it's clear, and handle that.

11 But I'm remembering back to the bid process, that
12 was kind of always a concern that was out there was a
13 capacity issue. And I'm just concerned about in the bid
14 that Q2 put in, under total fixed cost they listed total
15 fixed costs includes all costs associated with the
16 provisions of services as required by this bid, including
17 but not limited to consulting services, managerial, and/or
18 administrative support, clerical, staff support, materials
19 and supplies, documents, reports and forms, reproduction,
20 direct and indirect expenses, and technical support.

21 So, it just seems to me that a \$445,500 contract,
22 you know, ought to -- there's room in there for them to
23 add staff, themselves, if they determine that they're not
24 properly staffed at this point.

25 I'm just concerned about augmenting, further, a

1 support, especially since the standard we applied to our
2 own CRC staff was much more stringent. And when, you
3 know, any of them have signed up to take a job and they're
4 not on time with it, we just expect them to move faster.
5 I'm just wondering about the standards we're applying.

6 CHAIRPERSON AGUIRRE: Yes, Commissioner Raya?

7 COMMISSIONER RAYA: I don't know if Mr. Claypool
8 wanted to go ahead of me or you had a comment? No? Okay.

9 Well, I guess there's still a little lack of
10 clarity about exactly what we need. We have the concept
11 of it, you know, getting to the details is another thing.

12 You know, we can go back and look at the contract,
13 but the contract's done. We have to look at where we are
14 now and decide how -- what we need to get done, how many
15 people we need to do it, where they're going to be, how
16 much it's going to cost. I'm still not clear on when we
17 will have that, an indication of those matters, and then
18 we'd be able to determine whether it's still in the
19 contract budget or whether it has to be augmented. We
20 don't know that, yet.

21 COMMISSIONER DAI: So, if I could address a number
22 of the comments that have been made. I think, you know,
23 Commissioner Barabba's point is well taken. This is the
24 first time this process was done. Q2, and the other
25 folks, you know, they had to bid on this project before

1 they saw our schedule, and the number of meetings and, you
2 know, a bunch of other things. So, there were some
3 contingencies that we put into the contract to allow for
4 extra meetings and we've used all of those contingencies.

5 We, again, Commissioner Ward is right, it's in the
6 scope, but the problem is there's no turnaround standard
7 in there so, you know, they would be well within their
8 right to say, yes, we're going to do all that, and that
9 means we need to stop taking public input next week, you
10 know, because we don't have that specified in the
11 contract.

12 So, you know, I think that we all did the best
13 that we could with the information we had at the time and
14 I think the next Commission will be in a much better
15 situation to be able to estimate and specify things in the
16 contract to ensure that all contingencies are taken care
17 of.

18 But given that we're in the situation we are now,
19 and assuming it's in the -- it's the Commission's desire
20 to try to reduce that delay and potentially take more
21 public input, and make sure that gets incorporated in the
22 database, so that it's taken into consideration in our
23 next iteration of the map, then what I'm looking for here
24 is basically support to move forward in this direction,
25 then we can direct staff to get actual cost estimates and

1 how many people.

2 I mean, like I said, we're looking at graduate
3 assistants right now. Mr. Claypool's in discussion with
4 Q2 about how many hours that would be, so we can come up
5 with a cost estimate.

6 I do think the web access, what I would propose
7 would be web access to the database is a separate issue
8 that's not going to be necessarily solved by labor. It
9 depends, I don't know what kind of database software
10 they're actually using, but certain -- you know, certain
11 software, there's a web component, so it may or may not be
12 difficult to add that in terms of remote access,
13 essentially, to the database.

14 But the other thing we can do, I just want to
15 throw this out for Commissioner DiGuilio to think about,
16 as she considers this item under Technical, is that we, as
17 a Commission, can simply request certain reports and ask
18 them to run those reports for us on a semi-regular basis,
19 and that may solve the software problem.

20 So, I think at this point, I think just I'm trying
21 to get a sense from the Commission whether this is
22 something we can support and, therefore, direct Mr.
23 Claypool to get further details and costs back to us so
24 that we can consider a more concrete proposal at our next
25 business meeting.

1 CHAIRPERSON AGUIRRE: Yeah, Commissioner Dai, then
2 Commissioner Galambos Malloy.

3 COMMISSIONER RAYA: You mean me?

4 CHAIRPERSON AGUIRRE: I mean Commissioner Raya,
5 yeah.

6 COMMISSIONER RAYA: Okay, yeah, I think we
7 should -- you know, we're nowhere if we don't at least get
8 information, so I think we should get the information. We
9 have to get this job done, there are a lot of costs and
10 bumps in the road that we could not have anticipated for
11 all the reasons we've stated, so let's just make that
12 effort to get the information and then we can decide.

13 CHAIRPERSON AGUIRRE: Yes, Commissioner Galambos
14 Malloy.

15 COMMISSIONER GALAMBOS MALLOY: I would agree with
16 Commissioner Raya. I think our entire process we've had
17 so many lessons learned along the way on what it would
18 take to make this process even more effective, you know,
19 more cost-efficient, et cetera, next time around.

20 But the truth is we have a deadline coming up and
21 we need the best information, in the timeliest fashion, in
22 order to be able to get our jobs done. And so I think the
23 points raised by Commissioner Ward and Commissioner
24 Filkins Webber are all valid. I think we, as a
25 Commissioner, could have written the request a little

1 differently, to have a higher level of specificity, and
2 that's a point well taken.

3 That said, we are in this moment now and I think
4 we need to move forward, and we need to ensure the public
5 that we have our systems in place so that their voices are
6 being heard by the Commissioners in time to actually
7 impact our deliberations, which I think is their
8 impression, and that standard that we want to achieve.

9 CHAIRPERSON AGUIRRE: Yes, Commissioner Ontai?

10 VICE-CHAIRPERSON FILKINS WEBBER: If I may -- I'm
11 sorry, I want to be in the queue.

12 (Laughter)

13 CHAIRPERSON AGUIRRE: Just tell me, yeah.
14 Commissioner Ontai, then Commissioner Filkins Webber, then
15 Commissioner Parvenu.

16 COMMISSIONER ONTAI: Ditto. Next.

17 (Laughter)

18 CHAIRPERSON AGUIRRE: Yes, Ms. Webber?

19 VICE-CHAIRPERSON FILKINS WEBBER: Oh, okay. A
20 couple of highlights, I just wanted to put that on the
21 record and I certainly -- and I concur with Commissioner
22 Galambos Malloy, this is an ongoing process and we really
23 need to see how we can do this.

24 One highlight that I would like to make for
25 Commissioner DiGuilio, we haven't asked for any reports

1 from Ms. Glazer, and I thought that there might have been
2 some issue because there was some spelling -- you know,
3 it's an ongoing database.

4 So, when we're looking at, potentially, the
5 individual, I'm assuming it's going to be somebody that's
6 going to be working with Ms. Glazer in building up this
7 database.

8 So, again, I can agree with Commissioner Blanco,
9 as well, about format and access, because that really is
10 what we want this person -- we need that information that
11 this person is going to catalogue, and if we're going to
12 be turning this over.

13 So, if -- and I concur that we will need to look
14 at cost, and so I'm supportive of adding this individual
15 on board. And so, as Commissioner Dai said, we'll get
16 that information from Mr. Claypool probably for next
17 business meeting.

18 But one thing to keep in mind, also, is that if,
19 as we make the selection, and obviously I think Q2 will be
20 chiming in as well, but if the access and format issue,
21 the format of gathering and cataloguing this information
22 is going to be the same way that it is with Ms. Glazer
23 right now, there might be a problem on this access issue.

24 Because as I understand, Ms. Glazer has pointed
25 that out that we can't -- we don't have access to the way

1 that she's cataloguing the data right now, and that's part
2 of the problem.

3 So, this individual may have to be familiar with
4 whatever type of format that they're cataloguing. It's
5 just a little bit more of a technical question about the
6 individual, and I don't know if there's going to be any
7 additional or added cost if they have to change the system
8 to mandate our request for access but --

9 COMMISSIONER DAI: I think we can ask Mr. Claypool
10 to address that. And I just want to remind my fellow
11 Commissioners that Ms. MacDonald did give us the format
12 for the database before we started. She handed it out at
13 the -- I believe it was the Merced hearing, before we did
14 our first regional wrap-up she handed out all the database
15 fields, and the format, and gave a couple of sample
16 records.

17 So, that any one of those factors we can ask for a
18 report on.

19 VICE-CHAIRPERSON FILKINS WEBBER: Oh, and we just
20 haven't done it, yet.

21 COMMISSIONER DAI: We just haven't done it, yeah.

22 VICE-CHAIRPERSON FILKINS WEBBER: I remember her
23 mentioning it. So that is --

24 COMMISSIONER DAI: It's not that it hasn't been
25 available, we just haven't requested it.

1 VICE-CHAIRPERSON FILKINS WEBBER: Okay, so that's
2 the database that Bonnie is putting together?

3 COMMISSIONER DAI: Yes.

4 VICE-CHAIRPERSON FILKINS WEBBER: So, whatever
5 fields that we may request so --

6 COMMISSIONER DAI: Exactly. So, if you look back
7 at your notes from the Merced hearing, before our first
8 regional wrap-up --

9 VICE-CHAIRPERSON FILKINS WEBBER: In my spare time
10 or --

11 COMMISSIONER DAI: In your spare time. I'm sure
12 we can get another copy. But we were given the format of
13 the database and we were given a couple sample records,
14 and at that point Ms. MacDonald asked for our feedback,
15 and I think we approved it.

16 So, I do think it would be a useful topic for the
17 Technical Advisory Committee to take up in terms of
18 requesting a couple of different reports by region, and
19 then we can distribute that. And then, like I said, we
20 just may not have time to implement a software solution
21 and that may be much more expedient.

22 So, with that I'm going to go ahead and direct Mr.
23 Claypool to continue to work with Q2 to -- to get some
24 specific job descriptions, and estimated costs, and how
25 many we're talking about.

1 And while we're doing that, let me just add on the
2 collaboration between the Technical Advisory Committee and
3 the Legal Advisory Committee on looking at what kind of
4 additional administrative report might be required to
5 build that legal record, because there will be a
6 discussion about a work plan, shortly.

7 So, there may be some augmentation there. And I
8 would imagine it's the same kind of level of
9 administrative support, so that it might be a number of
10 assistants to help with a couple of different things to
11 move our process forward.

12 But I just wanted to raise it and make sure the
13 Commission was interested in going in this direction, and
14 then we'll get the costs back, as usual. And we will, of
15 course, get resumes, as we have for all staff and be able
16 to approve them with a super majority.

17 Okay, with that let me move to 2-C, I am --

18 CHAIRPERSON AGUIRRE: Let me --

19 COMMISSIONER DAI: Oh, I'm sorry.

20 CHAIRPERSON AGUIRRE: Did we have one comment from
21 Commissioner Ward.

22 COMMISSIONER WARD: Thank you, Chair.

23 CHAIRPERSON AGUIRRE: And then there's
24 Commissioner Parvenu after that.

25 COMMISSIONER WARD: I was just going to ask could

1 we add to that research? I guess what would help me be
2 more comfortable with jumping on board and getting this
3 done would be are we able to see, with this contract, what
4 the actual contractors' expenses are?

5 In other words, if Q2 is severely under -- under-
6 bid the contract, and the contract has grown broader than
7 what was expected, that's certainly an understandable
8 situation.

9 COMMISSIONER DAI: Right, yeah.

10 COMMISSIONER WARD: But if there's a huge profit
11 sitting here and we're going to augment it, then that
12 would be more concerning.

13 So, is there a way we can get some kind of data
14 analysis on what their current expenses are compared to
15 the fixed price of the bid, and that way we know if CRC
16 augmentation is truly necessary to bring on additional
17 staff at this point?

18 COMMISSIONER DAI: Again, I think the challenge we
19 have here is that our original scope of work did not
20 include a requirement for a certain turnaround time. So,
21 you know, they did a fixed bid on completing that scope of
22 work, but within that bid it's certainly within their
23 right to say we're going to do everything we said we're
24 going to do, but we're going to have to cut off public
25 input next week, just as an example.

1 You know, it's a fixed bid contract and we
2 accepted their bid, so I don't think that's -- Mr.
3 Claypool, do you want to comment on that?

4 EXECUTIVE DIRECTOR CLAYPOOL: Well, actually, what
5 I would like to comment on, Commissioner Ward, is all of
6 our contractors, all of our consultants are lagging on
7 their -- on their invoices. So, I could -- we could
8 certainly provide you with what their expenditures are to
9 date, but they're not much for any of them. Not for our
10 counsel, not for any of them.

11 So, I don't know what you gain from that analysis,
12 other than to know that there has been a certain
13 expenditure to this point.

14 The only thing that I would say is, is that there
15 was never, even in my mind, an anticipation of some of the
16 peaks that we've seen. Not all of them, but some of the
17 peaks that we've seen in volume of traffic as people -- as
18 you reach milestones, and then people want to comment.

19 Right now I have in front of me an e-mail that was
20 just sent to me, that I'm preparing to send to you, and
21 all the other Commissioners, and it will be posted
22 publicly, from NALCO, wanting to know will we be posting
23 another deadline for comment for your second drafts of
24 maps?

25 Those are the ones -- can I tell you that there

1 will be a great volume there, I couldn't begin to tell you
2 how many there will be. I can only tell you that that
3 deadline makes me nervous, after the first deadline, and
4 the volume that we saw for the first drafts on the 23rd.

5 So, I think a lot of this -- a lot of this is
6 looking at what they've got and trying to help them get
7 out of the hole.

8 A lot of this is also kind of an act of faith on
9 behalf of this Commission to say that if we see an
10 acceleration like that, we can't not be prepared for it.

11 So, that's my response. Did I help at all or are
12 you --

13 COMMISSIONER WARD: Yeah, that was helpful. I
14 think it's just -- I don't expect you to know the peaks or
15 valleys that we might experience, or anyone on the
16 Commission, because we're all first-timers. But,
17 obviously, we hired experienced, technical consultants
18 because we were expecting them to have that expertise and
19 be ready for any and all peaks that come our way. So, I
20 appreciate the comment, though.

21 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

22 COMMISSIONER YAO: With the draft map being due on
23 June the 20th, when we shut off public input on the 23rd of
24 May, that's about two and a half weeks ahead of the
25 release.

1 So, with this new contract, what is our
2 expectation, can we shrink that to one week? What is --
3 let's learn from what we didn't do right the first time,
4 let's set some expectation as to how much is it going to
5 improve?

6 CHAIRPERSON AGUIRRE: Commissioner DiGuilio?

7 COMMISSIONER DI GUILIO: Wow, the benefit of
8 having Technical go last is all these issues are already
9 raised, so we'll breeze through our agenda.

10 (Laughter)

11 COMMISSIONER DI GUILIO: Yeah, right. But this
12 issue of the deadline, just FYI it's in Q2's queue. Right
13 now they're a little bit busy on finishing the maps.

14 So, there are a couple of my items I was just
15 going to mention, but this is one that is on their radar
16 and Ms. MacDonald is very much aware of it and recognizes
17 that we need to set a deadline.

18 And knowing that last time I think the deadline
19 was -- was it about a week before, but knowing that if we
20 were to do that this time, when we only have about two
21 weeks of opportunity, that just not really gives people
22 enough time.

23 So, again, this goes back to the issue that if
24 we've like to give a little more opportunity for people to
25 feel like their comments can be taken into consideration,

1 then we have to recognize there will be a big push of
2 comments, and so this is a way to help supplement our
3 technical team to be able to incorporate that.

4 So, just to let you know, Commissioner Yao, it was
5 a long way of saying we should -- after tomorrow they'll
6 have a little more time to consider that and get back to
7 us by early next week.

8 CHAIRPERSON AGUIRRE: Yes. And along that line it
9 would be great, if it's the desire of the Commission, to
10 bring on some additional staff to service in cataloguing
11 and providing an indexable database that we could also use
12 then, certainly, the sooner that we get that to happen,
13 the better.

14 We just received, which I think you have also, a
15 couple of additional resumes for your consideration, in
16 anticipation that we will agendaize this item for next
17 Thursday.

18 CHIEF LEGAL COUNSEL MILLER: Excuse me, Mr.
19 Chairman. We sent those to you and Commissioner Filkins
20 Webber. We're able to provide you with the resumes that
21 Mr. Ancheta mentioned a moment ago, about the technical
22 people. This is not an additional cost to the Commission,
23 but a decision Q2 has made to bring these young,
24 technicians on to assist them. So, we're sending you
25 those resumes now, if you're able to consider them today.

1 COMMISSIONER DAI: Yeah, and just to clarify, we
2 have to approve all staff and so this, again, as Mr.
3 Miller said, not at additional cost to the Commission.
4 This is within the scope of work and they've added,
5 augmented their staff, and we just need to review the
6 staff and give a thumbs up on that.

7 And Mr. Claypool is so directed to go ahead and
8 continue to work with Q2, after they get our draft maps
9 out, on what it would look like to bring on some
10 additional support to reduce that turnaround time.

11 And Commissioner DiGuilio will work with Q2 on
12 either running some reports or figuring out another way
13 for Commissioners to get direct access to the database.

14 Okay, with that I think we can move on to 2-C,
15 which is a very brief update. I just want to say that I'm
16 pleased to announce that all certificates for all training
17 are now in hand, so we are officially done, as a
18 Commission, with all of our required State training, so
19 that will disappear for our agenda for at least a couple
20 years.

21 Moving on, I was asked by the Commission to take a
22 look at clarifying some roles and responsibilities, and
23 communication protocols, and proposed some changes to the
24 policy manual. I sent that out last night, so all
25 Commissioners have received it. And this has been

1 reviewed by both Mr. Claypool and Mr. Miller, and
2 approved. So, hopefully, it's pretty clear. We've tried
3 to kind of formalize some things that have been actually
4 happening in practice, and to clarify some things that
5 perhaps were not clear before.

6 CHAIRPERSON AGUIRRE: Yes, Commissioner DiGuilio,
7 then Commissioner Raya.

8 COMMISSIONER DI GUILIO: I just had two things in
9 reviewing it, kind of maybe some clarification. One's a
10 kind of a concern, maybe, and the other one is maybe a
11 point of discussion for all of us.

12 But the first one was in reference to -- I have it
13 as page 7, but it's in reference to e-mails that -- the
14 consideration of what happens to e-mails that aren't
15 necessarily related to redistricting. And under number 3
16 it said that the policy would be -- it would be flagged,
17 we would have senior staff look at those. If it was
18 determined to be inappropriate, they would go to Chair and
19 Vice-Chair. If there was not agreement about withholding
20 it, then it would automatically be posted, between the
21 Chair and Vice-Chair.

22 And I'd like to have faith in all of us, as
23 Commissioners, that we would probably all be on the same
24 page about things that aren't appropriate.

25 But my concern is that if the e-mail is about an

1 individual person and that person is concerned about it
2 being posted, that it may still be posted against their
3 will, that's my only concern. Because there's just that
4 one line that after it's gone through everything it would
5 go to the Chair and Vice-Chair, and if there's a
6 disagreement amongst them it would automatically, then,
7 just be posted.

8 And I thought is there a way for the -- if it
9 involves an individual Commissioner, for them to have a
10 say as to whether or not it's getting posted?

11 That's my first one, so I'll defer discussion if I
12 could ask my second question.

13 CHAIRPERSON AGUIRRE: Yeah, any discussion on
14 that?

15 I, myself, would feel comfortable in that regard.
16 I know that if I were in those shoes, I'd certainly like
17 to get a heads up on, you know, what's going on. And
18 because -- and also because I would have to use my own
19 particular judgment about the seriousness of whatever that
20 comment or posting could provide for me in terms of not
21 only legal, but also personal and safety issues, as well.

22 Yes, Mr. Yao?

23 COMMISSIONER YAO: So, the proposed change is to
24 add the individual that's identified or the individual
25 that's involved to the Chair and Vice-Chair in making that

1 joint decision, is that the proposal?

2 COMMISSIONER DI GIULIO: I suppose I just would
3 like to see if there's a way to incorporate that
4 individual who may be a part of that. You know, I think
5 all of us have those concerns. Me, particularly, as a
6 mother, small children, if it was ever a thing involved
7 me, I'd always want to be something that may -- may
8 potentially have implications for my family. Not so much
9 for me, but for my family.

10 So I would say yes, at some point I'd like to see
11 if that person could be involved in the process as well,
12 too.

13 COMMISSIONER YAO: Well, if that was a proposal, I
14 certainly would support that.

15 CHAIRPERSON AGUIRRE: Yes, Commissioner Filkins
16 Webber?

17 VICE-CHAIRPERSON FILKINS WEBBER: I concur.
18 Because oftentimes if something might look innocuous to
19 some Commissioners, there are certain issues that have
20 come up in certain areas of this State and, in other
21 words, if you're not familiar with certain areas and there
22 might be threats of safety. In other words, if the -- the
23 document could not look as potentially threatening, but if
24 the Chair or the Vice-Chair could have the input of the
25 person that it's directed to, maybe they could add some

1 more context to the potential threat or potential
2 information that might not be available to them if the
3 individual who's the subject of it is left out of the
4 conversation.

5 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco?

6 COMMISSIONER BLANCO: Having received a number of
7 those e-mails, myself, I would definitely concur that I --
8 that the person who's referred to should have a large say
9 in determining. And I think that if that Commissioner
10 feels that the e-mails present the potential of creating
11 security repercussions for his or her personal safety that
12 should be a big factor. Even if others may not see it as
13 a potential -- a strong potential safety factor, I think
14 that person's view that they feel uncomfortable, from a
15 personal safety perspective should be taken into account.
16 I think we have functioned like that. I know that I have
17 expressed those security concerns in particular regions,
18 and we have beefed up security because of that.

19 And I think we should put that in writing so that
20 that person -- you know, it's understood that that person
21 has a large say over their -- you know, over what goes up
22 and what doesn't go up.

23 CHAIRPERSON AGUIRRE: I might also add to that
24 that not only does it present a safety issue for
25 particular Commission or particular Commissioners but as a

1 whole, I think as a Commission what we've sense from the
2 public in certain areas of California is a lot of animus
3 and a lot of antagonism for lots of reasons. I don't
4 think any of them really justified, being that we're
5 volunteers, following the line, and trying to do the best
6 that we can do within the constraints that have been
7 imposed on us. So, yes, I would concur with that.

8 COMMISSIONER DAI: Okay, so as I understand, the
9 Commission's desire here is to modify this to reflect
10 actual practice, Commissioner Blanco's right that in
11 actuality that is what we've been doing whenever an
12 individual Commissioner has been singled out and a
13 personal threat has been made, that that has been shared,
14 of course, with that Commissioner.

15 So, let me -- I'll take that on to add some
16 clarification rounding -- around public comments that
17 may -- you know, that basically involve an individual
18 Commissioner, and make sure they're involved in the
19 question -- in the decision.

20 I just want to ask our Chief Counsel to maybe
21 provide some parameters here because, you know, there may
22 be public comments that may be kind of insulting, you know
23 and offensive, but may or may not pose a threat, and
24 there's probably a line there where, you know, we may want
25 to defer to our Chief Counsel to make sure we're not just,

1 you know, automatically getting rid of critical public
2 comments.

3 CHIEF LEGAL COUNSEL MILLER: You're correct. The
4 policy is, of course, toward posting and disclosure, and
5 then there are these rare exceptions where it seems that
6 there's good reason not to. And I think if we just follow
7 that principle, we'll find that it works pretty well.

8 COMMISSIONER DAI: Okay, great. Commissioner
9 DiGuilio, you had another question?

10 COMMISSIONER DI GIULIO: Yes. One more thing that
11 I -- I don't know if we need to necessarily be this
12 specific in our policy and procedures manual, but I think
13 it would behoove us to have a discussion, particularly
14 before we start our next round of input hearings next
15 week. In the manual, it's page 19, it's number four at
16 the bottom, and this is in relationship to how the
17 structure will, what, I think it's maybe even under
18 security.

19 But it talks about a written list of rules that
20 include the Chair's statement of expectations, as provided
21 to attendees at the door. The rules clearly state that
22 what will be considered grounds for asking a member of the
23 public to leave.

24 It talks about rules may include outbursts, or
25 things along those lines. But I guess I wanted to see

1 what was acceptable displays, and I'm not sure if that's
2 exactly what's in there.

3 (Laughter)

4 COMMISSIONER DI GIULIO: But in the sense that I
5 don't -- I know we had tried to stay away from the
6 clapping, there's issues with just being able to hear and
7 being able to capture this in the microphones. So, we
8 went to a kind of a hand waving. And I think there may be
9 Commissioners that disagree with me, but I find that
10 that's even distracting to the process and I think it's
11 actually even intimidating for people that may feel
12 differently than the overwhelming people that are
13 displaying one thing.

14 I feel like we're in another -- we've kind of
15 stepped up our professional decorum in these meetings and
16 we're trying to move forward.

17 I know some Commissioners have said they've been
18 in council meetings where those things take place. I've
19 been in other council meetings where that's not acceptable
20 displays.

21 I, personally, like to err on the side of keeping
22 it at a higher level of decorum and giving everyone the
23 respect they need. So, I feel this should be some -- a
24 discussion we have now, since our meetings are starting
25 next week, and we should have something clearly, an

1 expectation set for the public in knowing what they can
2 and cannot do at these meetings.

3 CHAIRPERSON AGUIRRE: Discussion?

4 VICE-CHAIRPERSON FILKINS WEBBER: What page?

5 COMMISSIONER DI GIULIO: Page 22. I have 19. I
6 just wrote this quickly, page 19, number four on that
7 page, but I can look at it specifically because I wrote
8 down --

9 COMMISSIONER DAI: It's in the security section at
10 the end.

11 COMMISSIONER DI GIULIO: The security section,
12 yeah.

13 COMMISSIONER DAI: Yeah, it's in the very end of
14 the document.

15 COMMISSIONER DI GIULIO: Yeah.

16 COMMISSIONER DAI: So, the version I distributed
17 only had 18 pages, so I'm not sure how that happened
18 but --

19 COMMISSIONER DI GIULIO: This was the link that I
20 got last night, though.

21 COMMISSIONER DAI: I sent an attachment.

22 COMMISSIONER DI GIULIO: That's what I got.
23 Anyway, it's under there somewhere.

24 COMMISSIONER ANCHETA: I think it paginates
25 different if you're using the view in your browser versus

1 a Word document, so that may be the difference.

2 CHAIRPERSON AGUIRRE: Yes, Commissioner Ontai?

3 COMMISSIONER ONTAI: In response to that, I know
4 at times we're going to be having crowds before us that
5 may -- may not agree with us. But I think it is important
6 for us to remember that the public has a right to express
7 themselves, whether we agree or not, and it can be in a
8 verbal form or a written form.

9 I think the issue would be as long as they're not
10 disruptive, they're not interfering with the discourse
11 that we're out here to do, if they do it in a quiet way
12 and not disrupt our discourse, I think we're following the
13 Constitutional requirements that we made an oath to, and
14 that is freedom of expression.

15 But at the same time, and this may be a question
16 for counsel, to what degree is this limited or allowed on
17 the venue, whether we're on public property or private
18 property?

19 VICE-CHAIRPERSON FILKINS WEBBER: It doesn't
20 matter, probably.

21 CHIEF LEGAL COUNSEL MILLER: The wonderful thing
22 about a new Commission is it permits us to address novel
23 questions on an ongoing basis.

24 (Laughter)

25 CHIEF LEGAL COUNSEL MILLER: I think that the fair

1 answer would be that you can promulgate reasonable rules
2 that permit public participation and expression, but that
3 are reasonable in curtailing disruption of the meeting.
4 And, you know, what falls in those two camps is within the
5 discretion of the Commission.

6 So, for example, if you wanted to say that you
7 couldn't bring a banner in that's the size of the old
8 football run-throughs, through the goal posts, I think
9 that that message could be conveyed effective in a smaller
10 form, but still permit the message to be received by the
11 Commission and permit people to enjoy their rights of
12 expression.

13 CHAIRPERSON AGUIRRE: Commissioner Barabba?

14 COMMISSIONER BARABBA: Yes, it was my observation
15 that, I guess it was Tuesday's meeting when the group from
16 Fremont came, that even without our direction they chose
17 to wave their arms, rather than speak up. And it seems to
18 me the waving of the arms, although it may be a
19 distraction, is a way of our demonstrating that we're
20 ready to observe people's willingness to support a point
21 of view without having to go through noise that might
22 disrupt the speaker.

23 So, I thought Commissioner Antietam's direction
24 about waving the arms was a reasonable solution to a very
25 difficult problem.

1 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao,
2 Blanco, then Raya, and Galambos Malloy?

3 COMMISSIONER YAO: Yeah, keep in mind these
4 meetings are for the benefit of the Commissioners. We are
5 the ones that are requesting for the information from the
6 public and we specifically ask these information -- or ask
7 these information to receive from the public on at a time.

8 And if the speaker chooses to address the crowd,
9 instead of addressing the Commission, I think that is
10 totally out of order. I think if we don't want to receive
11 the input from the crowd, but prefer to receive it from
12 one individual, one speaker at a time if that's our
13 preference; I think we should stick to it.

14 And while it is a public meeting, and a public
15 forum and people have a right to express their feelings,
16 and what have you, but at the end of the day this is --
17 this is a meeting where we try to get our work done. And
18 if we feel those are disruptions, I think we need to
19 discourage it.

20 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco?

21 COMMISSIONER BLANCO: This is slightly different
22 than the First Amendment issue, but it's related. A major
23 concern I've had about some of the hearings has been I
24 think we all signed up for what we signed up for and, you
25 know, if people treat us badly, maybe that's, you know,

1 what comes with the territory.

2 But what I've been more concerned about has been
3 the impact on other -- on people who came to testify.
4 Where now, unfortunately, on more than one occasion we've
5 had people send us notes and tell us that because of the
6 way other members of the public -- the way they conducted
7 themselves, that they felt scared and did not feel
8 comfortable testifying about the testimony that they were
9 about to give because they feared a certain response
10 because of the -- you know, because there had been so much
11 sort of give and take, and outbursts, and that they were
12 concerned.

13 Many of these people are people who have never
14 testified before in front of any public body, and this is
15 a hard thing for anybody that's never done this before.

16 And so my major concern is one, obviously, that we
17 can get through the business and we don't have
18 disruptions. But I'm also particularly concerned about
19 how we craft the rules to also -- and ensure order at our
20 meetings so that other people's First Amendment rights
21 don't tread on other people's First Amendment rights.

22 And so, in crafting this, if we're going to refine
23 what's here, which I'm not sure we're going to do as a
24 group, I'd like to see that considered, that there's two
25 sets of people here who are exercising their right to

1 speak. And I'm concerned that some people have already
2 felt a little silenced.

3 CHAIRPERSON AGUIRRE: Commissioner Raya, then
4 Commissioner Parvenu.

5 COMMISSIONER RAYA: I think that we all recognize,
6 unfortunately, that -- you know, reasonable, what is
7 reasonable expression? Free expression is in the eye of
8 the beholder. And that there, obviously, are always going
9 to be those who will take advantage of an opportunity in a
10 public forum to express themselves about matters that are
11 not related to why we are here, as a Commission, but maybe
12 to vent their particular anger or frustration over the
13 state of the union, or politics, or the universe in
14 general.

15 And I think it's important for us to remind the
16 public that we are only here as volunteers for one purpose
17 and that is to draw district lines. And it's a unique
18 opportunity for the public to weigh in on district lines,
19 what they want in representation.

20 And unless we can get very focused and specific
21 information some of the opportunity for collaboration is
22 lost.

23 CHAIRPERSON AGUIRRE: Excuse me, Mr. Parvenu,
24 Galambos Malloy didn't go, yet.

25 COMMISSIONER GALAMBOS MALLOY: This is a smaller

1 point within the larger discussion, but as someone who has
2 had unfortunate experiences -- you know, was frankly
3 accosted in the bathroom at one of our Commission hearings
4 by members of the public, one of the considerations I had
5 in reviewing this was because of our desire to move
6 through the input hearings more efficiently, we had said
7 that -- I believe it's been less common that we actually
8 take formal breaks, or we take them but maybe once
9 throughout the course of the evening.

10 And so my thought around that, or suggestion is
11 when we do take the formal breaks it does slow down our
12 meeting, but it allows Commissioners the opportunity to
13 take breaks in pairs, or in groups.

14 Barring that possibility, could we look at our
15 staff as -- you know, for example, if we have a senior
16 staff that's stationed at the door of any given hearing,
17 that if one of the Commissioners just gets up and takes a
18 break at their leisure, that that staff person may be
19 available, if necessary, to escort the Commission to the
20 rest room.

21 You know, I think some of these things may not
22 always be necessary, but having something in place in the
23 event that it is.

24 CHAIRPERSON AGUIRRE: Commissioner Parvenu?

25 COMMISSIONER PARVENU: I just have a general --

1 while we're on this topic, I just have a general
2 observation, a comment.

3 I noticed that during the first round on several
4 occasion, more than one instance, several members of the
5 public would arrive at our hearings, input hearings, and
6 wear blatant political propaganda t-shirts. It was very
7 obvious, very clear.

8 And on more than one occasion, particularly
9 Lancaster, the individual or individuals would position
10 themselves so that our camera would be focused on that and
11 we would then become the backdrop their political, free
12 political advertising.

13 I think we need to be cognizant of that
14 maneuvering. Of course, we can't enforce a dress code or
15 have individuals not wear political propaganda, it's not a
16 polling place.

17 But, still, I think that we need to be mindful of
18 the fact that we don't want to allow this to sway the
19 viewer's opinions one way or another, or give us the face
20 of being politically biased one way or the other, even
21 unknowingly.

22 So, I don't know how we can approach that, other
23 than speaking with our technical crew here, our video
24 cameras, to have them -- that's right, Christopher, you
25 were right on it that time. You maneuvered it right over

1 their heads so they weren't there at -- getting free
2 commercial time.

3 But I think that we need to be -- to be responsive
4 to that and all be aware that that's certainly something,
5 an image we don't want to project. Although, we don't
6 want to diminish individual's freedom of speech or
7 expression.

8 CHAIRPERSON AGUIRRE: Any other -- yes, Mr.
9 Claypool.

10 EXECUTIVE DIRECTOR CLAYPOOL: Actually,
11 Commissioner Filkins Webber's next.

12 VICE-CHAIRPERSON FILKINS WEBBER: Thank you. I'm
13 just practicing for when I'm Chair, when I speak last.

14 I concur that we -- well, let me start over.
15 These are public hearings and I'm afraid we cannot control
16 the focus, the statements, but we can have some guidelines
17 regarding unacceptable behavior. And I think we
18 understand where they might cross the line.

19 When we give them their two minutes, they're going
20 to say what they like and I'm afraid we can't -- cannot
21 necessarily stop them from the content, the tone and even,
22 potentially, the disruptive nature of what they intend to
23 do, such as the young woman in San Jose, who had asked for
24 the Pledge of Allegiance during that time.

25 Was it disruptive? It was. But it was still

1 within her two minutes.

2 So, I had a couple of questions, so I wanted to
3 say that because I'm very conscientious who may not have
4 testified, have never been to a public meeting before and
5 who wished to do that, and wished to express their
6 opinion. It's disheartening that they may be discouraged
7 based on the public comments made by others, but I'm not
8 certain that we can do much about that but to have a
9 welcoming, you know, presence.

10 And I think one of the ways we might do that is if
11 we are going to have some type of handout about, you know,
12 unacceptable behavior.

13 So, I guess in that regard this particular policy
14 and procedure manual indicates on what on this document is
15 my page 19, of 20, and paragraph four of that section,
16 that if the Commission, I guess, does decide to consider
17 such rules, such as those outbursts that are derogatory in
18 nature, or intended to intimidate other participants, that
19 a final list of these rules would be compiled and approved
20 by the Chair prior to the next series of meetings, which
21 are next Thursday. So, I'm not certain -- and, secondly,
22 I'm going to be Chair in that regard.

23 So, I'm not certain if this is a work in progress.
24 Based on this discussion we've had now, I do have some
25 ideas. If your Committee was anticipating putting

1 together something and working with --

2 COMMISSIONER DAI: So, I want to -- I think this
3 has been a great discussion, which is why I haven't cut it
4 off. But I do want to remind everyone that this was
5 Finance and Administration's role simply to get the
6 policies in place and the specific implementation of what
7 is reasonable behavior.

8 I think I would be happy to delegate that to the
9 Outreach Advisory Committee, since I think that would be
10 an appropriate topic to come up with that list.

11 But I guess what I would like to know at this
12 point, are there any other questions about these proposed
13 changes, to the actual policy manual? I mean if we agree
14 that, you know, we want reasonable behavior at these
15 meetings and that the procedures that we put in place are
16 a reasonable way to do it, and the definition of such we
17 can get some further detail on from the Outreach Advisory
18 Committee in advance of the next meeting, since we will
19 have a business meeting before we begin that day. So,
20 that will give us an opportunity to approve it as a full
21 Commission and put that into place for the first meeting.

22 But are there any other kind of questions or edits
23 on the policy manual, itself? If no, what I'd like to do
24 is approve this with the provision that I will volunteer
25 myself to continue to work with Mr. Claypool and Mr.

1 Miller to add the one tweak on dealing with, you know,
2 direct threats against an individual Commissioner.

3 CHAIRPERSON AGUIRRE: Yes, let me ask Commissioner
4 Ontai, for the Outreach, to -- you know, do you concur
5 with that delegation?

6 COMMISSIONER ONTAI: I'd be happy to work on it.

7 CHAIRPERSON AGUIRRE: Okay. Let me just say, make
8 a couple of comments about, you know, the discussion and
9 that is that -- that there are -- there are particular
10 situations where, you know, there are certainly a
11 celebration of yourself with a particular group.

12 My experience as an elected official is that we
13 establish a set of rules that either allow or don't allow
14 outbursts and, in a sense, expressions in support or
15 against any particular speaker.

16 Really, in that situation the speaker, in a sense,
17 has certainly a right to say whatever they are going to
18 say. But there are, I think, limits and one of those
19 limits happens to be that I, myself, as a Commissioner, a
20 member of a 14-member Commission feel a certain affinity
21 and a level of commitment with each one of you that any
22 statement that is made against a particular individual, be
23 it Commissioner Ward, or Commissioner Barabba, or
24 Commissioner Raya, or any of you, I take it as a personal
25 attack on myself.

1 And in that regard, then, I'm worried about the
2 safety of the Commission.

3 For the public's information, we just didn't beef
4 up our security just because we wanted to spend more money
5 but we, in fact, have beefed up our security in response
6 to threats and somewhat aggressive behavior on the part of
7 the public that has really put some of us, as individuals,
8 and I say as a group, on notice that you are not welcome
9 in this particular area.

10 And because, otherwise, why would people show up,
11 you know, if they're not welcoming us for there.

12 So, in that regard then I think that the safety of
13 the Commission is certainly upper most in my mind and we
14 need to do whatever we can to not allow us to be either
15 distracted or disruptive from fulfilling that mission.

16 VICE-CHAIRPERSON FILKINS WEBBER: Just one other
17 point?

18 CHAIRPERSON AGUIRRE: Yes.

19 VICE-CHAIRPERSON FILKINS WEBBER: I concur. I
20 just wanted to -- Commissioner Ontai, you're going to, I
21 guess, work on some of these rules? I've taken some notes
22 based on all of the comments that everybody put together.

23 COMMISSIONER ONTAI: Excellent.

24 VICE-CHAIRPERSON FILKINS WEBBER: And since, if we
25 don't get a final draft of it that I can actually

1 implement next Thursday, I'd like to just send you some of
2 the notes that highlighted the comments that were made by
3 all the Commissioners today, so that we can at least do a
4 draft that we can run through for next week.

5 COMMISSIONER ONTAI: Thank you.

6 CHAIRPERSON AGUIRRE: Okay. Commissioner
7 DiGuilio, then Mr. Claypool has one.

8 COMMISSIONER DI GIULIO: Can I just make one final
9 point, because I raised this initially, I've fine with
10 where we are at.

11 I would just like to request that the Chairs in
12 our subsequent input hearings evaluate all the situations
13 and if what appear to be innocuous displays and I'm not --
14 I think we all agree about what people say or what they --
15 I'm concerned about the waving and what that turns into.
16 So, I would just like to make sure that if there's a sense
17 that that's disenfranchising other people in the audience,
18 even with the best intentions of those that are showing
19 their support, that we have to consider the other people
20 in the audience.

21 So, I would really -- I would heartfelt like to
22 request the chairs to take that into consideration with
23 each meeting and judge it accordingly.

24 VICE-CHAIRPERSON FILKINS WEBBER: I think that
25 would be helpful with the Chair and the Vice-Chair, a

1 twosome. And, obviously, maybe the Commission members, if
2 they feel anything is inappropriate that they communicate
3 to the Chair and Vice-Chair, and the Chair and Vice-Chair
4 can take a break at any moment and leave the hearing, and
5 discuss anything that's of immediate concern to the
6 Commission, which I guess is somewhat outlined in this
7 procedure manual to begin with, but just to remind people,
8 since we are coming up on it next week.

9 CHAIRPERSON AGUIRRE: Yeah. And in that regard,
10 before we go to Commissioner Blanco, that is that it's --
11 the position of Chair really, as the lead for that
12 particular meeting, it's incumbent on the Chair to set the
13 tone and the expectations for the Commission and the
14 proceedings of that hearing.

15 So, in that regard then, you know, I would ask
16 that future Chairs take that into serious consideration.
17 My own personal preference is that the expression is about
18 redistricting, it's about drawing lines, it is about
19 particular districts, it is about communities of interest,
20 it is about those things that relate to redistricting and
21 we should try to discourage, I think, any verbal or
22 nonverbal support or displeasure related to a particular
23 individual's right to address the Commission for those two
24 or three minutes that they have.

25 Yes, Commissioner Blanco?

1 COMMISSIONER BLANCO: So, here's what I think I
2 would like us to maybe vote on today, before we just pass
3 it over to the Public Information/Outreach Committee, just
4 because the timing's so short.

5 My sense is that people can, in their two minutes,
6 as somebody has put it, it's their two minutes of free
7 speech and so be it. And I think, you know, we're a State
8 Commission and even though we're on novel ground, I'd
9 rather err on the side that we're a State body and we
10 can't make a rule that, you know, abridges what anybody
11 can say.

12 So, I would say that anybody can say whatever they
13 want to say, use their two minutes, and if they want to
14 talk about the coming apocalypse, you know, that's their
15 two minutes of free speech.

16 I think, though, that we should have a definite
17 policy that doesn't leave it up to a Chair and Vice-Chair
18 to sort of have to make ad hoc decisions as to what
19 responses are permitted or not permitted.

20 We've heard from different people who have served
21 on -- you know, elected officials, some who have said that
22 they ran a tight ship where, yeah, anybody could say what
23 they wanted, the rules -- everybody knew that in that
24 chamber the rules were no applause, no whatever, and
25 that's -- you set that rule, that's your venue, you're an

1 official government body, which we are, which we tend to
2 forget that we're an official government body and we can
3 set the rules that we want.

4 I would prefer that we come up with that today and
5 that it not be left up to the discretion of the Chair or
6 Vice-Chair to have to make a decision about, oh, is this
7 getting to the point where there's too much reaction to
8 what somebody said? Is this not -- you know, and so we
9 leave the free speech completely intact, we can't limit
10 what people comment upon.

11 But I think we are in our right, and I don't --
12 you know, people may want to err on one side or the other,
13 but I think we do have -- we're in our full rights to say
14 our set of rules is going to say because of all our
15 concerns, and about efficiency, and because of the right
16 of others you get to say whatever you want to say, but
17 please hold the applause and the public demonstrations of
18 support or opposition. Those are the rules of this
19 hearing, period.

20 And I think that would be a way that it's -- we do
21 it now, the public knows, everybody's on notice, it's a
22 bright line, it's not up to somebody to enforce it one way
23 or another, it's just clear cut, and that would be my
24 proposal.

25 CHAIRPERSON AGUIRRE: And I would agree with that

1 because, as a Chair, you're juggling many things at one
2 time, and trying to keep a -- get a sense of where the
3 public is, where particular presenters are, what's
4 happening outside in the parking lot, all of these things
5 are overwhelming to anybody who sits in this chair.

6 So, I agree that guidelines would be, of course,
7 very important for us to follow, not only for
8 consistency's sake but, also, the public has a right to
9 know what we expect and how we wish to proceed at our
10 input hearings.

11 Yes, Commissioner Yao?

12 COMMISSIONER YAO: If Ms. Blanco would shorten her
13 proposal to a motion, I would be very happy to second
14 that.

15 CHAIRPERSON AGUIRRE: Yes.

16 VICE-CHAIRPERSON FILKINS WEBBER: Just to
17 facilitate that, if we do decide to move forward, I just
18 had four points, if we want to create a list. I think it
19 certainly would be helpful because we're going to have a
20 lot of work between now and Thursday.

21 So, the gist that I'm getting, no clapping, no
22 disruptions of a speaker, address the Commission, not the
23 crowd. I had one more. Oh, and breaks. Commissioner
24 Galambos Malloy, I think that was a good point that we may
25 have to do it because letting one Commission member leave;

1 it may not be a good idea to do that in the middle of the
2 meeting, so we may have to have designated breaks.

3 So, those are the four highlights, I guess, on the
4 rules thus far.

5 COMMISSIONER YAO: Would you consider adding no
6 waving in as part of that?

7 VICE-CHAIRPERSON FILKINS WEBBER: No waving?

8 COMMISSIONER BLANCO: Yes, my proposal is just --

9 COMMISSIONER BARABBA: I'd like to jump in on that
10 one, if I could?

11 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco,
12 then Commissioner Barabba.

13 COMMISSIONER BARABBA: Well, let's get the motion
14 that you're talking about.

15 VICE-CHAIRPERSON FILKINS WEBBER: Is that what
16 you're looking for is maybe --

17 COMMISSIONER BLANCO: No, I really was trying to
18 have a really bright line rule, no demonstrations of
19 support or opposition to any of the speakers, period. And
20 that's the rules. We're an official body, we're trying to
21 get testimony from anybody, but anybody can say whatever
22 they want to say. And that would be my proposal and not
23 getting into the -- you know, the things about the breaks
24 and all that, those are internal processes to us. I'm
25 just dealing with the issue of the conduct that's

1 appropriate from the public, and so I'm not getting into
2 the other issues.

3 That would be what I'm -- you know, what I would
4 be making into a motion.

5 VICE-CHAIRPERSON FILKINS WEBBER: But how far does
6 that extend? If people are outside -- I mean some -- some
7 places have rules. Obviously, the Capitol has rules;
8 you're not going to take certain items in there. So, you
9 still could be stifling --

10 COMMISSIONER BLANCO: I'm talking about in the
11 public hearing.

12 VICE-CHAIRPERSON FILKINS WEBBER: If you're
13 concerned about stifling somebody's opportunity to
14 testify, that still can occur outside in a public
15 facility, a public venue, especially since we're holding
16 some of these meetings at a city council.

17 So, to the extent in which you have a number of
18 people out there with placards and their support, we may
19 have a rule that prevents them from coming in, but it
20 doesn't really achieve your purpose if they're allowed to
21 be outside so --

22 COMMISSIONER BLANCO: I'm just dealing with the
23 inside. If people want to deal with the outside, that's a
24 different discussion. I just want to deal with what's
25 going on inside the hearing and related to the testimony.

1 VICE-CHAIRPERSON FILKINS WEBBER: I still believe
2 it stifles their rights. I think you can have a rule of
3 just no disruption.

4 CHAIRPERSON AGUIRRE: Commissioner Raya, then
5 Commissioner Ward.

6 COMMISSIONER RAYA: Okay.

7 CHAIRPERSON AGUIRRE: Commissioner Barabba, Raya,
8 Ward, DiGuilio.

9 COMMISSIONER BARABBA: The more restrictive we
10 make this; the more you're going to create an environment
11 where people want to challenge it. And it seems to me
12 that we're really going to -- some groups are going to say
13 we're going to go demonstrate that they can't do that.

14 The thing I liked about the waving, because I was
15 more concerned about people who were perhaps intimidated
16 by somebody yelling or screaming, when you're at the dais
17 and you're looking at the Commission, you don't see what's
18 behind you, and waving was an outlet to me. And I think
19 that actually many of the people in the audience got into
20 the spirit of it as well.

21 And what I liked about it, as I mentioned earlier,
22 without even us mentioning it, the group from Fremont
23 chose to wave in support of the comments.

24 And so, I think we have to have an outlet for the
25 groups that come with a point of view to at least be able

1 to express themselves. And if they do it so they don't
2 intimidate the speaker, it seemed to me the waving was a
3 very good solution to that.

4 CHAIRPERSON AGUIRRE: Commissioner Raya?

5 COMMISSIONER RAYA: Okay. I actually, a little
6 while back, was going to put a motion on the floor to
7 approve the document with the edits that Commissioner Dai
8 has added, and I also told her this earlier, that subject
9 to a few syntax and typographical corrections --

10 COMMISSIONER DAI: There's a typo, yeah.

11 COMMISSIONER RAYA: But I'm not sure if you're
12 handling this as two different things. I mean I would
13 like to just see us pass the manual and then sort of regs
14 afterwards. So, I would move that we accept the edits and
15 accept the manual.

16 COMMISSIONER GALAMBOS MALLOY: Second.

17 CHAIRPERSON AGUIRRE: So, we have a motion by
18 Commissioner Raya, second by Galambos Malloy, to approve
19 the policy manual with edits.

20 COMMISSIONER RAYA: As edited.

21 CHAIRPERSON AGUIRRE: As edited, yeah. There is
22 one -- one correction on page 6 that I've already talked
23 about.

24 COMMISSIONER DAI: Yes, I know, there's a type.

25 CHAIRPERSON AGUIRRE: Design versus designated.

1 COMMISSIONER DAI: Well, which Mr. Claypool
2 actually caught, but I didn't understand what he was
3 saying at the time.

4 COMMISSIONER RAYA: But let me also say that my
5 motion is intended to include Commissioner Blanco's, or
6 whoever first brought it up, the notion of notice to any
7 particular Commissioner who has received an offensive or
8 threatening e-mail.

9 COMMISSIONER DAI: Right, and then, so for
10 clarification, as again, I offered to work with Mr.
11 Claypool and Mr. Miller to get the exact language, and I
12 will distribute that so we can review that at the next
13 business meeting.

14 But I'd like the rest of the manual to be
15 approved, if possible.

16 CHAIRPERSON AGUIRRE: Is that okay with you, Ms.
17 Galambos Malloy?

18 COMMISSIONER GALAMBOS MALLOY: Yes.

19 CHAIRPERSON AGUIRRE: Yes, okay. So, can we have
20 a -- yes, sir?

21 EXECUTIVE DIRECTOR CLAYPOOL: I'd also like to
22 just point out we're approving this document, but it's an
23 ongoing document. If we continue to approve it, we're
24 going to approve it about another 400 times before August
25 15th --

1 (Laughter)

2 EXECUTIVE DIRECTOR CLAYPOOL: Just letting you
3 know.

4 COMMISSIONER DAI: I would like to have it on the
5 record that we approved it with the changes that we put
6 out today.

7 CHAIRPERSON AGUIRRE: Right, okay.

8 ADMINISTRATIVE ASSISTANT SARGIS: The motion is to
9 approve the policies and procedures manual as edited.
10 Commissioner Aguirre?

11 CHAIRPERSON AGUIRRE: Yes.

12 Oh, public comment? Seeing none, all right.

13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
14 Aguirre?

15 CHAIRPERSON AGUIRRE: Yes.

16 ADMINISTRATIVE ASSISTANT SARGIS: Ancheta?

17 COMMISSIONER ANCHETA: Yes.

18 ADMINISTRATIVE ASSISTANT SARGIS: Barabba?

19 COMMISSIONER BARABBA: Yes.

20 ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

21 COMMISSIONER BLANCO: Yes.

22 ADMINISTRATIVE ASSISTANT SARGIS: Dai?

23 COMMISSIONER DAI: Yes.

24 ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?

25 COMMISSIONER DI GUILIO: Yes.

1 ADMINISTRATIVE ASSISTANT SARGIS: Filkins Webber?
2 VICE-CHAIRPERSON FILKINS WEBBER: Yes.
3 ADMINISTRATIVE ASSISTANT SARGIS: Forbes?
4 Oh, Galambos Malloy?
5 COMMISSIONER GALAMBOS MALLOY: Yes.
6 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?
7 COMMISSIONER ONTAI: Yes.
8 ADMINISTRATIVE ASSISTANT SARGIS: Parvenu?
9 COMMISSIONER PARVENU: Yes.
10 ADMINISTRATIVE ASSISTANT SARGIS: Raya?
11 COMMISSIONER RAYA: Yes.
12 ADMINISTRATIVE ASSISTANT SARGIS: Ward?
13 COMMISSIONER WARD: Yes.
14 ADMINISTRATIVE ASSISTANT SARGIS: Yao?
15 COMMISSIONER YAO: Yes.
16 ADMINISTRATIVE ASSISTANT SARGIS: The motion
17 passes.
18 CHAIRPERSON AGUIRRE: Okay. Now, we also had --
19 COMMISSIONER BLANCO: And I'm not going to make a
20 motion on this other issue, it was a suggestion. I'm
21 pretty convinced by Commissioner Barabba's, you know,
22 point. I was just trying to take the burden off the Chair
23 and the Vice-Chair to make these judgment calls. But
24 maybe we could just say verbal -- audible, you know --
25 yeah, something about approval or disapproval, and leave

1 it at that. But I'll leave that up to the Outreach
2 Committee.

3 CHAIRPERSON AGUIRRE: Yeah. Commissioner Yao and
4 then Commissioner DiGuilio.

5 COMMISSIONER YAO: I will make the motion for the
6 Chair to discourage any kind of support or opposition to
7 the speaker in an attempt to not discourage anybody from
8 coming to the podium.

9 VICE-CHAIRPERSON FILKINS WEBBER: How do you do
10 that?

11 COMMISSIONER YAO: Any display of support or
12 opposition to what the speaker has to say, so that would
13 include hand waving, that would include audible, that
14 would include inaudible, that would include everything
15 else, any form of public display.

16 MS. JOHNSON: I had one concern about that, that
17 perhaps it could be too broadly as preventing people from
18 wearing buttons, or t-shirts, or something like that. And
19 as long as it's not disruptive, I think you have to allow
20 people to express themselves that way, silently.

21 COMMISSIONER YAO: Okay, help me to limit it.
22 Because, again, it's any action that disrupts the meeting,
23 okay. And I'm not talking about dress code, or lobbying
24 in the lobby, or anything else. Strictly -- strictly
25 internal, when the formal meeting is going on.

1 COMMISSIONER DAI: Does audible work for you?
2 Audible?
3 CHAIRPERSON AGUIRRE: Commissioner DiGuilio, then
4 Ms. Raya.
5 VICE-CHAIRPERSON FILKINS WEBBER: There's no
6 second. We have to move this along.
7 CHAIRPERSON AGUIRRE: Commissioner DiGuilio?
8 VICE-CHAIRPERSON FILKINS WEBBER: Who seconded?
9 COMMISSIONER DAI: Not yet, nobody seconded it.
10 VICE-CHAIRPERSON FILKINS WEBBER: And so there's
11 no discussion and so -- we're trying to move this along.
12 We've got Technical still to go and we've got big items in
13 there.
14 If there's no second, then there's no discussion.
15 So, the Chair's asked me to move us along. We have Tech
16 and Public Information, and we are way behind schedule
17 so --
18 COMMISSIONER ONTAI: The Outreach Committee will
19 try our best and give you a draft, and get your response.
20 COMMISSIONER YAO: Yeah, thank you.
21 CHAIRPERSON AGUIRRE: All right.
22 COMMISSIONER YAO: I have one more item that may
23 or may not be a financial issue. I had a chance to talk
24 to Dan -- I can't even pronounce our director's name
25 anymore.

1 After, in anticipation of what happens after we
2 release the map, people may be calling in and saying my
3 address is 1234 certain street, certain city, simply ask
4 which district am I in?

5 Now, I don't know whether it would cost any money
6 to answer that question or not, or whether we even are
7 willing to answer that question.

8 But the map that we're going to release on PDF
9 definitely won't go down to the street level. People,
10 without having to travel to one of these service sites,
11 won't be able to get that answer and most likely they're
12 going to make that request either by an e-mail or by a
13 phone call.

14 So, I don't know when we're going to address that
15 topic, I don't even know whether it's going to cost any
16 money or not, I just want to bring it out and see whether
17 we want to address it at this time, or table it, or do
18 something else with it.

19 COMMISSIONER DAI: Yeah, I think we had discussed
20 this before and indicated that the members of the public
21 are free to use the technical assistance centers, which do
22 not cost the Commission any money.

23 CHAIRPERSON AGUIRRE: Yes, Ms. Galambos Malloy?

24 COMMISSIONER GALAMBOS MALLOY: Yes, I was going to
25 say that same point. I have prevailed upon the technical

1 assistance centers from time to time to get publications
2 or other information or the Commission and have found
3 their staff to be very available, at times even outside of
4 business hours, and definitely by phone.

5 And so I think, from what I understand, there is
6 some capacity to have remove access via computer from,
7 when you're not on site at some of the centers.

8 So, it may be just worth us getting a better sense
9 so we know, as Commissioners, what services are available
10 at the sites, and so we can refer to them as a resource
11 when we're out in the public.

12 CHAIRPERSON AGUIRRE: Okay.

13 COMMISSIONER DAI: Seeing as if this is not a
14 Finance and Administrative topic, I would turn it back to
15 the Chair to move the meeting along.

16 CHAIRPERSON AGUIRRE: All right. All right, any
17 other comments?

18 All right, let's move on to -- our next section is
19 Technical/Outreach. It looks like we have discussed most
20 of these items, so let's go.

21 COMMISSIONER DAI: Let me just back up and let's
22 throw out, because I think some of the other things will
23 be discussed, but for the sake of time let me bump up
24 number five, first, because that's probably going to be
25 one of our biggest discussions, so let's just knock it out

1 of the way, the work plan leading up to the release of
2 second draft maps. And I think Commissioner Aguirre has
3 been working on that, so I'll turn it over to him.

4 CHAIRPERSON AGUIRRE: Yes, it's -- of course, in
5 the last few days we've really been stressed about getting
6 these maps out, and with everything associated with it.
7 So, you know, I thought about how do we keep ourselves
8 from putting ourselves in the same situation for the
9 second draft map.

10 So, in a conversation that we had, a phone
11 conference with Gibson Dunn, then I suggested that he
12 develop a work plan and submit it to us so that we could,
13 number one, have a sense of -- from the legal perspective,
14 have a sense of what are the elements that will get us --
15 that we need to cover, that will get us to the second
16 draft and, also, what might that timeline be?

17 Since we have a week of public review for our
18 first draft and then we have about ten days of input for
19 the second draft, and then other dates associated with
20 that, then we have -- we have a very tight time schedule
21 and we cannot continue to have -- to be requesting
22 information as it comes to our mind.

23 And, certainly, I think as individual
24 Commissioners we have an idea of what it takes to get
25 there and I'm sure that Gibson Dunn does, also. So, I

1 asked him to provide that work plan for us. He said, yes,
2 that he would. So, in fact, it's my understanding that
3 he's working on it today. And we need to see that work
4 plan as soon as possible.

5 Of course, as our legal consultants who will have
6 to work very closely with our technical consultants, then
7 Q2 also needs to be part of that plan either by
8 collaborative development or with a communication protocol
9 so that we can ensure that both of them are working hand
10 in hand to make sure that we, as a Commission, reach our
11 objectives without all the stress, the last-minute stress
12 that we've experienced in the last few days.

13 So, along with that there was also a question of
14 how that information -- how we, as a Commission, can be
15 part of that process and how we, as a Commission, can be
16 informed about their progress in their collaboration and
17 in meeting the objectives as we move forward.

18 So, the suggestion was for us to have a couple of
19 Commissioners work with Q2, and Gibson Dunn by being
20 available at each of their meetings so that we have some
21 input into where it's going and we have a feedback loop
22 for us, as a Commission, as well.

23 So, in discussing this with our Executive
24 Director, then, it seemed like the most cost-effective
25 method of doing that would be to look for a couple of

1 Commissioners that live around the Sacramento area, given
2 that most of those meetings would be around here.

3 So, I thought -- I've talked to Commissioner
4 DiGuilio as somebody from Technical that would be, I
5 think, a very good individual to help us with this, being
6 that -- that, you know, Michelle's Michelle.

7 (Laughter)

8 CHAIRPERSON AGUIRRE: And, you know, she
9 represents Technical, as well. So, we're looking for a
10 second individual, perhaps not from a declined-to-state
11 that would be local enough and available enough so that we
12 could call on them to sit on these meetings, and also to
13 serve as a liaison with the Commission.

14 So, yes sir?

15 COMMISSIONER BARABBA: Would some of these
16 meetings maybe be better held in Berkeley?

17 CHAIRPERSON AGUIRRE: Perhaps.

18 COMMISSIONER BARABBA: If it was going to be
19 Berkeley I could -- I'm not local, but I'm close.

20 CHAIRPERSON AGUIRRE: Okay. Yes, sir? Yeah,
21 they'll all be held in Berkeley.

22 COMMISSIONER ANCHETA: And I'd be available, as
23 well.

24 CHAIRPERSON AGUIRRE: All right, any other -- yes?

25 COMMISSIONER GALAMBOS MALLOY: My suggestion is

1 that in this case I think it would be useful to have
2 somebody with a legal background as one of the members of
3 this-two person team. So, if Commissioner Ancheta is
4 available and he's local, I would gladly nominate him for
5 this role.

6 CHAIRPERSON AGUIRRE: Yes. And, Ms. DiGuilio, how
7 do you feel about Berkeley?

8 COMMISSIONER DI GIULIO: Oh, no, that's fine. I
9 guess -- you mean, are you kidding, it's the summer, it's
10 a chance to go over there to cool off, I'm fine.

11 (Laughter)

12 CHAIRPERSON AGUIRRE: Well, you know, unless --
13 unless there's any objection, then I will appoint
14 Commissioner Ancheta and Commissioner DiGuilio to serve in
15 this capacity.

16 COMMISSIONER DI GIULIO: And can I suggest that
17 Commissioner Barabba is a backup for this, as well, if
18 there's conflicts with Commissioner Ancheta or myself?

19 CHAIRPERSON AGUIRRE: All right. Is that
20 acceptable to you?

21 COMMISSIONER BARABBA: Absolutely.

22 CHAIRPERSON AGUIRRE: Okay. So, yeah -- yeah, as
23 far as the work plan, getting back on the work plan part
24 is that we expect something from Gibson Dunn, hopefully,
25 now that we have a couple of individual Commissioners to

1 work with them.

2 The best case scenario would be for them to
3 deliver that plan to us ASAP and for us to, now that
4 the -- once the maps are released on tomorrow, that Gibson
5 Dunn can kind of step back from that process, and prepping
6 all those maps, and perhaps have some time to have a
7 discussion about collaboration and folding into a
8 collaborative plan.

9 COMMISSIONER DI GIULIO: Do you have any comments,
10 Ms. DiGuilio?

11 COMMISSIONER DI GIULIO: No. I was just curious
12 if there was a discussion in terms of who will be heading
13 this up? Will it be someone from Technical or will it be
14 Mr. Miller in terms of making sure the process is moving
15 forward, or are we just waiting to get something from
16 Gibson Dunn, and then if there was a timeline associated
17 with that as well.

18 CHAIRPERSON AGUIRRE: Mr. Miller?

19 CHIEF LEGAL COUNSEL MILLER: I don't think each of
20 those things have been discussed. I'll be glad to try to
21 coordinate the meetings, although I think those will
22 actually flow from the work plans, themselves. I think we
23 ought to try to accomplish that as part and parcel of the
24 plan. Commissioner Ancheta?

25 COMMISSIONER WARD: No.

1 CHIEF LEGAL COUNSEL MILLER: Oh. I'm not sure if
2 I've lost the train of thought of your questions. Does
3 that help get it along?

4 COMMISSIONER DI GIULIO: Yeah, I'm just trying to
5 keep track so I know to follow. I'm just doing it for a
6 follow up so I know from the Technical lead, that I'll
7 know whom to contact or where to go in terms of seeing how
8 the progress is on this.

9 CHIEF LEGAL COUNSEL MILLER: Sure, you can contact
10 me, yes.

11 CHAIRPERSON AGUIRRE: And I would add to that,
12 that we should direct -- as a client, we should direct
13 Gibson Dunn to get that to us by Monday.

14 COMMISSIONER DI GIULIO: By Monday, okay.

15 CHIEF LEGAL COUNSEL MILLER: We are on schedule
16 for a Monday delivery.

17 CHAIRPERSON AGUIRRE: Yes, Commissioner Ancheta,
18 then Commissioner Blanco?

19 COMMISSIONER ANCHETA: Yeah, I think just noting
20 the schedule that it may be that Commissioner DiGiulio and
21 I might have to miss some of these input hearings.

22 CHAIRPERSON AGUIRRE: Yes.

23 COMMISSIONER ANCHETA: I mean depending on the
24 schedule, and that's just to get the Commission on notice
25 that that may be -- we can't, probably, be in two places

1 at the same time if -- depending on how these meetings --
2 again, we have to see what the work plan looks like.

3 CHAIRPERSON AGUIRRE: Yeah.

4 COMMISSIONER ANCHETA: But I suspect it may
5 require us to be in town on certain days that might
6 conflict with certain --

7 COMMISSIONER DAI: Commissioner Ancheta, you
8 didn't realize that when you joined this Commission, that
9 that was a requirement?

10 (Laughter)

11 COMMISSIONER ANCHETA: Well, there's the internet,
12 so I could always listen online.

13 CHIEF LEGAL COUNSEL MILLER: I have two questions.
14 You may choose that, you know, to speak offline, but we
15 have asked Gibson Dunn to prepare the first iteration of
16 the plan, which is appropriate.

17 We haven't discussed how to initially involve Q2
18 in making it work out of the box. And if you have some
19 ideas about that, they would be helpful.

20 CHAIRPERSON AGUIRRE: Commissioner Blanco?

21 COMMISSIONER BLANCO: Yeah, and excuse me if you
22 already mentioned this, I was looking at an e-mail, multi-
23 tasking.

24 I just wanted to back up a little bit and give
25 some detail as to why a very particular issue came up,

1 gave rise to the need for a detailed work plan, and that's
2 that when we had our phone call yesterday, with Gibson
3 Dunn, and we were describing some of the guidance that
4 we've given to Q2 for the next -- you know, when we met
5 here and we said, well, second round please look at this,
6 this, this, this.

7 And then on top of that -- so, Mr. Brown knew
8 about that, obviously, and then we also had this
9 discussion about the Section 5, and we also had the
10 discussion about the racially polarized voting.

11 And in the midst of that whole conversation Mr.
12 Brown said, you know, some of these things that Q2's going
13 to look at, that you've directed them to look at, we
14 should wait to look at that until you get all the input
15 from the next round because then we'll be back into the
16 situation that we found ourselves in, in the last week,
17 where there were -- where we -- you know, I don't want to
18 say we rushed our -- you know, because we've been working
19 on this draft for a long time, but we were under a time
20 constraint.

21 And his view was that we needed to be able to
22 start working on the fixes that we've ordered them to do
23 even now, in this interim period, so that when we go back
24 and do the maps with the -- that incorporates the new
25 round of input, we're not then trying to juggle the new

1 information with what we directed them to do, but they
2 already have started looking at all the things we directed
3 them to do in between.

4 So, in other words, he's saying we need to work
5 between now and the next round of line-drawing and, if
6 not, we're going to be behind the eight ball again,
7 basically trying to process input information and doing
8 everything, and it might even be in a shorter time frame
9 that we faced this time around.

10 So, that is where we -- this whole notion of a
11 crisp work plan really is about -- flows from being able
12 to get to the line-drawing session next time with as much
13 of a head start as possible.

14 CHAIRPERSON AGUIRRE: Yes. Commissioner Filkins
15 Webber.

16 VICE-CHAIRPERSON FILKINS WEBBER: In that regard,
17 Commissioner Blanco, do you anticipate that Commissioner
18 Ancheta and Commissioner DiGuilio might need some -- any
19 type of delegated authority; because I see them helping
20 facilitate the communication between the two of them.

21 Because, for instance, Gibson Dunn will need
22 certain technical data in order for them to complete
23 whatever assessments that we've asked them to do. And so,
24 I would gladly give both of them the power to direct, you
25 know, Q2, and arrange with them through this whole work

1 plan and this timeline that -- arrange, you know, when
2 they would be able to get this data over to Q2, you know,
3 whether it might be about benchmarks or statistical --

4 COMMISSIONER BLANCO: Well, that's exactly where I
5 was going.

6 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

7 COMMISSIONER BLANCO: Is that the work plan, in
8 itself, without us giving that kind of delegated authority
9 won't advance the ball, and that's why I wanted to give
10 the background. Because I think we should leave today
11 with some delegated authority or we won't really move
12 ahead and gain time.

13 CHAIRPERSON AGUIRRE: Yes. Yes, thank you for
14 those comments.

15 Commissioner Ontai?

16 COMMISSIONER ONTAI: Could we have a discussion on
17 the flip side of this, as we start this new round of
18 public input? Just as we did the first round, are we
19 going to put out some form of guidelines to the community
20 in terms of what we would like them to address at this
21 second round?

22 For example, they're going to be looking at these
23 initial maps, should we have some guidelines that says we
24 want your general ideas on the initial regional maps? We
25 want some ideas or guidelines on the boundaries as it is

1 shown, so the fringe edges? And are we going to say in
2 this statement that we're looking for specific solutions,
3 as well?

4 So, in order for us to do this whole process
5 correctly, how much can we look at both sides of the
6 dialogues that we get as efficiently as possible the
7 responses we're looking for.

8 VICE-CHAIRPERSON FILKINS WEBBER: In order to
9 facilitate the time, I think that was -- probably will
10 fall under Item 2 or 3 of the Technical/Outreach agenda.

11 COMMISSIONER ONTAI: Yeah, it is.

12 VICE-CHAIRPERSON FILKINS WEBBER: But we've been
13 on this topic for about 15 minutes, so if anybody else --

14 COMMISSIONER ONTAI: Yes.

15 VICE-CHAIRPERSON FILKINS WEBBER: I concur with
16 Commissioner Blanco to provide the delegated authority to
17 Commissioner Ancheta and Commissioner DiGuilio to
18 facilitate direction, official direction from the
19 Commission to, you know -- I'm repeating myself --
20 facilitate the communication between Q2 and Gibson Dunn,
21 and make sure that that work flow, work plan, and timeline
22 and necessary data and communication assists the
23 Commission in total.

24 Because I think that's where maybe some of the
25 break down has been, so that's why I'd like to have

1 official Commission direction through the two of them to
2 help our consultants work together.

3 CHAIRPERSON AGUIRRE: Yes. Do we need a motion in
4 that regard? Yes, okay. Could you --

5 VICE-CHAIRPERSON FILKINS WEBBER: Therefore, I
6 would move to delegate authority to Commissioner Ancheta
7 and Commissioner DiGuilio to, I guess, facilitate the work
8 plan that will be created by Gibson Dunn for -- I guess
9 that's basically it, period.

10 CHAIRPERSON AGUIRRE: So, we have a motion.

11 VICE-CHAIRPERSON FILKINS WEBBER: Well, we haven't
12 seen it -- the idea is that you would be able to
13 facilitate -- that's why I'm leaving it just facilitating
14 a work plan to increase --

15 COMMISSIONER DAI: The implementation of?

16 VICE-CHAIRPERSON FILKINS WEBBER: The
17 implementation of a work plan.

18 COMMISSIONER BARABBA: I second it.

19 CHAIRPERSON AGUIRRE: Yes?

20 COMMISSIONER RAYA: Would you accept including
21 work plan with Q2, something of that language?

22 VICE-CHAIRPERSON FILKINS WEBBER: Yeah, I left
23 them out. So, I guess implementation of the work plan to
24 be created by Gibson Dunn & Crutcher to facilitate
25 communication with Q2 and assist -- goodness, I keep

1 talking and I just keep talking.

2 (Laughter)

3 ADMINISTRATIVE ASSISTANT SARGIS: And then Janeece
4 rolls up her hands and says I'm not in motion drafting
5 mode right now but --

6 COMMISSIONER DAI: Well, what about implementing
7 a -- facilitating implementing a work plan leading up to
8 the release of the second draft maps, between Gibson Dunn
9 and Q2?

10 VICE-CHAIRPERSON FILKINS WEBBER: So moved. Now,
11 did Janeece get it?

12 ADMINISTRATIVE ASSISTANT SARGIS: What?

13 (Laughter)

14 VICE-CHAIRPERSON FILKINS WEBBER: Well, but she
15 said it better so -- implementing -- you have it written
16 down there, implementing and --

17 COMMISSIONER DAI: Facilitate and implement a work
18 plan leading up to the release of the second draft maps
19 with Gibson Dunn and Q2.

20 VICE-CHAIRPERSON FILKINS WEBBER: The only
21 addition I might have on that, but I'll talk slowly for
22 Janeece, is the coordination of work for the
23 implementation of that.

24 ADMINISTRATIVE ASSISTANT SARGIS: Did you get a
25 second?

1 CHAIRPERSON AGUIRRE: That was the motion, yeah.

2 VICE-CHAIRPERSON FILKINS WEBBER: And I said so
3 moved, so that would have to get a second.

4 CHAIRPERSON AGUIRRE: So, we have a motion and we
5 need a second.

6 COMMISSIONER BARABBA: Second.

7 CHAIRPERSON AGUIRRE: Second. Discussion? Ms.
8 Galambos Malloy?

9 VICE-CHAIRPERSON FILKINS WEBBER: There has to be
10 one amendment to that, which would be Commissioner Barabba
11 --

12 COMMISSIONER DAI: It's a friendly amendment,
13 right?

14 VICE-CHAIRPERSON FILKINS WEBBER: A friendly
15 amendment. For Commissioner Barabba to step in, in the
16 event that either one of them are absent.

17 CHAIRPERSON AGUIRRE: Okay.

18 COMMISSIONER DAI: Just to follow up on that,
19 should it both for Barabba and maybe Forbes for both Legal
20 and Technical backup, since they're both in the area?

21 CHAIRPERSON AGUIRRE: Yes.

22 COMMISSIONER DAI: Can I just -- if that's okay
23 with everyone?

24 CHAIRPERSON AGUIRRE: Is that okay?

25 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

1 CHAIRPERSON AGUIRRE: Okay.

2 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

3 COMMISSIONER GALAMBOS MALLOY: I would also like
4 for the Commission to consider whether we might actually
5 expand the scope of what we're asking these Commissioners
6 to do with delegated authority because I think that one
7 thing that would help us move forward more efficiently is
8 to have a better sense of how the entire process, up
9 through August 15th, essentially, is going to play out.

10 So, round two, definitely, but to me it makes more
11 sense to think about it in context of the entire process,
12 including the last round.

13 So, if all the Commissioners involved are willing
14 to expand their role, I think it makes sense for
15 consistency.

16 CHAIRPERSON AGUIRRE: Yes. Did that -- do we
17 need -- is that like an amendment to the --

18 COMMISSIONER GALAMBOS MALLOY: Would you consider
19 a friendly amendment?

20 I think, was that yours, Jodie, your motion?

21 VICE-CHAIRPERSON FILKINS WEBBER: Off of
22 Commissioner Dai's drafting, it was my motion. I wasn't
23 certain that it limited to time, but I'm open for it to go
24 all the --

25 COMMISSIONER GALAMBOS MALLOY: It said through the

1 second draft, yes.

2 VICE-CHAIRPERSON FILKINS WEBBER: Oh, sure, then
3 I'll gladly amend that it will be through the August 15th.

4 CHAIRPERSON AGUIRRE: All right.

5 VICE-CHAIRPERSON FILKINS WEBBER: Why don't you
6 read it and then I'll tell you where it would be amended.

7 ADMINISTRATIVE ASSISTANT SARGIS: Okay, I just
8 need that addition.

9 VICE-CHAIRPERSON FILKINS WEBBER: It would be
10 through August 15th, 2011.

11 ADMINISTRATIVE ASSISTANT SARGIS: Oh.

12 VICE-CHAIRPERSON FILKINS WEBBER: Instead of where
13 it mentions draft maps.

14 ADMINISTRATIVE ASSISTANT SARGIS: Okay. So, the
15 motion is to delegate authority to Commissioner Ancheta
16 and Commissioner DiGuilio to facilitate and implement
17 coordination of work between Q2 and Gibson Dunn & Crutcher
18 through August 15th, with the Commission would like
19 Commissioner Barabba and Commissioner Forbes to act as
20 backup to Commissioner Ancheta and DiGuilio, if they're
21 not able to be at the meetings.

22 VICE-CHAIRPERSON FILKINS WEBBER: Perfect.

23 CHAIRPERSON AGUIRRE: All right, any discussion?

24 Any public comment on the motion?

25 Seeing none, let's have a roll call vote, please.

1 Yes, Commissioner Parvenu?

2 COMMISSIONER PARVENU: In terms of -- just a quick
3 question. In terms of the discussion with Gibson Dunn, I
4 think some clarification and clarity needs to be placed on
5 the whole idea of deferred and accelerated zones, too,
6 with the voting patterns that may occur as a result of the
7 numbering for the Senatorial districts. So, I would like
8 the work plan to include that. We don't have to add this
9 to the motion, but I just wanted to definitely include
10 specific guidance in that area.

11 CHAIRPERSON AGUIRRE: Sure. We will have Mr.
12 Miller carry that message, yes.

13 All right.

14 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
15 Aguirre?

16 CHAIRPERSON AGUIRRE: Yes.

17 ADMINISTRATIVE ASSISTANT SARGIS: Ancheta?

18 COMMISSIONER ANCHETA: Yes.

19 ADMINISTRATIVE ASSISTANT SARGIS: Barabba?

20 COMMISSIONER BARABBA: Yes.

21 ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

22 COMMISSIONER BLANCO: Yes.

23 ADMINISTRATIVE ASSISTANT SARGIS: Dai?

24 COMMISSIONER DAI: Yes.

25 ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?

1 COMMISSIONER DI GIULIO: Yes.

2 ADMINISTRATIVE ASSISTANT SARGIS: Filkins Webber?

3 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

4 ADMINISTRATIVE ASSISTANT SARGIS: Forbes?

5 COMMISSIONER FORBES: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Galambos Malloy?

7 COMMISSIONER GALAMBOS MALLOY: Yes.

8 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?

9 COMMISSIONER ONTAI: Yes.

10 ADMINISTRATIVE ASSISTANT SARGIS: Parvenu?

11 COMMISSIONER PARVENU: Yes.

12 ADMINISTRATIVE ASSISTANT SARGIS: Raya?

13 COMMISSIONER RAYA: Yes.

14 ADMINISTRATIVE ASSISTANT SARGIS: Ward?

15 COMMISSIONER WARD: Yes.

16 ADMINISTRATIVE ASSISTANT SARGIS: Yao?

17 COMMISSIONER YAO: Yes.

18 ADMINISTRATIVE ASSISTANT SARGIS: The motion

19 passes.

20 CHAIRPERSON AGUIRRE: All right. Yes, sir?

21 CHIEF LEGAL COUNSEL MILLER: Just two quick

22 things. I apologize for the obvious, but I think the

23 motion correctly styles this now as the Commission's work

24 plan, as opposed to Gibson Dunn's work plan and that's

25 very helpful.

1 If one of the Commissioners could perhaps contact
2 Q2 directly to explain that, early on, that probably would
3 help facilitate the success of the plan.

4 I wanted to inquire about one other thing.
5 Earlier today you had requested the firm to prepare a
6 short analysis of the Section 5 counties. When do you
7 need that back? I guess the question is I don't think
8 there's -- there's no real contemplating of changing the
9 Section 5 counties between tomorrow at 9:00 and when the
10 maps are released, but just I'd like to confirm, then,
11 that you'd get that early next week would be timely?

12 VICE-CHAIRPERSON FILKINS WEBBER: I would --
13 preferably, as Chair for next week, no later than Tuesday.
14 But if they're pushing it, Wednesday I would like it
15 disseminated to the Commission, because we need to make
16 decisions on that document on Thursday, during the
17 business meeting.

18 So, in order for -- I'm sure there will be a
19 multitude of other work that the leads will be working on
20 for next Thursday, so I would preferably as that they get
21 it to us no later than noon on Tuesday.

22 CHIEF LEGAL COUNSEL MILLER: I don't think that
23 will be a problem.

24 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

25 CHAIRPERSON AGUIRRE: All right. Yes, sir?

1 CHIEF LEGAL COUNSEL MILLER: Yeah, I just wanted,
2 because we're kind of taking this a little bit out of
3 order and there might be some confusion, remind you that
4 we were able to provide you with those resumes of the
5 other Q2 consultants earlier in the meeting, but we didn't
6 act on them, we didn't have them at the time it originally
7 came up on the agenda, and hope you'll be able to act on
8 those today. These are the ones with no additional cost
9 to the Commission.

10 CHAIRPERSON AGUIRRE: All right. Yes,
11 Commissioner DiGuilio?

12 COMMISSIONER DI GIULIO: Just to follow up on Mr.
13 Miller's first point, as the Technical lead, I'd be happy
14 to contact Q2 and let them know what's going on in terms
15 of the work plan.

16 CHAIRPERSON AGUIRRE: Okay. So, given that, we're
17 going to take a bio-break for ten minutes. As mentioned
18 earlier, the student center I think closes at 3:00. Is
19 that correct, Mr. Forbes, was it 3:00?

20 COMMISSIONER FORBES: Yes.

21 CHAIRPERSON AGUIRRE: Okay. So, if you're in need
22 of some nourishment or refreshment, they'll be open for 15
23 minutes. Thank you very much.

24 (Off the record at 2:48 p.m)

25 (Back on the record at 3:04 p.m.)

1 CHAIRPERSON AGUIRRE: All right. Thank you once
2 again for joining us at this business meeting of the
3 California Citizens Redistricting Commission. We have
4 been discussing committee topics and presently we are on
5 the Technical/Outreach discussion, so I'm going to turn it
6 over to Commissioner DiGuilio.

7 COMMISSIONER DI GUILIO: Caught with the last bike
8 of cookie.

9 VICE-CHAIRPERSON FILKINS WEBBER: I do have one
10 announcement if you want to --

11 COMMISSIONER DI GUILIO: Great take over for a
12 minute.

13 VICE-CHAIRPERSON FILKINS WEBBER: Just Legal, just
14 in follow-up on Legal, I wanted to bring to the
15 Commission's attention that we recently received an e-mail
16 that Mr. Barreto has had an opportunity to speak with
17 George Brown and in so doing they discussed the scope of
18 work, and I suspect that might even be on the heels of the
19 conference call that came -- that occurred yesterday.

20 And I'm pleased to report that it looks like they
21 will be able to work within the terms of our budget,
22 allotted amount. And, therefore, he's asking us to move
23 forward, he's happy to move forward at this point to work
24 with us, so I'm very excited.

25 (Applause)

1 CHAIRPERSON AGUIRRE: All right, that's great
2 news.

3 Yes, Commissioner DiGuilio.

4 COMMISSIONER DI GUILIO: I'm sorry, did
5 Commissioner Raya have a question?

6 COMMISSIONER RAYA: Oh, no it's because I'm doing
7 the summary. Sorry, I'm doing the summary, so I wanted to
8 make sure I'm getting everything.

9 CHAIRPERSON AGUIRRE: Thank you for doing that,
10 yes.

11 COMMISSIONER RAYA: Okay.

12 COMMISSIONER DI GUILIO: I think, then, I'll jump
13 back up to Number 1, and that's the recruiting and hiring
14 of consultants, and I believe Mr. Claypool has an update
15 for us on the IFB.

16 EXECUTIVE DIRECTOR CLAYPOOL: I do, and I'm going
17 to give this update because there are so many dates
18 involved. We are finishing the IFB for the in-line review
19 process, we're hoping to get it out -- we were hoping for
20 actually tomorrow, but it can go out as late as Monday.

21 Our deadline for bringing the -- trying to bring
22 it before the Commission as far as individuals who might
23 be acceptable to you for this position would be at the
24 Fresno meeting on the 23rd. If we meet that deadline, we
25 would have this person or persons in place, hopefully, by

1 the 30th or actually it would be by the 30th, if we stay on
2 schedule, which would be in time to do a review of any of
3 the second drafts.

4 So, that's -- that's where we're at. And I have
5 to say, again, Raul Villanueva has done a great job with
6 this contract, he's worked very hard. And we worked with
7 both Commissioner Forbes and Barabba who truly did add
8 great depths to the process. Thank you.

9 COMMISSIONER DI GIULIO: Anyone else want to
10 comment on that? We're all good? All right, great.

11 Okay, the public -- the next one would be the
12 public input hearing format, structure and operations.
13 Just a couple points, I think we've gone over kind of a
14 lot of these, but as we had mentioned during the last
15 meeting, those of us who are designated to talk about this
16 issue, Commissioner Raya, from Public Information --

17 COMMISSIONER DAI: I'm sorry, Commissioner
18 DiGuilio, I just wonder, before we leave number one do we
19 want to go ahead and approve the two technical assistants
20 that Q2 -- that we've received their resumes? They asked
21 for us to approve that today.

22 COMMISSIONER DI GIULIO: Oh, I'm sorry.

23 VICE-CHAIRPERSON FILKINS WEBBER: We do need to do
24 that. As I understand it, they would like to move forward
25 with using them, but as I understand it we do need to --

1 COMMISSIONER DAI: There's no financial impact,
2 but we do have to vote as a Commission to approve staff.

3 COMMISSIONER DI GIULIO: Sure then, should we --
4 would someone like to -- would you like to go ahead and
5 make a motion, Commissioner Dai?

6 COMMISSIONER DAI: Yes, I would like to move that
7 the Commission go ahead and approve Q2's new technical
8 assistants, again at no cost to the Commission, Ms. Holly
9 Chow and Samantha Chu.

10 COMMISSIONER ONTAI: Second.

11 CHAIRPERSON AGUIRRE: So, we have a motion and a
12 second. Is there any public comment?

13 Seeing none, could you reread the motion, Janeece?

14 ADMINISTRATIVE ASSISTANT SARGIS: The motion is
15 that the Commission will approve Q2's new technical
16 consultants, Holly Chow and Samantha Chu.

17 And I'm sorry, who seconded?

18 COMMISSIONER ONTAI: I did, Commissioner Ontai.

19 CHAIRPERSON AGUIRRE: Discussion?

20 COMMISSIONER DI GIULIO: Could we just add the
21 point that at no additional cost to the Commission? Or
22 Commissioner Dai would put it in there, would that be
23 possible, would you accept a friendly amendment?

24 COMMISSIONER DAI: I already -- actually, I did
25 say that, the no cost.

1 COMMISSIONER DI GIULIO: It just wasn't in the
2 actual motion so, okay.

3 CHAIRPERSON AGUIRRE: Is that your understanding,
4 Commissioner Ontai?

5 COMMISSIONER ONTAI: Yes.

6 CHAIRPERSON AGUIRRE: Okay. All right, so roll
7 call vote, please?

8 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
9 Yao?

10 COMMISSIONER YAO: Yes.

11 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
12 Ward?

13 Commissioner Ontai?

14 COMMISSIONER ONTAI: Yes.

15 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
16 Filkins Webber?

17 VICE-CHAIRPERSON FILKINS WEBBER: Yes.

18 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
19 Barabba?

20 COMMISSIONER BARABBA: Yes.

21 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
22 Parvenu?

23 COMMISSIONER PARVENU: Double yes.

24 (Laughter)

25 COMMISSIONER PARVENU: Two good candidates.

1 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
2 Galambos Malloy?
3 COMMISSIONER GALAMBOS MALLOY: Yes.
4 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
5 Forbes?
6 COMMISSIONER FORBES: Yes.
7 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
8 DiGuilio?
9 COMMISSIONER DI GUILIO: Yes.
10 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
11 Raya?
12 COMMISSIONER RAYA: Yes.
13 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
14 Dai?
15 COMMISSIONER DAI: Yes.
16 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
17 Blanco?
18 COMMISSIONER BLANCO: Yes.
19 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
20 Ancheta?
21 COMMISSIONER ANCHETA: Yes.
22 ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
23 Aguirre?
24 CHAIRPERSON AGUIRRE: Yes.
25 ADMINISTRATIVE ASSISTANT SARGIS: The motion

1 passes.

2 CHAIRPERSON AGUIRRE: All right. All right, the
3 next item?

4 COMMISSIONER DI GIULIO: Okay, moving on it would
5 be the second one, the public hearing format, structure
6 and operations. Again, this is where Commissioner Raya,
7 from Public Information, originally Commissioner Parvenu
8 was a part of this, but wasn't able to make the meeting,
9 but also Commissioner Yao, from Finance and Administration
10 was there for a discussion about -- again, this is the
11 idea on the Technical side that for the upcoming input
12 hearings we need to have a little bit different strategy
13 in terms of how to ask the public for their public
14 comments, as opposed to, initially, where we really were
15 starting from scratch and were trying to build something
16 from which we could develop our districts, this is asking
17 the public to comment on the draft maps that we have done
18 so far. To the extent of commenting what did we get
19 right, what did we get wrong, areas of improvement, things
20 along those lines.

21 So, it was a strategy to kind of, again, be on the
22 same page in terms of making sure the public knew what we
23 were asking of them, as well as what would be most
24 beneficial to our technical team as we go into drawing the
25 draft -- actually, the second draft map.

1 So, I think -- I'll have, maybe, Commissioner Raya
2 talk about those strategies on a larger scale. I don't
3 know if she wants to do it now, or later, or if just would
4 like to focus on the fact that we've tried to get, again,
5 the structure of the input as a response to the maps. I
6 think it was the point of making sure that people craft a
7 solution that doesn't make anyone else worse off than
8 where we are, than where they -- any worse off -- I put my
9 notes down and now I can't read my own writing. Gosh, I
10 think I need some more sleep is what I need.

11 So, I think along those lines that's what we were
12 talking about for the format.

13 CHAIRPERSON AGUIRRE: Commissioner Raya?

14 COMMISSIONER RAYA: Oh, okay. I think we're all
15 trying to work from all these odd notes we have here and
16 there, from jumping from meeting to meeting.

17 I know that one of the things we talked about in
18 connection with the hearings is to direct people to the
19 technical assistance centers. And I think we still need
20 to do a little catch up to make sure that they're aware
21 that we're doing this. But to direct people to those
22 centers where they can look at the maps, if people don't
23 necessarily have, you know, easy access at home to look at
24 things and to possibly craft responses. So, that's one of
25 the thing we definitely want to do.

1 And I think the other thing that we still need to
2 look at is whether the Advancement Project -- I think we
3 did get this information, correct, that the Advancement
4 Project could be of assistance to people in finding their
5 district. So, that's another little way of reaching out
6 to people to help them help us.

7 CHAIRPERSON AGUIRRE: Yeah.

8 COMMISSIONER DI GIULIO: And Commissioner Raya
9 gave me a great bridge to gather my thoughts a little bit,
10 too. I think one of the other things that we had talked
11 about was, you know, the Chairs in these meetings also
12 will be changing the introduction to the extent that it
13 won't be a reference to kind of the overall COI testimony,
14 referencing some of the guidebooks. But, again, it will
15 be directing, kind of having the Chairs and the Vice-
16 Chairs for these subsequent meetings trying to inform the
17 community what we are looking for, as well, so that those
18 in attendance will also be able to understand what we're
19 asking from them.

20 Because, again, what will be useful for us in the
21 second round maps will only be as good as the direction
22 that we give to the people, to the public in general,
23 especially in these meetings.

24 So, again, I think instead it will be -- instead
25 of the over-arching introduction by the Chairs, it will be

1 more directed to a response to the maps, the first draft
2 maps, and trying to see if we got the balance correct.

3 CHAIRPERSON AGUIRRE: Uh-hum. Questions?

4 COMMISSIONER YAO: May I just add a few words to
5 that comment?

6 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

7 COMMISSIONER YAO: Instead of asking general
8 inputs on a community of interest, which was our focus on
9 the first round, the three words that I capture from
10 Commissioner Raya's comment was directed, focus and
11 changes to the lines that we have drawn.

12 Even though it's not, you know, a hundred percent
13 precise, we're going to listen to whatever they are
14 interested in talking to us. But to the extent possible,
15 we really want to direct their input to the maps and to
16 the changes to the maps, and some of the points that we
17 talked about previously. Because they have to all try to
18 help us to, as we implement the changes that they
19 recommend, that we can't make it worse off for some other
20 city, some other areas.

21 So, that's what the directed focus is really mean.

22 The question I have for this small committee is do
23 you think we need to change the guidebook for this series
24 of meetings that are coming up? Because I think having a
25 few sheets of paper directing them would be helpful as

1 compared to just a few words from the Chair at the
2 beginning of the paper. So, a few pages that related to
3 the -- to how they communicate with us, perhaps it would
4 be good to try to make that happen before -- before the
5 start of the next sessions of meetings.

6 CHAIRPERSON AGUIRRE: Are you suggesting our
7 revamping of the guidebook or just a condensed version
8 that focuses on this level of input?

9 COMMISSIONER YAO: Yeah, I think we can still use
10 the bulk of it, but one or two pages associated with how
11 to identify the community of interest.

12 CHAIRPERSON AGUIRRE: Yeah.

13 COMMISSIONER YAO: Change that to better reflect
14 what we're saying, focus, changes, draw lines, and help us
15 make the changes so it doesn't make somebody else worse
16 off.

17 CHAIRPERSON AGUIRRE: Yeah, Commissioner Raya --
18 oh, I'm sorry.

19 EXECUTIVE DIRECTOR CLAYPOOL: I see the two
20 Commissioners and I apologize for jumping in. We have
21 5,000 copies of that -- that guidebook, so if we could
22 make it an addition.

23 COMMISSIONER RAYA: Yeah, we can address that. I
24 think that probably what Public Information can do is not
25 recreate that document, but take our one-pager or

1 something like that, where we're just, again, focusing the
2 public on the information that we need in order to proceed
3 to the next round.

4 CHAIRPERSON AGUIRRE: Filkins Webber, then Blanco,
5 then Ancheta, and Parvenu.

6 VICE-CHAIRPERSON FILKINS WEBBER: This morning
7 Commissioner DiGuilio, in addressing the public comment
8 that you received, I appreciated what you had said that
9 you had used the language of possibly advising the public
10 to identify the consequences of their proposed changes,
11 and also to help us to find the solution to present to the
12 Commission.

13 So, that -- it looks like everybody's shaking
14 their head that that's kind of the goal or the focus.

15 I have a couple of questions. There have been
16 areas of the State where we did not receive any community
17 of interest testimony, so even though we're looking at
18 this as a different focus, maybe with some direction, as
19 we just said, to identify consequences to the extent in
20 which you're asking that the lines be changed, but I think
21 this is still a process where we will be getting community
22 of interest testimony where we need it and, obviously, on
23 the advice of counsel to develop a robust record regarding
24 community of interest testimony.

25 So, the handout we already have, thank goodness we

1 have 5,000 of them, will still be put out there and will
2 still be necessary for people that now -- now, you know,
3 the information is spreading. Now, the lines are out
4 there and maybe the people weren't so interested, and now
5 that they see that they've been taken out of a particular
6 community, now need to come back to us and say we do have
7 a community of interest with this area and this area, and
8 maybe that wasn't communicated to us fully before.

9 So, I still think of this as, you know, community
10 of interest testimony and input from the community on that
11 issue, even though we are also looking for directives from
12 the public.

13 CHAIRPERSON AGUIRRE: Yes, Commissioner Blanco?

14 COMMISSIONER BLANCO: Yes. Yeah, I don't -- I
15 guess I think we need to rethink a little bit. I know we
16 feel like we've heard a lot and now we want to hear just
17 about how to change, but I think we're -- this is still
18 the time where we're going to hear for the first time from
19 some people about what their community of interest is.

20 And even for the folks who may come in and comment
21 on what they don't like about the lines, they may feel the
22 lines don't reflect their community of interest, or that
23 we -- that we either didn't take it into account or that
24 we -- it's incorrect.

25 And so, I think we have to be really careful about

1 that. I think this is still at this stage. We always
2 knew that once we had a draft up that that's when we would
3 really -- everybody would come out of the woodwork, except
4 the sort of the people at the beginning that were sort of
5 aficionados, but that now -- you know, so I don't think it
6 takes away, I think we still are going to be in a
7 community of interest mode in a lot of locations.

8 I think we have to -- the other thing is,
9 unfortunately, I don't think that with the general public
10 at this stage we can say -- I think if we say, send some
11 kind of signal that don't -- don't testify unless you can
12 tell us how you're impacting some -- that you're not going
13 to make somebody else worse off, like we don't want to
14 hear unless you can give us, you know, the mitigating
15 solution for the surrounding communities, I don't think
16 that that's fair to put on lay people that they do that.

17 I think that they're going to come and they're
18 going to say this is a problem and this is why, and why,
19 and why, and I don't think that we can really expect them
20 to be mappers and present us with the alternatives. I
21 think that's our job.

22 So, I know we're trying to get to a different
23 layer of conversation here, but I'm concerned that we
24 don't want to send the signal that don't come to us unless
25 you have a solution, because that's really ours to do the

1 solution, not the publics.

2 CHAIRPERSON AGUIRRE: Yes, Commissioner Ancheta?

3 COMMISSIONER ANCHETA: Well, yeah, I don't think
4 these are mutually exclusive, and I think we should try to
5 identify those things that we need over the next several
6 weeks. And I think there's, you know, two or three
7 categories of information that we need.

8 We need what we would consider missing
9 information, where we didn't receive communities of
10 interest, that's one.

11 A second might be either incomplete or inaccurate.
12 In other words, maybe the record needs to be filled out a
13 little bit more, that's the second category.

14 And then third is -- I don't have a problem saying
15 to the public we're looking for a lot of things, and one
16 of the things we're looking for is if you're concerned
17 about a particular district, or the way particular
18 communities may have been divided, or moved from one
19 district to -- or could be moved from one district to
20 another, that we really would like your help. And we
21 should be directing them to the technical assistance
22 center or various online resources they can take advantage
23 of because some members of the public, I think, can do
24 that.

25 And I don't think we should limit it, but I think

1 we should really be targeted about what do we need right
2 now, because we're going to get a lot of you-split-my-
3 community-I'm-really-angry, thank you, and they'll sit
4 down. And that is useful at some level, but it's not
5 ultimately as helpful as I'd like you to fix this. And by
6 the way, I understand that this affects other parts of the
7 region and here are my suggestions for them.

8 Now, again, that's not every speaker, but I think
9 some speakers or some members of the public can be asked
10 to do that and they might come through, and I think that's
11 helpful.

12 But, again, there's a lot of stuff we just don't
13 have yet, and we have to just take advantage of the fact
14 that we're going out there again, and some folks may be
15 coming in for the very first time because they just heard
16 about it and they're going, oh, I had no idea this was
17 happening. And that's fine.

18 And maybe we want to divide up the meeting or try
19 to structure it so some comes in more through written
20 testimony versus oral testimony, but I think we should
21 really figure out what we want and need and just try to
22 focus on those things.

23 CHAIRPERSON AGUIRRE: Okay, Commissioner Parvenu
24 then Commissioner Dai?

25 COMMISSIONER PARVENU: Oh, when one speaks third

1 all the salient points have been mentioned already and now
2 I have to come up with new dialogue.

3 (Laughter)

4 COMMISSIONER PARVENU: Okay. Several -- several
5 references were given earlier, the Technical Redistricting
6 Assistance Centers, as well as the Advancement Project.
7 I'd like to add a third, that one is redrawca.org. This
8 is very user-friendly, individuals can use this at home,
9 on their home computers, print out tangible, concrete,
10 objective maps, visual guides to bring to our hearings,
11 and that's one suggestion for those who may be listening.

12 And I do agree with all the comments that were
13 mentioned before myself, and I see both sides of the
14 debate whether or not we want to focus, have the
15 commentators or public testimonials focus on providing
16 solutions.

17 I tend to lean towards the area of having the
18 public aware in the beginning that that would be most
19 helpful, so that we don't continue to get the echo, the
20 echo comment of we don't like what you've done, change it,
21 you know, keep my city whole, again.

22 If we can minimize that, of course there's going
23 to be some of that, it's inevitable, unavoidable and we
24 have to hear that aspect.

25 But for those individuals who are or who have been

1 following this process since the very beginning, who are
2 aware of these centers and resources, having something
3 tangible and concrete in hand at these hearings would be
4 very helpful.

5 CHAIRPERSON AGUIRRE: Yes, Commissioner Dai?

6 COMMISSIONER DAI: Thank you, Chair. Yeah, so
7 then going forth, you know, there are even fewer salient
8 points. But I did want to say that one of the explicit
9 choices that we made earlier on was to choose a different
10 city in the regions, in the second round. So, we
11 absolutely will be going to new places, some of whom, you
12 know -- so we will absolutely have people who will say,
13 hey, I just heard about this.

14 So, I agree with Commissioner Blanco, we are going
15 to get some of that first round testimony, but I think we
16 can mitigate it a lot with a very informational one-pager
17 that they receive right there. We can make tweaks to our
18 website to make it clear the kind of testimony we're
19 looking for.

20 There were many parts of the State where, since we
21 didn't receive testimony, frankly, we're making our best
22 guess based on our own knowledge, contained within the
23 Commission.

24 And so I think, you know, more information on new
25 communities of interest are absolutely going to be

1 valuable to us and, in fact, maybe the way that people are
2 going to be justifying that we change the lines. So,
3 that's certainly something I think we should definitely
4 continue to do.

5 I think another thing that struck me this morning,
6 during public comment, was one of the speakers talked
7 about how he understood that -- that we needed to -- that
8 they needed to help -- help the Commission help them. And
9 I think that's a really good message and it promotes the
10 idea of collaboration. That, you know, whatever homework,
11 you know, the public is willing to do, which includes the
12 impact on neighboring communities, if we keep them whole,
13 I mean I think that's very useful.

14 The other thing that I mentioned to that
15 particular speaker is, you know, it may be that you're in
16 a bad spot in the State and, you know, there are -- there
17 are places in the State where we're hemmed in by natural
18 geography, by Section 5 districts, and it may be
19 impossible to do what the public is asking us to do.

20 And in that case the best that we can do is at
21 least make any split less painful. So, there are a lot of
22 places where we had to split communities and we made, I
23 think, a reasonable guess, using a highway or based on
24 limited public testimony where that split should go.

25 And I think some splits are very good and some,

1 again, we're not sure. So, that kind of information I
2 think is absolutely going to be helpful this round is
3 where we are forced, against our will, to split a
4 community, please tell us how to make that split less
5 painful.

6 CHAIRPERSON AGUIRRE: Yes, Commissioner DiGuilio?

7 COMMISSIONER DI GUILIO: So, I would like to make
8 sure I'm capturing some of these things; I don't want them
9 to get lost in the details, too.

10 So, I'm just going to make sure that we're on the
11 same -- so under public information that kind of the
12 responsibility for public information will be the one-
13 pager. You know, I'm kind of throwing it over there, but
14 if you need help I don't want to -- I just don't want it
15 to get lost.

16 So, the one page, updates the one page. Update to
17 the website. And also some information particularly about
18 addressing, directing people to the Redistricting
19 Assistance sites, okay, so those will be there.

20 On terms of what the Technical I have to follow up
21 on, as well, is to -- what I hear, what Commissioner
22 Ancheta said, too, I think this is a very -- and I think
23 maybe Commissioner Blanco. There's some -- there is some
24 mis -- there could be, potentially, missing info, or to
25 incomplete or inaccurate things that I think this might

1 fall under an issue we talked about earlier, like how to
2 get information from the API community in Stockton/San
3 Joaquin, that we need to have some advice from our legal
4 team about how do we go about addressing that and/or even
5 soliciting.

6 So, may I say that Legal and Technical will work
7 together to resolve those, as well?

8 And then, lastly, I just wanted to make a comment
9 on kind of where Technical is coming from in trying to
10 address this general issue of the format of these input
11 hearings. And, again, it's all the comments that we've
12 been hearing, it's trying to strike a balance between not
13 disenfranchising people, and recognizing that some will be
14 coming, again, for the first time, with an understanding
15 that we really do have to try -- try and get them to get
16 focused on what they're going to provide to us.

17 Because while we are encouraging and are welcoming
18 anyone to come and give general COI testimony, or just
19 kind of this bigger -- their bigger picture, we want to
20 make sure that we have something that's useful. Because,
21 in the end, we still have to -- we still need a lot of
22 direction so that we can get these next set of draft maps
23 even more accurate. So, again, striking that balance I
24 think will behoove us as we move forward in this process
25 on a technical side to get the information we need.

1 CHAIRPERSON AGUIRRE: Okay. I thought that was --
2 that's a very good summary, Commissioner DiGuilio.

3 Let's move on to the next item.

4 VICE-CHAIRPERSON FILKINS WEBBER: Well, I do have
5 one question. So, just so I understand it, will it be
6 Public Information that will be putting together this one
7 page that the Chair would likely direct to the public at
8 the next input hearing?

9 COMMISSIONER RAYA: Yes, and it would be something
10 available when people arrive.

11 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

12 COMMISSIONER RAYA: And it will be -- the same
13 direction will be included, anything that we change on the
14 website or any other releases, or anything that we do,
15 we'll take that message, that same message.

16 VICE-CHAIRPERSON FILKINS WEBBER: Okay, can I get
17 a timeline from you just as to when you think you might be
18 able to get it to me? And, obviously, circulated with the
19 Vice-Chair, as well, since this will be the first
20 opportunity that we're having our first input hearing
21 post-draft map, so I just want to make sure that we're all
22 on the same page, and since I'll be Chair so --

23 COMMISSIONER RAYA: Yeah, is Monday okay?

24 VICE-CHAIRPERSON FILKINS WEBBER: By Sunday?

25 COMMISSIONER RAYA: Sunday?

1 VICE-CHAIRPERSON FILKINS WEBBER: Sunday evening?

2 COMMISSIONER RAYA: Okay.

3 VICE-CHAIRPERSON FILKINS WEBBER: Thank you.

4 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

5 COMMISSIONER YAO: Again, it's just a general
6 clarification. Do we feel that the existing guidebook
7 should be used as is and that we add another page for the
8 specifics that we're looking for, or are we looking at
9 making changes to the guidebook?

10 CHAIRPERSON AGUIRRE: I hear that with those 5,000
11 copies, to pull them apart and to insert something is --
12 might be unworkable.

13 So, I just hear that there will be an additional
14 page, probably a color-coded, a different colored page
15 that will be made available, so that would be kind of like
16 the first handout.

17 All right. Let's move on to the next item.

18 COMMISSIONER DI GIULIO: Actually -- okay, let me
19 just give you a quick update, then I think I'll be passing
20 it over to Outreach.

21 As has been mentioned before, there are a couple
22 things that are -- that I've been -- I say in
23 communication with Q2, but they're, you know, obviously
24 focused on what needs to be done tomorrow, so they're
25 aware of these issues that we need to deal with.

1 One is the deadline for the data, the input -- the
2 deadline for public input for round two, at least, and
3 probably some consideration for round three.

4 I'm also working with them in terms of having an
5 idea about what -- we will not be having wrap-ups,
6 regional wrap-ups like we did in the first round, partly
7 because it's a much smaller time frame and we're really
8 only hitting like one region at a time.

9 So, the idea, at least initially, is for Q2 to
10 provide a summary of what's happened between the first
11 draft, map one, and before we begin the direction for the
12 second line-drawing.

13 And I don't know if Commissioner -- boy, I just
14 can't get over that. Mr. Claypool had been talking a
15 little bit with them as well, that the idea is to maybe
16 have that happen.

17 Maybe was it June 30th, you were thinking, instead
18 of right before the July 1st meeting? Or at some point Q2
19 is going to provide us with a summary of everything that
20 had happened between the first draft map and before we
21 begin our second draft map, but it wouldn't be in the same
22 regional wrap-up format.

23 EXECUTIVE DIRECTOR CLAYPOOL: Right. And we
24 really hadn't settle on what format that was going to be
25 in, but Karin was very specific that it wasn't going to be

1 the wrap-up like you had seen it before, because you're
2 going to be touching on all the different regions. So,
3 we'd still have to provide you with more information on
4 that, Commissioner.

5 COMMISSIONER DI GIULIO: Yeah, so just letting you
6 know that's what's in the hopper.

7 And probably one last thing would just be, also,
8 and I think maybe it was mentioned, but working with legal
9 and technical consultants as well in determining what
10 reports will come out with the maps, and who will be
11 responsible for those reports, and if that covers
12 everything that we need. Or, as Commissioner Yao said, if
13 there's other things that legally we need to be
14 responsible for, we should have a heads up on that now and
15 determine how all those will take place.

16 So, that's just kind of an update on what's still
17 going with the technical.

18 Oh, and just one last thing I'll mention, if you
19 haven't already seen there was a -- in our shared Google
20 docs is the pending and ongoing Technical Advisory
21 Committee items and there's a lot of overlap with Legal
22 and other ones, Public Information.

23 So, I've kind of tried to capture them to the best
24 of my knowledge, but if in reviewing that, if there's
25 anything that comes to mind, or changes or

1 recommendations, I'd appreciate any feedback on that. I
2 tried to do the best to capture these things.

3 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

4 COMMISSIONER YAO: Can I ask the Chair to consider
5 as to whether we need as in-depth Q2 support during the
6 second round as we had during the first?

7 I think before us is the time necessary for Q2 to
8 address the deviation issue after the release of the first
9 map. And if we run the same tight schedule that we did in
10 the first one, with the type of deviation that's coming
11 up, we may not have as much time to do that as well.

12 During the first round we had a lot of conceptual
13 type of districts or areas and I think having two or three
14 computers there certainly was a good thing.

15 But during this second round I want to just
16 basically see what the Commissioners' reaction is to
17 perhaps cut down the map-drawing technical support during
18 these outreach meetings to a lower level.

19 CHAIRPERSON AGUIRRE: Yes, Commissioner Galambos
20 Malloy?

21 COMMISSIONER GALAMBOS MALLOY: I'm glad you raised
22 this point, Commissioner Yao. When I was serving as Chair
23 I did have a brief conversation with Q2 regarding
24 different possibilities on staffing for that next round of
25 meetings.

1 One suggestion that we came up with, just
2 initially, was that Q2 would be present at those sessions,
3 but with one of the leads in the firm, either Ms.
4 Henderson or Ms. MacDonald, and would be accompanied by
5 one of the junior mappers, so that would likely limit to
6 one, no more than two computers, but that would allow for
7 better coverage on the home front to insure that they are
8 making progress on the map directions that we've provided
9 them, but that they're also able to be on hand and to be
10 capturing the information we're provided with during that
11 next round.

12 So, that's one possibility and I'm sure there may
13 be others.

14 CHAIRPERSON AGUIRRE: Yeah, Commissioner Barabba?

15 COMMISSIONER BARABBA: I concur with the
16 direction. The only thing I would think of is if we're
17 going to have fewer mappers, we should probably have a
18 better set of printed documents that are organized so that
19 we can get to the maps very quickly.

20 CHAIRPERSON AGUIRRE: Yeah.

21 COMMISSIONER BARABBA: And when people start
22 saying, well, this district I'd like to see a change, if
23 we have to wait for the map to show up on the screen, it
24 would be really helpful if we had access to the districts
25 organized by number, so that we could see them.

1 CHAIRPERSON AGUIRRE: Yes.

2 COMMISSIONER BARABBA: And in this case half of
3 them didn't -- the maps that we're going to be displaying
4 already, so we can have some of the cities and things of
5 that nature.

6 CHAIRPERSON AGUIRRE: Yes, thank you.

7 Commissioner Ontai?

8 COMMISSIONER ONTAI: And I would think that their
9 note-take really should be at all of these meetings.

10 COMMISSIONER BARABBA: Oh, yeah, yeah, for sure.

11 COMMISSIONER ONTAI: For sure.

12 CHAIRPERSON AGUIRRE: All right, does that respond
13 to your question, Commissioner Yao?

14 All right, any other discussion on this item?

15 All right, are we done, Michelle?

16 Yes, okay, Commissioner Ontai?

17 COMMISSIONER ONTAI: Yeah, let me go to Item
18 Number 3, now, the input hearing calendar. I think we had
19 a good, healthy discussion on the content of what's going
20 to happen, but I want to revisit our schedule for June to
21 make sure we're all on the same page.

22 So, if you look at your calendars for June, first
23 of all just to make sure everybody knows, we've added, I
24 think, to more dates, the 29th and the 30th to our
25 calendars, which was not previously on the original

1 calendar. So that everybody has that, right?

2 CHAIRPERSON AGUIRRE: Can you give us the details
3 on that?

4 COMMISSIONER ONTAI: Okay, I'm looking at the
5 screen right now, our schedule, and it looks like we have
6 a line-drawing and a business meeting for June 20th and
7 30th. Now, it says McGeorge.

8 So, I don't know if that's two dates that we added
9 unofficially as a Commission, or is that an error?

10 ADMINISTRATIVE ASSISTANT SARGIS: I believe those
11 were put on there as placeholders in case you decide you
12 need those dates.

13 COMMISSIONER ONTAI: Okay, is that everybody's
14 understanding?

15 COMMISSIONER BARABBA: It is, now.

16 COMMISSIONER ONTAI: Okay. All right. So, now,
17 let's back up to the beginning of the -- our next round of
18 public hearings, beginning on the 16th, all the way to the
19 25th, and then we take a break on Sunday and then we come
20 back on the 27th and 28th.

21 So, is it clear in terms of venue and how we're
22 all going to get there?

23 CHAIRPERSON AGUIRRE: Is the 21st a travel day?

24 COMMISSIONER ONTAI: Yeah.

25 CHAIRPERSON AGUIRRE: Yes, Commissioner Yao?

1 COMMISSIONER YAO: Commissioner Ontai, in order to
2 make a decision or announce the agenda for June 29th, we
3 need to do that by June 15th. So, I think this probably is
4 the -- today and tomorrow are probably the last
5 opportunity we have to be deciding what we want to do on
6 the 29th, as a full committee, okay.

7 Certainly, the Chair can make that decision
8 independently, but if we -- I would encourage saying that
9 we should try to discuss it and make some decision,
10 general decision, anyway, and not leave it open and treat
11 it as just in case.

12 VICE-CHAIRPERSON FILKINS WEBBER: As it appears
13 that Commissioner Yao would be Chair.

14 COMMISSIONER DAI: Well, I was going to say the
15 meetings have been noticed, so they're already up on the
16 website. And, as usual, we have the opportunity to cancel
17 them, if we want, and we have a business meeting next
18 Thursday, so we would be able to make a decision by then.

19 COMMISSIONER ONTAI: And the 72-hour rule still
20 applies.

21 COMMISSIONER DAI: And the 72-hour rule still
22 applies, so we can make a decision on the 16th, we can make
23 a decision on the 23rd. So, we have plenty of time, I
24 believe.

25 CHAIRPERSON AGUIRRE: Yes, Janeece?

1 ADMINISTRATIVE ASSISTANT SARGIS: I also wanted to
2 mention that while you're -- just to factor in the
3 equation; McGeorge has allowed us to use this room June
4 29th through July 8th, any day that we want.

5 We have noticed the 2nd, 3rd or 4th, but we can.

6 CHAIRPERSON AGUIRRE: Yes, Ms. DiGuilio?

7 COMMISSIONER DI GUILIO: Could I -- I don't know
8 how the fellow Commissioners, but I'm wondering if we
9 should just notice a placeholder the 2nd and 3rd, at least.
10 I felt like this last time we were able to do our three
11 days of work in two, but it would be nice if we have the
12 ability to maybe have a little more room.

13 I just feel like it would be better to be safe,
14 than sorry, to have the 2nd and 3rd as placeholders.

15 COMMISSIONER ONTAI: And leave Monday open?

16 COMMISSIONER DI GUILIO: Well, Monday's the 4th of
17 July. I mean, let's just say we can have one break. And
18 partly because we may need some additional time for line-
19 drawing, but I found that we may need a business meeting
20 and last time we were trying to squeeze a business meeting
21 in before line-drawing. And just I feel like it gives us
22 more flexibility, that's all.

23 CHAIRPERSON AGUIRRE: So, in addition to the 29th
24 and 30th, then, you're suggesting maybe the 2nd and 3rd as
25 placeholders for business meetings or --

1 COMMISSIONER DI GIULIO: The 1st is noticed, but
2 the 2nd and 3rd is -- we don't -- oh, I'm sorry, is it not
3 noticed? Maybe Commissioner Ancheta's looking. As I
4 understood it, the 1st was noticed, so I was just adding
5 the 2nd and 3rd.

6 CHAIRPERSON ONTAI: Yeah, the 1st is on our
7 official calendar.

8 CHAIRPERSON AGUIRRE: It is? It is, yes, okay.

9 COMMISSIONER ONTAI: But the 2nd, 3rd are not.

10 CHAIRPERSON AGUIRRE: So, I think given that we
11 can notice them and cancel if -- Commissioner Ancheta,
12 then Commissioner Galambos Malloy?

13 COMMISSIONER ANCHETA: Yeah, at some point Q2
14 needs breaks to draw the maps so -- but I think it's fine
15 to notice them all and then just move them -- as needed,
16 move them around or cancel as needed.

17 COMMISSIONER DI GIULIO: So, therefore, should we
18 agendize them as kind of the broad, as both potential
19 business and directions to line-drawers, since we're not
20 sure what we'll need them for? Is that usually what's on
21 our standing agenda is for both?

22 COMMISSIONER DAI: Yeah, the standing agenda
23 includes both.

24 COMMISSIONER DI GIULIO: Okay.

25 COMMISSIONER DAI: And I just want to alert the

1 Commission that the 23rd we may end up doing some line-
2 drawing, based on Commissioner DiGuilio's and Commissioner
3 Ancheta's progress.

4 For example we -- you know, we may want to make
5 some definitive decisions about Section 5 and Section 2
6 districts based on the progress.

7 So, it might happen a little earlier so that we
8 can kind of get those anchor districts done, and as it may
9 impact the rest of any changes we may make.

10 CHAIRPERSON AGUIRRE: Yeah, and those dates,
11 according to Janeece's information, then we would be here
12 at McGeorge on the 2nd or 3rd, if necessary.

13 COMMISSIONER ONTAI: Now, is there any way,
14 Janeece, we can note on those dates that these are
15 tentative dates?

16 ADMINISTRATIVE ASSISTANT SARGIS: They are.

17 COMMISSIONER ONTAI: Where does it say that?

18 ADMINISTRATIVE ASSISTANT SARGIS: On the
19 individual notices, you mean?

20 COMMISSIONER ONTAI: Yeah, some kind of a note
21 saying that it may or may not occur.

22 COMMISSIONER DAI: They're starred on the full
23 agenda, but I think it's a good idea to do them on the
24 specific agendas, too.

25 COMMISSIONER GALAMBOS MALLOY: Part of my hope in

1 expanding the delegated authority for Commissioners
2 DiGuilio and Ancheta is that I think it would be really
3 helpful for you to provide us guidance on what the
4 schedule, a realistic schedule in order to keep us on task
5 with our draft two and our final draft deadlines would
6 look like. So, I agree that we should agendize them all
7 so we have maximum flexibility. But it would be great to
8 know, at your earliest possible convenience, potentially
9 when we have our business meeting on the 16th, your best
10 thinking around what the timeline is going to need to be
11 to accomplish the task at hand.

12 And I think we've been agendizing in order to keep
13 maximum flexibility, but at some point the -- the public
14 also wants to be able to anticipate when various
15 deliberations or decisions points are happening. And so
16 to the extent we're able to better define those ahead of
17 time, it allows the public a better chance to engage.

18 VICE-CHAIRPERSON FILKINS WEBBER: And in that
19 regard, I did have a discussion with Commissioner Blanco,
20 since she had to step out of the room, that we would like
21 to consider a separate, like agenda. We will have to
22 update this agenda, for instance, for the 23rd, to have a
23 separate item for line-drawing. And in that regard I
24 wondered where we could fit in a report back on the work
25 plan and -- because if we don't know where it fits right

1 now in this agenda, we do have to put that in there to
2 have that running.

3 I mean it's a new idea, it's a new concept and
4 they're from two -- I don't know if that would be under
5 Technical, I don't know if it's under Legal, I don't know
6 if you see that any of the general agenda items that are
7 on here will help us have you report back to the
8 Commission to make decisions on anything, too.

9 COMMISSIONER ANCHETA: Yeah, why don't you make it
10 a standing agenda item for whatever, it could be
11 Technical, it could be Legal, either one. And, again,
12 we'll get it on Monday and then the Commissioners will, of
13 course, want to look at it. As soon as we get this
14 circulated we can have -- but we'll start working on it,
15 anyway, but the work plan does sort of have to be sort of
16 approved by the Commission on the 16th, at least, to
17 formal --

18 CHAIRPERSON AGUIRRE: Yeah.

19 COMMISSIONER ANCHETA: And, again, we may want to
20 revise. This is coming as a draft from Gibson Dunn and if
21 we're adopting it as the Commission's work plan, then we
22 have to vote on it.

23 CHAIRPERSON AGUIRRE: Okay. Any other comments?
24 Yes, Commissioner Dai?

25 COMMISSIONER DAI: Yeah, we have an item framework

1 for working with the line-drawers as a general, standing
2 item, and we do have the line-drawing direction to Q2 --
3 direction to Q2 for line-drawing on every one of our
4 standing agendas, so I think that probably covers it.

5 COMMISSIONER ONTAI: Okay. So, let me go back
6 to --

7 CHAIRPERSON AGUIRRE: Yes, Commissioner Ontai?

8 COMMISSIONER ONTAI: Let me go back to logistics.
9 So, for the 16th to the 28th, Janeece, could you give us
10 sort of a rough summary about where we are in terms of
11 logistics, the hotel arrangements, things of that sort?

12 ADMINISTRATIVE ASSISTANT SARGIS: Oh, okay.
13 Unless you tell me otherwise, I believe I've e-mailed all
14 hotel information to you. If you can't find it, or if
15 you've misplaced it in your e-mail, let me know and I'll
16 resend it. Or if you need any help making hotel
17 reservations, just let me know.

18 So, Culver City, I believe we are in city hall
19 that day.

20 Whittier, we are at Rio Hondo College.

21 Fullerton, we are at CSU Fullerton, I believe.

22 And I cannot remember San Bernardino, San Diego,
23 the files are back at my desk and Lonn is working out
24 those details.

25 Delta College in Stockton, I can remember that

1 one. I can't remember all of the venues.

2 COMMISSIONER DAI: I think Oxnard is Oxnard
3 College?

4 ADMINISTRATIVE ASSISTANT SARGIS: Yeah, Oxnard
5 College, yes.

6 COMMISSIONER ONTAI: Okay. These all posted
7 though, right?

8 ADMINISTRATIVE ASSISTANT SARGIS: San Francisco is
9 at the Fort Mason Center.

10 COMMISSIONER ONTAI: Okay.

11 ADMINISTRATIVE ASSISTANT SARGIS: And Sacramento
12 public input hearing is at the State Capitol.

13 COMMISSIONER ONTAI: But these are all posted,
14 right?

15 ADMINISTRATIVE ASSISTANT SARGIS: Oh, yes.

16 COMMISSIONER ONTAI: Okay, just wanted to make
17 sure.

18 All right, so I think are we all set? All right,
19 so that's the end of that.

20 CHAIRPERSON AGUIRRE: Yeah, so --

21 COMMISSIONER GALAMBOS MALLOY: I'm sorry?

22 CHAIRPERSON AGUIRRE: Yes, Commissioner Galambos,
23 yeah.

24 COMMISSIONER GALAMBOS MALLOY: Commissioner
25 Aguirre, I had thought and maybe this was an error on my

1 part, but part of the request that was put on the Outreach
2 Committee was also to be in a position to give some broad
3 strokes around what July might look like, that stretch of
4 TBD dates.

5 CHAIRPERSON AGUIRRE: Yeah.

6 COMMISSIONER GALAMBOS MALLOY: Are we getting to
7 that or --

8 CHAIRPERSON AGUIRRE: Commissioner Ontai, have
9 you --

10 COMMISSIONER ONTAI: No, we have not. I think the
11 feeling, the notion, was that we would see what would
12 happen after the second round of public input and then
13 determine specifically whether we need to meet all of
14 these dates, as shown, or narrow it down to more
15 concentrated areas.

16 CHAIRPERSON AGUIRRE: Yeah.

17 COMMISSIONER ONTAI: And I'll open it up for
18 discussion.

19 CHAIRPERSON AGUIRRE: Yeah, my thinking is that as
20 the work plan kind of crystallizes and the elements of
21 that work plan kind of surface, and with the level of
22 urgency, then we'll be in a better position to look at
23 those dates and assign various activities, or hearing
24 locations, or venues, whatever to those -- to those TBD
25 dates.

1 It may be that we're going to be very strategic.
2 It might be that we go regional, depending on the needs of
3 the Commission and the suggestions by Q2 and Gibson Dunn.
4 So, that's --

5 COMMISSIONER GALAMBOS MALLOY: Commissioner
6 Aguirre?

7 CHAIRPERSON AGUIRRE: Yes.

8 COMMISSIONER GALAMBOS MALLOY: If I may, I did
9 just want to remind the Outreach Committee and others on
10 the Commission of the commitment we've made to staff
11 regarding sort of drop-dead dates around this. So, we had
12 committed that on our business meeting on the 16th we will
13 be able to have a broad kind of draft agenda or framework
14 for what that last round of input hearings or sessions
15 might look like.

16 If the thought is that there may be a regional
17 approach that would allow us to define at least some of
18 the uses of those dates, that we would immediately lock
19 those dates in so that staff can go through the exercise
20 of identifying venues, which often takes weeks or months.

21 And that no later than the business meeting on the
22 23rd we will have finalized every last location that we
23 will be going to in July, every city or region so that
24 they can make sure we have a place to meet once we're
25 there.

1 So, as long as we are still positioned to meet
2 that timeline, in order that staff can do their job, I'm
3 happy to defer it until the next meeting.

4 COMMISSIONER ONTAI: We can open it up for a
5 discussion right now or we can wait until then.

6 CHAIRPERSON AGUIRRE: Commissioner Barabba?

7 COMMISSIONER BARABBA: The only thing I would add
8 is that we might want to find a balance between meeting
9 with the line-drawers and having open meetings, because we
10 might find ourselves in the need to have more direct
11 conversations with the line-drawers than the amount of
12 time we have relative to the -- the drawing of the lines.

13 And I'm not saying if we need to, I'm just saying
14 that's a condition we might want to consider.

15 CHAIRPERSON AGUIRRE: Yes. Yeah, and I -- taking
16 Commissioner Galambos Malloy's comments, I think it's
17 totally reasonable for us to have some idea for the 16th
18 and for consideration by the Commission, anticipating that
19 perhaps we make some decisions at that point.

20 Certainly, the information that I think will be
21 provided by our liaisons, being Commissioner Ancheta and
22 DiGuilio, on the work plan will help guide us in
23 identifying those dates, specifying what actions will be
24 taken. Is that --

25 COMMISSIONER ONTAI: I will carry that forward.

1 CHAIRPERSON AGUIRRE: Yeah, all right. All right,
2 so Commissioner Ontai, have you dealt with all the agenda
3 items that --

4 COMMISSIONER ONTAI: We did. I think the item; we
5 had a lengthy discussion on that already.

6 CHAIRPERSON AGUIRRE: Yeah.

7 COMMISSIONER ONTAI: So, I'm done.

8 CHAIRPERSON AGUIRRE: All right. Any -- any other
9 questions from Outreach?

10 All right, let's move on to Public Information. I
11 don't see Commissioner Ward, I think he's the lead on
12 this. Oh, yeah, okay, Commissioner Raya.

13 Yes? Okay, before we start, our staff are asking
14 for a short break. Five minutes, yeah.

15 (Off the record at 3:53 p.m.)

16 (Back on the record at 3:56 p.m.)

17 CHAIRPERSON AGUIRRE: All right, Ms. Raya, please
18 proceed.

19 COMMISSIONER RAYA: One second.

20 CHAIRPERSON AGUIRRE: Okay, one second. Time's
21 up.

22 COMMISSIONER RAYA: I'm doing the summary which --

23 CHAIRPERSON AGUIRRE: Oh, okay.

24 COMMISSIONER RAYA: Okay. Sorry, I just have to
25 get back to my other documents.

1 Okay. Okay, the Public Information report.
2 Yesterday, the -- all Commissioners, expect I believe two,
3 who are scheduled to do some, received some preparation
4 with our Communications Director, Rob Wilcox, for the
5 anticipated press conference tomorrow, at the Capitol and
6 subsequent media contacts regarding the release of the
7 first draft maps.

8 Commissioners have also received the draft of
9 the -- what we're calling "the higher message" that Mr.
10 Wilcox would like to get out today, in anticipation of the
11 release tomorrow, in order to frame the message that the
12 Commission is sending with this first draft. And I'm
13 going to keep saying first draft, because that is
14 something that we want to make very clear.

15 And the message is basically -- the first message
16 is mainly to just remind the public of the process that
17 we've followed, the historic nature of this very
18 transparent process, open to the public. The number of
19 hearings that we've held and the amount of testimony that
20 we've received, thousands of contacts from the public
21 regarding -- well, regarding a lot of things about what
22 they would like us to do in drawing the district lines.

23 We are emphasizing that the maps restore integrity
24 to the mandate, Constitutional mandate to ensure fair
25 representation.

1 Also note that they were drawn without regard to
2 political incumbents, partisan considerations, or even the
3 current maps -- or current districts, excuse me.

4 Also noting that we are releasing our first draft
5 two months before the final deadline, which is in
6 incredible contrast to previous processes where the
7 final -- the final product was released and that was it, a
8 day before the deadline, hours, I'm not really sure.

9 So, that is the -- that is what we will be sending
10 out today in anticipation.

11 Tomorrow, accompanying the release of the maps
12 will be a little more detailed statement that describes --
13 sorry, I'm trying to -- a little more detailed statement
14 about the criteria, you know, that are applied in drawing
15 the maps and some explanation, you know, of the various
16 factors that we've discussed repeatedly, and especially
17 here today, about the constraints of the Constitution, the
18 Voting Rights Act, contiguity, compactness, and so on.

19 Again, talking about public -- the public input
20 that we have received.

21 So, that will go out tomorrow with the first draft
22 map.

23 And at the press conference, Commissioner Aguirre,
24 as the current Chair of the Commission, will give
25 introductory remarks.

1 Commissioner Barabba will address or respond to
2 questions regarding the Census, anything, you know, that
3 part of the information, responses to
4 some -- to questions about compliance with the law just in
5 terms of the contiguity or shape -- the shape and so on
6 the, the compactness of districts.

7 Commissioner Ancheta will respond to any
8 questions, legal questions, so anything with specific
9 reference to the Constitutional requirements or the VRA;
10 he will take the lead on those questions.

11 And Commissioner DiGuilio will answer any
12 questions with respect to the technical aspects of drawing
13 the maps

14 And after that Commissioner Aguirre will direct
15 traffic and Mr. Wilcox will assist in helping you to make
16 those decisions as to other Commissioners to participate.

17 CHAIRPERSON AGUIRRE: Yes.

18 COMMISSIONER RAYA: And if anyone has any
19 questions about the process?

20 CHAIRPERSON AGUIRRE: Any questions? Yes,
21 Commissioner Yao?

22 COMMISSIONER YAO: Can somebody explain to a
23 layman on exactly what it is that we're releasing? For
24 example, equivalency files, if somebody gets that
25 equivalency file how is he or she going to use it? If

1 somebody wanted to see something at a certain level is
2 there a -- who has the understanding as to exactly, when
3 we say we're releasing the map, what is it that we're
4 releasing?

5 CHAIRPERSON AGUIRRE: Response?

6 COMMISSIONER RAYA: Oh, Commissioner DiGuilio, can
7 you answer the question from the Technical side?

8 COMMISSIONER DI GIULIO: Commissioner Yao's making
9 me speechless, that doesn't happen often.

10 CHAIRPERSON AGUIRRE: Yes, Mr. Claypool, then
11 Commissioner Ancheta.

12 EXECUTIVE DIRECTOR CLAYPOOL: The explanation that
13 I received from Q2 is that it's a block and district file,
14 and so -- and I had posed this language to them, then it's
15 the equivalent population and Karin had said yes. So, I
16 am believing that an equivalency file is a file that will
17 give you the equivalent population by block and district
18 for the maps that you are releasing. That's my
19 understanding.

20 COMMISSIONER DI GIULIO: But, Commissioner Yao,
21 are you trying to decide -- are you trying to ask how we
22 will just relay that information to the public in general?

23 COMMISSIONER YAO: Right. When we say we're
24 releasing the map, I think we owe them an explanation as
25 to what is it that we're releasing, other than, you know,

1 everything that we have reviewed so far and how -- what
2 information are we going to provide to them in terms of
3 how to use the information that we have released?

4 COMMISSIONER DI GIULIO: Well, should Technical
5 work with Public Information to make something -- put it
6 in layman's terms that will be included in a release? I
7 mean, is that what you'd like to see happen?

8 Are you just saying a description of equivalency
9 files and how they were incorporated?

10 COMMISSIONER YAO: I guess I'm just looking for
11 information at this point; I don't really have any
12 expectation. I know, you know, as a member of this
13 committee I can get down to any level of information I
14 need or want.

15 But in terms of when we're basically taking it out
16 of our hand and transferring it to the public's hand, so
17 what is it we're transferring to them, outside of the PDF
18 file, that much I understand.

19 But beyond that, what is it that we're giving
20 them?

21 CHAIRPERSON AGUIRRE: Yes, Mr. Claypool?

22 EXECUTIVE DIRECTOR CLAYPOOL: Well, and you've
23 already mentioned the PDF file, so that they will get
24 visual files of the districts. And then after that the
25 equivalency files are going to be very specialized, most

1 people won't be able to open them up so, possibly, an
2 explanation is necessary.

3 CHAIRPERSON AGUIRRE: Yes, Mr. Ontai?

4 COMMISSIONER ONTAI: I think that the -- I think
5 it's that, but I think what Commissioner Yao is saying is
6 that we're using a lot of jargon that we understand, but
7 the general public may not know what is the definition of
8 equivalency files.

9 So, when we put the press release out or any type
10 of media release are we using jargon that the public, in
11 general, does not understand?

12 CHAIRPERSON AGUIRRE: Commissioner Ancheta, you
13 had your hand up previously.

14 COMMISSIONER ANCHETA: Oh, I think it's been
15 addressed. But, again, I think there's really two sets of
16 information. One is the PDF file and, hopefully, folks
17 can access that. Also, there's a sector of the public
18 that can't even read PDF files because of technology
19 limitations.

20 But, presumably, that's the vast majority of the
21 public will rely on those visuals. And I think there's
22 been some -- there's been direction to Q2 in terms of the
23 form of the PDFs and, you know, each -- I believe there
24 will be State maps, as well as individual districts put
25 on, as well as some accompanying data. And I think others

1 may have more specifics.

2 And then, again, the equivalency files. I think
3 it is a good point to try to explain that there are some
4 very -- you know, so there's computer files that will be
5 on website which, if you have the right software, you can
6 take these files and the data shows up on your program.
7 But that's advanced software that most of the public
8 doesn't have access to.

9 But they should note that that's all that is and
10 if you try to load it, you're just not going to get
11 anything.

12 But there is an important translation in terms of
13 the PR or public information element to it that we need to
14 be clear of.

15 CHAIRPERSON AGUIRRE: Yeah.

16 COMMISSIONER ANCHETA: You know, this is dealing
17 with mapping software that's, you know, very -- it's
18 complicated and very expensive. And there's some public
19 software that can probably take some of this.

20 And that there will be people, lots of people who
21 will be taking these files, and using them, and producing
22 a lot of analyses, independent of our release.

23 But for now, the PDFs are really the best way to
24 get a handle of what we're doing.

25 CHAIRPERSON AGUIRRE: Yeah, and beyond that, of

1 course, the technical assistance centers have the capacity
2 for working with groups.

3 Also, the advocacy groups, so-called partners that
4 we've been working with, probably will have a series of
5 community sessions to take the public through some of
6 those files.

7 So, Commissioner Galambos Malloy, Commissioner
8 Raya, Parvenu and Yao.

9 COMMISSIONER GALAMBOS MALLOY: A question for
10 Commissioner Raya. I realize the lateness of the hour in
11 terms of actually posting all the materials tomorrow. But
12 I'm wondering, in light of the technical limitations we
13 talked about regarding PDF files, is there a way that the
14 maps, themselves, can be also posted on our website as
15 JPEG files that are immediately visible?

16 I'm just trying to figure out an option for
17 someone who's, I don't know, logging in on a public
18 computer at the library that may not have Adobe installed,
19 and would not want them to come to our website and not be
20 able to view the information.

21 So, have you explored that or is that something
22 that you might be able to take on with staff?

23 COMMISSIONER DAI: Boy, Commissioner DiGuilio and
24 I are just going to keep tossing this ball back and forth.

25 (Laughter)

1 COMMISSIONER DAI: I would just say that I don't
2 think we've set up the capacity for it at this time,
3 partly because I don't think Q2, that was a request that
4 we had made of them, to put them in that format to be able
5 to post. I think this is a good note for us for the next
6 round to maybe anticipate this and have better access for
7 the general public, as opposed to our official release at
8 the high level of detail that you need special software.

9 So, I would like to say -- I'd say at this point I
10 just don't think that's realistic for this round, but that
11 we should put it on our list for the next round. And
12 Commissioner Raya will do a great job of publicizing that.

13 CHAIRPERSON AGUIRRE: Yes, Commissioner?

14 COMMISSIONER RAYA: Oh, yeah. I just want to say
15 that in all -- the documents that I've referring to today,
16 which you have all received, we're really talking on a --
17 you know, not a super technical level and the information
18 will be -- I mean the maps and such, report will be posted
19 on the website. And I -- you know, I'm sorry, you guys
20 know I'm not the right person to talk to about super
21 technical things.

22 But I take that message as an important one
23 that -- for us to be aware of for the next round, the next
24 release.

25 CHAIRPERSON AGUIRRE: Yes, Commissioner Parvenu,

1 then Commissioner Yao, then Commissioner Barabba.

2 COMMISSIONER PARVENU: Okay, I'll be brief. Will
3 the maps that we offer the general public tomorrow, and my
4 apologies for not being present on Tuesday, this probably
5 was discussed.

6 Will these maps, the hard copies of the maps, the
7 color copies, be a part of the material that we hand out
8 to the public? I was not here Tuesday. And with,
9 perhaps, a press release cover, or kit, or the narrative
10 that was mentioned earlier, or this will simply be
11 delivered electronically at this point.

12 CHAIRPERSON AGUIRRE: I think just electronically,
13 yeah.

14 Commissioner Yao?

15 COMMISSIONER YAO: I think my question is not
16 trying to come up with an answer in this room, but
17 something as simple as the equivalency file, if somebody
18 wants it are we going to provide it in a CD form? How are
19 they going to request it? Are we going to be allowed to
20 download it from our computer?

21 Just some of the very basic information that when
22 we say we're releasing the map, I think we need to allow
23 somebody to understand exactly what we're releasing.

24 CHAIRPERSON AGUIRRE: Yeah, I think we can hold
25 that question to -- for discussion tomorrow, with Q2.

1 They will be here to kind of walk us through the most
2 recent iterations of some of the modified maps.

3 Yes?

4 COMMISSIONER RAYA: Mr. Chairman, we would like to
5 get approval for Mr. Wilcox to release our higher message
6 this afternoon.

7 CHAIRPERSON AGUIRRE: Okay.

8 COMMISSIONER RAYA: I don't know, I haven't heard
9 any objections to the message and everyone had --

10 CHAIRPERSON AGUIRRE: Yes.

11 COMMISSIONER RAYA: Everyone received it. So, if
12 that's okay, I can go ahead and send him a message to
13 proceed.

14 CHAIRPERSON AGUIRRE: Is it okay? All right, I
15 think -- I see general consensus. Yes, all right.

16 Okay, Mr. Barabba, did you have a comment, also?

17 COMMISSIONER BARABBA: Yeah, I would just say that
18 I think most people are going to see this in the paper,
19 and the press has access to everything we're doing, and
20 PDF files are about as universal a source of official
21 information as is out there, so I think we're relatively
22 good, standards to how we're distributing it.

23 CHAIRPERSON AGUIRRE: Yes, all right.

24 Commissioner Raya, anything else?

25 COMMISSIONER RAYA: Oh, yes. I just wanted to

1 confirm that -- we had a discussion in a previous meeting
2 about changes to -- on the website to where we are
3 referring people for assistance and I think that's -- it's
4 been taken care of.

5 CHAIRPERSON AGUIRRE: Yeah.

6 COMMISSIONER RAYA: And so everybody knows that,
7 right?

8 CHAIRPERSON AGUIRRE: Yeah.

9 COMMISSIONER RAYA: And that's really all we --
10 you know, we're just focusing on today and tomorrow right
11 now so --

12 CHAIRPERSON AGUIRRE: Okay. So, we expect a
13 Commission vote on the first draft maps tomorrow, after
14 Q2's presentation, correct?

15 EXECUTIVE DIRECTOR CLAYPOOL: Yes.

16 CHAIRPERSON AGUIRRE: And I think we've covered
17 everybody -- everything.

18 I will say that, of course, the press is very
19 interested not only in coming to our press conference, but
20 we're expecting that the press will be here when we arrive
21 tomorrow. And they will probably try to corner you to ask
22 some preliminary questions about the impending release.
23 And I would ask you to follow Rob Wilcox's talking points
24 as far as dealing with the press.

25 And so, would you want to say anything about that,

1 Commissioner Raya or --

2 COMMISSIONER RAYA: Oh, I'm sorry, yes.

3 Seriously, I'm having trouble balancing these two
4 responsibilities here.

5 Commissioners did receive helpful hints --

6 CHAIRPERSON AGUIRRE: Right.

7 COMMISSIONER RAYA: -- yesterday regarding media
8 contact tomorrow and in subsequent days, which I think we
9 can all expect will be significant.

10 CHAIRPERSON AGUIRRE: And some sample questions,
11 also, that might be forwarded to us.

12 COMMISSIONER RAYA: Yes.

13 CHAIRPERSON AGUIRRE: So, I would invite the
14 Commission to look through that material in preparation
15 for tomorrow.

16 Yes, Commissioner Ancheta.

17 COMMISSIONER ANCHETA: So, prior to the press
18 conference it is okay for Commissioners to answer
19 individual press inquiries, is that our position? Or
20 should we wait until the --

21 COMMISSIONER RAYA: I think our policy with regard
22 to that, all along, has been to consult with Mr. Wilcox,
23 let him know if you've been asked to respond. That's been
24 kind of our general approach, right?

25 COMMISSIONER ANCHETA: Well, let's say, for

1 example, we take a break and there's several reporters and
2 someone says, oh, can I ask you a question? And I can
3 either say, sure, or I can say we're holding off for the
4 press conference at 1:00. That's the question?

5 CHAIRPERSON AGUIRRE: Yes. Commissioner Yao?

6 COMMISSIONER YAO: When I go to our website and
7 look at the agenda for June the 10th, the press conference
8 is not listed in that agenda. That agenda says that we
9 have a meeting in here all day. So, how do we incorporate
10 that into the agenda?

11 COMMISSIONER DAI: Yeah, I don't think a press
12 conference is a meeting so I mean we're not -- we're not
13 enacting business, we're just presenting our maps.

14 COMMISSIONER YAO: Well, I mean the -- is the
15 press conference only for the press and the public is not
16 invited, is that --

17 CHAIRPERSON AGUIRRE: Well, yeah, they're invited.

18 COMMISSIONER YAO: But how do they know where it
19 is, what time, and on and on?

20 CHAIRPERSON AGUIRRE: Yes, Mr. Claypool?

21 EXECUTIVE DIRECTOR CLAYPOOL: Okay, so the press
22 conference actually isn't agendized. The only thing
23 agendized in the meeting is the approval of the maps.

24 And as far as everyone knowing where the press
25 conference is, Mr. Wilcox is handling that.

1 COMMISSIONER ONTAI: But the key question is,
2 since we're going to have 14 Commissioners there, are we
3 in conformance with the Bagley-Keene Act that the public
4 should be notified as well?

5 MS. JOHNSON: Technically, it's not a meeting of
6 the Commission so I don't think so.

7 Oh, I don't know what notice you're sending out of
8 the press release -- of the press conference.

9 COMMISSIONER YAO: Yeah, I'm less concerned -- not
10 less concerned. My question, really, is how do we get
11 people to the press conference? How do I get to the press
12 conference?

13 COMMISSIONER DAI: That's a separate issue,
14 Commissioner Yao.

15 (Laughter)

16 COMMISSIONER DAI: Again, our Communications
17 Director, Mr. Wilcox, has been communicating with the
18 press about this well in advance and all of them have been
19 notified.

20 CHAIRPERSON AGUIRRE: Yes, and we expect that Mr.
21 Wilcox will be here in the morning and so we'll ask those
22 questions.

23 We know that it's in the State Capitol, in one of
24 the hearing rooms. Although not an ideal situation for --
25 an ideal space for a hearing room, you know, we'll

1 accommodate ourselves to that. And we expect not only
2 print media, but radio interview, and radio and television
3 to be present.

4 So, I think getting back to the original question,
5 by Mr. Ancheta, which is between our adjournment here and
6 the actual calling of the press conference at the State
7 Capitol, if we get pulled to the side by some reporters do
8 we go mum until after the press conference, or are we at
9 liberty to respond?

10 Yes, Ms. Blanco?

11 COMMISSIONER BLANCO: My sense would be that since
12 we did discuss with Mr. Wilcox what we could all say
13 individually after the press conference, which is we've --
14 not to comment about specific maps, but to reiterate the
15 first, the preliminary nature of the maps, the first
16 outing, that we will going back, and that that's what
17 we're all supposed to say after the press conference, I
18 don't see any reason why we can't say that before or
19 after.

20 I mean it's going to -- the point is that it's the
21 same message before or after.

22 CHAIRPERSON AGUIRRE: Yes.

23 COMMISSIONER BLANCO: So, I mean we could say no,
24 but I don't think there's going to be anything said --

25 COMMISSIONER DAI: Can I clarify?

1 COMMISSIONER BLANCO: Yeah.

2 COMMISSIONER DAI: I just got a note from Mr.
3 Wilcox and he says, yes, Commissioners should answer
4 questions if they're asked.

5 CHAIRPERSON AGUIRRE: Yes.

6 COMMISSIONER DAI: That's why we all went to the
7 training.

8 CHAIRPERSON AGUIRRE: Sure.

9 COMMISSIONER DAI: And in response to Commissioner
10 Yao, our press conference will be live-streamed on our
11 website so the public will have access.

12 CHAIRPERSON AGUIRRE: All right. Okay, any other
13 business, Commissioner Raya?

14 COMMISSIONER RAYA: No.

15 CHAIRPERSON AGUIRRE: All right.

16 VICE-CHAIRPERSON FILKINS WEBBER: I just had one?

17 CHAIRPERSON AGUIRRE: Yes.

18 VICE-CHAIRPERSON FILKINS WEBBER: I might have
19 missed it, I apologize, in trying to conduct other
20 business. But on the website issue, we had discussed it
21 at the last general meeting, but there have been no
22 changes made and I thought there was some concurrence of
23 the Commission regarding updating it. So, under the
24 "helpful links" we still had some of those issues, so I
25 don't know --

1 COMMISSIONER RAYA: It will be taken care of.

2 VICE-CHAIRPERSON FILKINS WEBBER: Okay.

3 CHAIRPERSON AGUIRRE: All right, anything else?

4 We have a Commissioner report by -- that Commissioner
5 Raya's madly working on.

6 COMMISSIONER DAI: Commissioner Aguirre?

7 CHAIRPERSON AGUIRRE: Yes?

8 COMMISSIONER DAI: I'll give Commissioner Raya
9 just another minute. I just wanted to make a point and
10 Ms. MacDonald had just -- had sent an e-mail, as well,
11 about being -- making sure that we have some idea of what
12 to expect tomorrow, as well, in terms of with the draft
13 release maps, because we've had some discussion about just
14 keeping the message at a high level.

15 But Ms. MacDonald is also concerned about that the
16 Commission is also expecting to release the reports that
17 would just be the running of the numbers, information
18 about, you know, who -- what cities are in these -- the
19 idea is that unless you are, unless you have the software
20 all you're going to have are these maps and you won't
21 be -- there's a lot of organizations and institutions,
22 even, not even just the basic person, but just a newspaper
23 organization that's going to look at that and say, well, I
24 can't tell if that line goes through my smaller community
25 or not.

1 So, as I understand it, the intention was that Q2
2 would also provide a list of the cities, the -- some of
3 the -- I wish I had a little more information on what it
4 was going to be. But some background about these maps so
5 that individuals and organizations don't have to map -- or
6 interpretation, and it doesn't have to be guessed on by
7 people.

8 CHAIRPERSON AGUIRRE: Yeah. Yes, Commissioner
9 Blanco?

10 COMMISSIONER BLANCO: I think when we talked about
11 the labeling yesterday, we talked -- I think it may have
12 been Commissioner Barabba asked that we have major cities
13 on the map. So, the cities will be on the map. We've
14 asked for county lines, is that correct? County lines for
15 geographic, topographical features, and major
16 thoroughfares, so those are the things. The things that
17 will not be on there will be the boxes that we've had --
18 oh, and deviation. We will have the --

19 COMMISSIONER DAI: The only thing that will be on
20 there is deviation.

21 COMMISSIONER BLANCO: We will have deviation and
22 that will be the only statistic.

23 CHAIRPERSON AGUIRRE: And no CVAP/VAP.

24 COMMISSIONER BLANCO: No CVAP/VAP.

25 COMMISSIONER DAI: No, it's none those numbers. I

1 don't think the intention was --

2 COMMISSIONER BLANCO: Just so that's my
3 understanding of everything that's on there.

4 COMMISSIONER DAI: Yeah, remember we agreed we
5 were not going to do those reports for the first draft; we
6 were only going to release them with the final draft.

7 CHAIRPERSON AGUIRRE: Mr. Claypool?

8 EXECUTIVE DIRECTOR CLAYPOOL: And it's my
9 understanding that we will have a presentation, clearly,
10 by Q2 tomorrow, for the maps, but they will not be at the
11 press conference.

12 COMMISSIONER DAI: Right.

13 CHAIRPERSON AGUIRRE: Commissioner Parvenu?

14 COMMISSIONER PARVENU: I'm having the same
15 observation as I'm looking at some of these
16 visualizations. And, again, I wasn't part of the
17 discussion earlier this week.

18 But and also I'm having some difficulty
19 downloading the zipped PDF file. I don't know if that
20 could be my computer that's causing this difficulty. The
21 download's fine? Okay, I just wanted to confirm that.

22 But with some of the maps, I'm certain that some
23 of the community members that are interested may want to
24 see specific streets that are, particularly when we get
25 into urban areas where the streets make a difference, and

1 I don't know if we have that capability to -- I know that
2 Q2 has that capability. But if we have or the public has
3 the capability of zooming in, my not having seen it, I
4 don't know if that is possible.

5 CHAIRPERSON AGUIRRE: Yeah, I don't think with PDF
6 files that will be provided that that's possible.

7 COMMISSIONER PARVENU: They won't be able to,
8 right. Right.

9 CHAIRPERSON AGUIRRE: But then there's the
10 assistance centers that, you know --

11 COMMISSIONER PARVENU: Okay. Because I can
12 anticipate quite a few questions about these, you know,
13 specific levels of demarcations between boundaries.

14 CHAIRPERSON AGUIRRE: Mr. Claypool.

15 EXECUTIVE DIRECTOR CLAYPOOL: The other option
16 that we had spoken with Commissioner Yao about is we do
17 have the Advancement Project that is online, and Mr. Kim,
18 I believe, will be able to provide that capability to
19 individuals, and we should probably link up on that.

20 And I know that the Rose Institute has been
21 downloading a lot of that information and is providing
22 that level of access. I think there are actually quite a
23 few organizations that are going to do it.

24 So, hopefully, we'll fill that gap that way.

25 COMMISSIONER PARVENU: Okay.

1 CHAIRPERSON AGUIRRE: Yes.

2 COMMISSIONER DAI: So, I guess the point is that
3 we're going to rely on those other organizations to do
4 that work for us, as opposed to having our staff, our
5 consultants, who have the information, to present it?

6 If it's the same information that's coming out, is
7 it better for other organizations to do it or is it better
8 for our consultants?

9 EXECUTIVE DIRECTOR CLAYPOOL: Well, we don't --
10 the staff, we don't have the capability. So, we own no
11 copies of Maptitude or anything, so we're not going to be
12 able to go down to that level. And I'm not sure that we
13 also have anybody on board, except for possibly Christina,
14 that could do it.

15 Beyond that, I don't know that Q2 has -- you know,
16 it's certainly not part of their contract to provide that.
17 Their contract is to provide the maps to us. So, I think
18 we're pretty much stalemated on that issue.

19 CHAIRPERSON AGUIRRE: Commissioner Ancheta.

20 COMMISSIONER ANCHETA: Yeah, I don't think --
21 again, not that we're hunting responsibility, but the
22 bottom is that many organizations, who are very interested
23 in this process, will take these files and do very
24 thorough analyses, at all kinds of levels, whether it's
25 registration data, party registration, incumbencies, all

1 the things we're not supposed to look at, people will look
2 at, right. So, there will be a lot of information out
3 there.

4 Again, on Friday, it will be the basic PDFs and I
5 think over the next several days there will be various
6 things available online. But I don't think there's any
7 doubt that there's going to be a lot of analysis of our
8 maps.

9 CHAIRPERSON AGUIRRE: All right, any other
10 comments? Seeing none, we'll entertain some public
11 comment at this time.

12 Mr. Wright. I think you can use that -- yes.

13 MR. WRIGHT: Thank you. I'll turn Commissioner
14 Ward's sign down because I'm not Commissioner Ward. Jim
15 Wright.

16 One comment about your discussion concerning what
17 the people need to present to you at the various input
18 meetings that you're going to be having.

19 No one mentioned that if I want to take away an
20 area, or add an area, there should be an exchange. You
21 know, if I'm taking away that Pasadena finger and putting
22 it into the Foothill district, what am I willing to give
23 up. Okay?

24 So, if you can emphasize that if you want to add
25 something, you've got to give something away. If you want

1 to give something away, you've got to add something.
2 Because this is exactly what your mappers are going to
3 have to do in the decisions that you're going to have to
4 make.

5 Thank you.

6 CHAIRPERSON AGUIRRE: Yes, thank you.

7 All right, yeah, just give us --

8 COMMISSIONER RAYA: I feel like we should be
9 playing, what is it, Jeopardy music or something.

10 (Laughter)

11 CHAIRPERSON AGUIRRE: Just --

12 COMMISSIONER RAYA: Okay.

13 CHAIRPERSON AGUIRRE: Yeah, just give us what you
14 have and then we'll fill in the balance.

15 COMMISSIONER RAYA: Okay. Please keep in mind,
16 okay, I'm doing three things here.

17 Okay, the Redistricting Commission held its
18 business meeting today at McGeorge Law School. We
19 received public comment on some of the visualizations that
20 have been prepared over the last week.

21 Commissioner Ancheta and Commissioner Filkins
22 Webber reported on the interview of Professor Matthew
23 Barreto for our racially polarized voting analyst.

24 They recommended that the Commission retain
25 Professor Barreto. They were satisfied that he had no

1 conflicts of interest that would interfere with performing
2 this work for the Commission, and the Commission
3 unanimously approved hiring Professor Barreto.

4 The motion was actually subject to completion of
5 some terms on the scope of work and budget and we received
6 notice later in the meeting that agreement was reached.

7 And so --

8 VICE-CHAIRPERSON FILKINS WEBBER: We're close to
9 it.

10 COMMISSIONER RAYA: Oh, we're close to it. Okay,
11 we're close to the agreement. Thank you.

12 We received the Executive Director's report and
13 noted that -- he noted that we -- Mr. Claypool noted that
14 we have added a transcriptionist to our meetings to help
15 resolve backlog of the transcripts at the meeting.

16 The Commission approved the hiring of Kyle Kubas,
17 expanding Q2's contract to include Ms. Kubas as a note-
18 taker to capture line-drawing instructions given to Q2 by
19 the Commission.

20 The Commission also approved hiring Holly Chow and
21 Samantha Chu as additional Q2 technical consultants, at no
22 cost to the Commission.

23 The Commission directed staff to work with Q2 to
24 identify additional administrative support needed to
25 improve the turnaround of testimony to be considered by

1 the Commission in line-drawing and to provide an estimate
2 of the cost.

3 The Commission approved changes to the policy
4 manual, and agreed to agendize meetings July 2nd and 3rd to
5 maximize our flexibility to allow the public the
6 opportunity to engage in the hearing process by providing
7 a clearer schedule.

8 And, let's see, sorry, I passed over something
9 here. We delegated authority to Commissioner Ancheta and
10 Commissioner DiGuilio to facilitate communication between
11 Gibson Dunn and Q2 to assure that we meet the timeline in
12 the work -- the Commission's work plan that is pending
13 from Gibson Dunn, but has been outlined for release of the
14 second draft maps.

15 And as the work plan progresses and we are
16 informed by Commissioner Ancheta and Commissioner DiGuilio
17 of progress, we will assign further dates as needed for
18 public hearings and Commission meetings.

19 And the Commission announced that the first draft
20 maps will be released tomorrow, Friday, June 10th. A press
21 conference will take place at the Capitol, now scheduled,
22 I think, for one o'clock. And the maps and accompanying
23 statement will be posted on the Commission's website.

24 Did I miss anything?

25 (Applause)

1 CHAIRPERSON AGUIRRE: Excellent work, yeah. All
2 right, so is there anything else?

3 All right, so unless there's other business, then
4 we'll adjourn until tomorrow morning at nine o'clock.
5 Thank you very much.

6 (Thereupon, the Commission Business
7 Meeting was adjourned at 4:29 p.m.)

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