

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

Wednesday, July 6, 2011

1:00 P.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Jodie Filkins Webber, Chairperson

Angelo Ancheta, Vice-Chairperson

Gabino Aguirre

Vincent Barabba

Maria Blanco

Cynthia Dai

Michelle DiGuilio

Jodie Filkins Webber

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, Chief Legal Counsel

Rob Wilcox, Communications Director

Marian Johnston, Staff Counsel

Janeece Sargis, Administrative Assistant

APPEARANCES (CONT.)

Also Present

Board of Equalization

Jeffrey L. McGuire, Deputy Director

Kristine Cazadd, Interim Executive Director

Randy Ferris, Acting Chief Counsel

Public Comment

Pat Angolia

Aref Aziz

Debra Howard

I N D E X

	Page
Introduction	5
Public Comment	
Pat Angolia	7
Aref Aziz	10
Technical/Outreach Discussion Topics	15
1. Recruiting and hiring consultants	
2. Framework for working with line drawers	
a. Workplan discussion	
i. VRA review of districts	
ii. Narrative report update	
iii. Calendar review	
iv. Coordination of ongoing activities	
Public Information Discussion Topics	12
1. Media relations training post 2 nd draft maps & post final maps	
2. Media plan	
3. Website/social media	
4. Communications strategy	
a. Press Conferences	
Finance and Administration Discussion Topics	59
1. Budget and financials -- Executive Director's Report	
a. Secretary of State: Map Certification update	
b. Legislature: Litigation resources update	
c. Agenda for August 1 - 15, 2011 meetings	
d. Operating Plan for 2011-12	
2. Staffing and personnel	
3. Management of personnel and equipment contracts	
a. Transcription support	
b. GDC contract	
c. Q2 contract	
Legal Advisory Committee Discussion Topics	74
1. Final Map Preparation	
a. Litigation RFI	
b. Directions to Q2	
2. Chief Counsel's Report	

I N D E X

	Page
Public Comment	
Debra Howard	93
Other Expert Presentation/Training	
1. Board of Equalization Presentation	96
Kristine Cazadd, Interim Executive Director	
Jeffrey L. McGuire, Deputy Director.	
Randy Ferris, Acting Chief Counsel	
Adjournment	133
Certificate of Reporter	134

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

P R O C E E D I N G S

CHAIRPERSON FILKINS WEBBER: Ladies and gentlemen
are you ready? We are live.

Welcome to the July 6th, 2011 Business meeting of
the Citizens Redistricting Commission.

Before we commence our business today Ms. Sargis,
will you please take roll?

ADMINISTRATIVE ASSISTANT SARGIS: Commissioner
Aguirre?

COMMISSIONER AGUIRRE: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Ancheta?

VICE-CHAIRPERSON ANCHETA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Barabba?

COMMISSIONER BARABBA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

COMMISSIONER BLANCO: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Dai?

COMMISSIONER DAI: Here.

ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?

Filkins Webber?

CHAIRPERSON FILKINS WEBBER: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Forbes?

COMMISSIONER FORBES: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Galambos Malloy?

COMMISSIONER GALAMBOS MALLOY: Here.

1 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?
2 COMMISSIONER ONTAI: Here.
3 ADMINISTRATIVE ASSISTANT SARGIS: Parvenu?
4 Raya?
5 COMMISSIONER RAYA: Here.
6 ADMINISTRATIVE ASSISTANT SARGIS: Ward?
7 COMMISSIONER WARD: Here.
8 ADMINISTRATIVE ASSISTANT SARGIS: Yao?
9 COMMISSIONER YAO: Here.
10 ADMINISTRATIVE ASSISTANT SARGIS: And we have a
11 quorum.

12 CHAIRPERSON FILKINS WEBBER: Thank you. In
13 reviewing the agenda we do have committee reports that we
14 will be going through today in the order -- there will be
15 just a slight change, the Finance and Administration will
16 go after our BOE presentation that we have scheduled today
17 and then Legal will go before our BOE presentation, so
18 we're just going to switch those two pending receipt of
19 additional information for F&A's report back.

20 At this time, as we customarily do at our Business
21 meetings, we'll ask and open the mic for public comments,
22 which would be limited to two minutes.

23 MS. ANGOLIA: Good afternoon. Thank you. I'm Pat
24 Angolia, I live here in Sacramento County. Can you hear
25 me all right? Okay.

1 I'm actually here representing Nina Royal, she's
2 from the Redistricting Advocate from Sunland Tejunga,
3 Southern California. She wanted me to read just a little,
4 brief proposal here for you and I'll leave a copy with you
5 following my reading it to you.

6 The proposal for Foothill district in Los Angeles
7 County, she said they have traveled to three meetings in
8 L.A. County and were unable to speak because of the
9 speakers' numbers were high, so she thought this would be
10 a spot to slip in, so here we are. This is her letter:

11 "We are proposing a unique Foothill district
12 along the rim of the valley in L.A. Valley to
13 include Cagel Canyon, Lakeview Terrace, Shadow
14 Hills, Latuna Canyon, Sunland, Tejunga, La
15 Crescenta, Mt. Rose, La Canada, Flintridge,
16 Glendale and Burbank for both State and Federal
17 Districts. Are diverse communities are closely
18 related regarding education, income, housing, and
19 we share the following common interests; fire
20 protection, disaster response, protection of the
21 rim of the valley, Los Angeles forests,
22 San Gabriel and Verduca Mountains watershed.
23 Fifteen percent of L.A.'s water comes from our
24 Foothills watershed. They have equestrian, hiking
25 trails, ecosystem, wildlife."

1 And she goes on to describe those.

2 "Our rural communities depend on Glendale and

3 Burbank for colleges, medical hospitals, and

4 entertainment centers. All of our communities

5 have a proven history of working together. We

6 have met with members of the above communities who

7 are anxious to join together, however, they have

8 not had an opportunity to take a formal vote as of

9 yet because it must be agendized. But they agree

10 that this should be a natural order. Sunland

11 Tujunga Neighborhood Council took an informal

12 straw vote during our last general meeting because

13 the motion was not agendized. But over 100 people

14 voted unanimously for the proposed district. We

15 will also be forwarding, via Federal Express

16 today, 11 petition sheets and possibly more, with

17 signatures taken over the 4th of July, along with

18 a map outlining our proposal. We will also be

19 submitting letters from the Foothill Trails

20 District Neighborhood Council, which includes

21 the communities of Lakeview Terrace, Shadow Hills

22 and Latuna Canyon, and also the Crescenta Valley

23 Civic Association. Neither Burbank or Glendale

24 have taken a formal stand, but they have not

25 voiced any objection to our proposal. There are

1 several signatures from members of our communities
2 who believe this is a good proposal. Jill Banks,
3 President of the San Fernando Valley Alliance of
4 Neighborhood Councils joined, signed the petition
5 because she believes that our community should be
6 our own district, outside the San Fernando Valley
7 due to our demographics and common interest.”

8 CHAIRPERSON FILKINS WEBBER: Thank you. Thank you
9 very much.

10 MS. ANGOLIA: “We’re asking you to please give our
11 proposal -- Nina Royal.”

12 CHAIRPERSON FILKINS WEBBER: Thank you.

13 MS. ANGOLIA: Thank you. Thank you very much.

14 MR. AZIZ: Hello, once again, Commissioners, my
15 name is Aref Aziz. I just came by today to -- you know,
16 we’re -- the people in the Tri-Cities area who have, as
17 you guys have seen, they’ve really done a lot to show up
18 to the meetings and make sure our voices were heard,
19 really appreciate the -- the visualizations and how it
20 turned out, and how the visualizations that came out
21 recently really kind of addressed our concerns and met our
22 needs.

23 Our biggest concern, you know, was the Tri-City
24 area being together and it being an Alameda County
25 district, especially for the Congressional district, which

1 was done, and we really appreciate that. And, really,
2 just my goal here, today, is to see if there were any
3 questions or input that you guys wanted beforehand to --
4 you know, just to help you get more information on what
5 we're looking for and all that good stuff. Thank you.

6 CHAIRPERSON FILKINS WEBBER: Any other questions
7 about the area?

8 Any other public comment today? Seeing none, I'll
9 bring it back to the Commission.

10 At this time, according to the agenda, we'll turn
11 it over to Technical Outreach Committee.

12 And, oh, Ms. DiGuilio's not here. Does anybody
13 know where she -- Mr. Ontai, is there anything, any item
14 that you see here, on the agenda, that you'd like to
15 commence --

16 COMMISSIONER ONTAI: No, we're going to have to
17 wait until she gets to.

18 Ms. Raya, do you mind moving into Public
19 Information until she gets here?

20 COMMISSIONER RAYA: Not at all.

21 CHAIRPERSON FILKINS WEBBER: Okay.

22 (Commissioner DiGuilio arrives)

23 COMMISSIONER RAYA: Do you want me to go ahead and
24 let her get settled?

25 CHAIRPERSON FILKINS WEBBER: Why don't you go

1 ahead, that's fine. Let her get settled, that's fine.

2 COMMISSIONER RAYA: Okay. Well, the main issue I
3 think right now for the Commission to give some
4 consideration to is the press conference, the release of
5 the maps and then our press conference on the 28th.

6 And then one other issue is the nature of the
7 public comment that we hope to receive during the last
8 public comment period and whether we want to give some
9 suggestion or direction to the public as to what will be
10 useful and what is likely to be useful during that last
11 14-day period.

12 So, that's just something that you can be thinking
13 about, but I'll let Mr. Wilcox address the press
14 conference issues.

15 COMMUNICATIONS DIRECTOR WILCOX: Well --

16 COMMISSIONER RAYA: Oh, and I'm sorry, I'll say
17 one thing. Okay, you guys didn't want to go to L.A.,
18 fine, we're not going.

19 (Laughter)

20 COMMUNICATIONS DIRECTOR WILCOX: Well, with --
21 also, just as a note, with all of the logistical issues
22 that we would be dealing with, with being in L.A., that is
23 also the weekend that the 405 is closed. They are calling
24 it -- they are calling it "Carmeggeden" and they're
25 telling everyone to stay away, so that sort of helped seal

1 everything as well.

2 So, we will be in Sacramento, we've requested the
3 Governor's press conference room for that afternoon,
4 following your vote in the morning.

5 And then, also, for the next press conference and
6 for the next vote we've requested one of the hearing rooms
7 in the morning to hold the meeting on the 15th to have sort
8 of an official vote, and then to follow it up with an
9 availability news conference.

10 And then from that go over to the Secretary of
11 State's Office. We have requested that the Secretary of
12 State, Debra Bowen, be there and that we have an official
13 ceremony and have that open to the press.

14 CHAIRPERSON FILKINS WEBBER: Any questions?

15 COMMISSIONER RAYA: Any questions? Okay -- oh.

16 VICE-CHAIRPERSON ANCHETA: Just in terms of
17 preparation for the Commissioners for the media that will
18 surround the second draft release are there -- also, we
19 had some training and some sort of briefing prior to the
20 press conference. Are you planning to do that sort of
21 training, as well?

22 COMMUNICATIONS DIRECTOR WILCOX: What I will be
23 doing is we'll be sending out -- we're drafting the next
24 narrative that will run through the process, and then that
25 will also be published.

1 We will have new frequently asked questions,
2 anticipatory questions. And I can work with you, on an
3 as-needed basis, but they'll be very clear as far as what
4 our messages are and that those will be outlined given --
5 given to the Commission.

6 CHAIRPERSON FILKINS WEBBER: I would like to make
7 one recommendation in that regard, Mr. Wilcox, which is to
8 also have Mr. Miller review that because in anticipation
9 of the possibility of any injunctions that might be filed
10 post-August 1st. And until August 15th we would probably
11 like to have counsel weigh in on any draft narratives that
12 we might put together.

13 MS. CLARK: Absolutely.

14 CHAIRPERSON FILKINS WEBBER: Great.

15 COMMISSIONER RAYA: So, unless -- I guess I would
16 say this, if anyone has any suggestions about how to
17 handle the last period of public comment, what we could --
18 what kind of a message we can post for that period, please
19 send it to me or send it to Mr. Wilcox, or both.

20 CHAIRPERSON FILKINS WEBBER: Did you want to
21 entertain any discussion for this?

22 Primarily, as I understand it, Commissioner Raya,
23 you're looking at trying to focus public comment during
24 this period of July 14th through July 28th.

25 COMMISSIONER RAYA: Right.

1 CHAIRPERSON FILKINS WEBBER: Does anyone wish to
2 discuss --

3 COMMISSIONER RAYA: And I think it's also to give
4 people a realistic expectation about what is going to come
5 out of that public comment period. It's clearly not going
6 to be -- we're not going to revisit everything the way we
7 have in the second round so, yeah, welcome any input.

8 CHAIRPERSON FILKINS WEBBER: Anything further?
9 Anything further from you, Commissioner Raya, on
10 the Public Information?

11 COMMISSIONER RAYA: No.

12 CHAIRPERSON FILKINS WEBBER: Okay. Then we'll
13 return to Technical Outreach, Commissioner DiGuilio.

14 COMMISSIONER DI GUILIO: Okay. I think we had
15 left the recruiting, the hiring of consultants in there
16 but I don't believe that will be something we're actually
17 discussing today.

18 The framework for working with the line drawers,
19 again, there's ongoing VRA review of districts that are
20 taking place and maybe Commissioner Ancheta would like to
21 talk to -- speak to that.

22 VICE-CHAIRPERSON ANCHETA: Sure. While Mr. Brown
23 will be joining us later in the week to cover his
24 assessment of the districts, he did speak to -- I believe
25 he talked to Dr. Baretto earlier in the week and he'll be

1 providing specific information about what Dr. Baretto has
2 reported to him.

3 I think at this the point the visualizations
4 coming to Q2 are -- most of them are in to Mr. Brown, but
5 I think he is still waiting for the Los Angeles County
6 ones, in particular. So, we're hoping that gets to --
7 those get to him later today and that he'll have
8 sufficient time to review all of those.

9 But the plan is to have him come in for single
10 briefing for the Commissioners, both in open session and
11 closed session.

12 COMMISSIONER DI GIULIO: Okay. So, Commissioner
13 Blanco, did you have a question?

14 COMMISSIONER BLANCO: No, it's just what data?

15 CHAIRPERSON FILKINS WEBBER: At this point, based
16 on anticipation that Q2 will provide the Los Angeles
17 visualizations by today then we are planning on Mr. Brown
18 joining us on Friday, at nine o'clock. He will address
19 the Commission in public, for the record, in regard to his
20 opinions and then we do need to discuss some litigation
21 matters with him and we'll go into closed session. At
22 this point we're probably anticipating closed session
23 about 9:15 to 10:30 on Friday.

24 COMMISSIONER DI GIULIO: Okay, I think the next
25 issue is the narrative report. And as I understand it,

1 Commissioner Dai and Commissioner Barabba have been
2 working with Mr. Miller and our contractors to work on
3 building the structure and the content, or at least
4 initially some of the -- for the narrative report.

5 I think thing that we had discussed when we had
6 put Commissioner Barabba and Commissioner Dai kind of as
7 the coordinating team from the Commission was to get this
8 set up.

9 But I think what might be helpful in reviewing
10 this and allowing them to move this process forward would
11 be to provide some delegated authority to both of those
12 Commissioners in order for them to actually do the
13 development of the reports and have some things for us, as
14 a Commission, to review, and it would allow the process to
15 move a little more smoothly and particularly under the
16 time constraints that we had.

17 And, again, they'd be working with Mr. Miller, and
18 Mr. Claypool, and our consultants.

19 So, I don't know if there's any discussion about
20 that or if we have to have a motion at some point in terms
21 of having some delegated authority.

22 CHAIRPERSON FILKINS WEBBER: Is this for the draft
23 maps -- I mean the second draft map --

24 COMMISSIONER DI GUILIO: This is for the reports.

25 CHAIRPERSON FILKINS WEBBER: -- or for the final?

1 COMMISSIONER DI GIULIO: For the final. Well, for
2 the second I believe what we have -- and Mr. Brown had
3 suggested to us was that for the release of a report for
4 this second draft maps would be the VAP, CVAP data, some
5 of the -- I think there's some discussion about split
6 reports, some things like that, that can be easily
7 generated, the datasets that went with those reports. So,
8 that would be provided by Q2 for the most part.

9 I think for the final narrative report is what
10 would really be necessary for the delegated authority for
11 Commissioner Barabba and Commissioner Dai, but maybe
12 Commissioner Dai could speak to that a little more.

13 COMMISSIONER DAI: Yeah, so I went through the
14 different sections for the report in our last session and
15 what we wanted some clarity over is what kind of
16 statistics would make sense to release with the second
17 draft maps. And we concluded that, basically, the tables
18 that we received, that had all of the VAP, you know, VAP
19 data and CVAP data which, unfortunately, were not released
20 concurrently with the first draft maps, that we would try
21 to release that concurrently this time.

22 And in addition to that we would provide relevant
23 statistics, like the total population deviation, the city
24 and county splits, et cetera. So, some of the other
25 quantitative measures of the criteria that we've been

1 following.

2 But as Commissioner DiGuilio mentioned, most of
3 that will be provided by Q2. We are not anticipating a
4 narrative at this point for the second draft maps. But we
5 do need to get going on that for the final and the thought
6 was that we would -- we would like to make sure that every
7 Commissioner has the opportunity to weigh in on the final
8 report, but that it probably isn't a good idea to write a
9 report with 14 people.

10 So, what we would try to do is pull that together,
11 if the Commission desires us to do that. We've already
12 assigned the introductory session, it will be done by our
13 Executive Director, Mr. Claypool, as we discussed last
14 week, or two days ago, or whatever it was. And, of
15 course, our Chief Counsel, Mr. Miller, in conjunction with
16 our VRA attorneys will be largely responsible for the
17 second section, which is the legal basis on which we made
18 our decision and there will be a discussion of each of the
19 criteria.

20 And the third section is really where we're going
21 to need everyone's eyeballs to review and that will
22 include our approach, probably from a regional
23 perspective, and then probably a few sentences, a
24 narrative on each district with, obviously, special
25 attention to the districts that are Section 5 or Section

1 2.

2 So, but the whole idea is we would want to get
3 drafts to you so you can -- you have time to review it and
4 then provide your input, rather than having all of us
5 trying to write sections of it.

6 VICE-CHAIRPERSON ANCHETA: Yeah, so, and I
7 think -- and this has been a concern that's been raised in
8 previous meetings regarding how well we actually document
9 the bases for our decisions.

10 And we did have some discussion with Mr. Brown
11 regarding his thoughts on that. And as he's also told us
12 before, we should try to document.

13 My thought is that maybe for next week, because
14 we're going to spend two days going through the maps in
15 fairly good detail and we're not really going to try to
16 change the maps at this point, that it might be a good
17 exercise to actually just go through and as we go through
18 each district to say, well, the reason this district looks
19 like it does look like is for these reasons.

20 And again, it may only be one or two sentences; it
21 may be captured by a regional approach. Obviously, some
22 of the districts are much more complex and have multiple
23 bases, but at least that point we should get in the habit
24 of actually doing that and then as we go forward, again if
25 there's not too much change in some of these districts, we

1 simply reconfirm as we go forward that these are the
2 reasons for doing it. If we change them, we'll document
3 those as we go forward, as well.

4 So, again, this is for some discussion, but I
5 think a good time to do that is next week when we're not
6 actually changing things.

7 CHAIRPERSON FILKINS WEBBER: Any other questions?
8 Commissioner Dai, are you anticipating doing this -- you
9 had mentioned doing it on like a regional, which would be
10 kind of an overview and then in anticipation of then
11 having just a few lines, as Commissioner Ancheta
12 suggested, as to each district?

13 COMMISSIONER DAI: Yes. Actually, we thought we
14 would trial this and, again, I just want to make sure that
15 the Commission would like Commissioner Barabba and I to
16 work on this. We had asked Mr. Miller and Mr. Brown to
17 work on doing a sample regional description for the
18 Central Valley, which happens to have both Section 5 and
19 Section 2 districts in it, whereas Commissioner Barabba
20 and I would do a sample for another area that is not thus
21 affected, so that we would have a -- so the Commission
22 could get a look to see what the approach would be.

23 And this would be a template. If it's something
24 that the full Commission likes, that we would essentially
25 try to replicate that for the other parts of the State.

1 CHAIRPERSON FILKINS WEBBER: What I'm thinking is
2 that's a lot of work and I was wondering if you'd thought
3 about whether anyone else might be interested in maybe
4 splitting up the State or were you anticipating going
5 ahead and doing it for all of the districts?

6 COMMISSIONER DAI: We were just going to do, like
7 I said, one region -- we were going to ask Mr. Miller and
8 Mr. Brown to do the Central Valley, just as a sample, and
9 then we would try to do it, I suggest in Northern
10 California.

11 And we don't anticipate these to be long at all,
12 by the way, because most of the data is going to be - on a
13 district-by-district basis will be supplied by Q2. We're
14 just providing some verbal explanation, essentially.

15 CHAIRPERSON FILKINS WEBBER: Is there any motion?
16 Commissioner Yao?

17 COMMISSIONER YAO: More questions than motions at
18 this point. I would imagine that the noncontroversial
19 districts, for example some of those in the northern part
20 of the State, the write-up would be different than those
21 that are tougher among the high-density, urban areas. Is
22 there a way for us to chime in as to how to classify the
23 117 districts as to which category they fit in so that
24 when -- when the report comes out there won't be any
25 surprises in terms of misclassification of these

1 districts?

2 VICE-CHAIRPERSON ANCHETA: Like kinda hard, more
3 hard, and really, really hard kinda?

4 COMMISSIONER YAO: Yeah, I'd like to maybe -- you
5 know, it's easy to separate the easy ones from the tough
6 ones. Those, I suspect, are not going to be the issue.

7 VICE-CHAIRPERSON ANCHETA: Yeah.

8 COMMISSIONER YAO: But maybe some of those in
9 between that could easily jump into one or the other
10 categories, it may be good if we can early in time to
11 define those so that when the report comes out there won't
12 be any disagreements.

13 COMMISSIONER DAI: And, again, the whole idea of
14 having a couple folks just coordinate this is that we want
15 to pull a schedule together that allows for rough drafts
16 to be circulated, and with adequate time so that everyone
17 has the opportunity to weigh in and feels -- you know,
18 feels like they've had a chance to provide input.

19 But I think Commissioner Ancheta's suggestion is
20 very good, which is as we go through every district next
21 week that would be the opportunity flag something.

22 And, of course, we're going to be, I'm sure,
23 painfully aware of which districts are perhaps more
24 controversial than others. And, you know, those districts
25 would definitely deserve some deeper thought in how we

1 treat the narrative.

2 CHAIRPERSON FILKINS WEBBER: Commissioner Barabba
3 and then Commissioner DiGuilio.

4 COMMISSIONER BARABBA: Yes, I'm just -- I like
5 Peter's idea, but given that we've been cautioned as to
6 what we put out before the maps are actually sent, I would
7 think maybe we'd want our counsel to review that idea and
8 see if it would work or if it poses any potential
9 problems.

10 CHAIRPERSON FILKINS WEBBER: Commissioner
11 DiGuilio?

12 COMMISSIONER DI GUILIO: And I think some of
13 this -- the work by Commissioner Barabba and Commissioner
14 Dai really reflects what -- similarly, what happened with
15 the work plan, which was just allowing some Commissioners
16 the ability to put this information together, to kind of
17 organize it and get it out there.

18 Believe me, I think there will be more than enough
19 work, still, for all of us as Commissioners. I think
20 we'll be required to weigh in on the narrative and to add
21 explanations. We will still be required to do a
22 significant amount of the work in terms of the
23 explanations and justifications.

24 But if Commissioner Barabba and Commissioner Dai
25 are given the authority they can put it together and

1 organize it, and get -- keep the ball moving, I should
2 say, at this point. So, I think in terms of delegated
3 authority it's functional to make sure this process is --
4 make sure the narrative reaches its goal.

5 CHAIRPERSON FILKINS WEBBER: Any other questions?
6 Commissioner Ontai?

7 COMMISSIONER ONTAI: Commissioner Dai or
8 Commissioner Barabba, have you given some thought on the
9 scheduling, how you're going to phase this? Is it going
10 to be done now? I mean how do we look at this in terms of
11 our schedule?

12 COMMISSIONER DAI: Well, unfortunately, I have not
13 had a chance to touch base with Commissioner Barabba this
14 morning. But I would imagine that would be our first job
15 is to put -- just like we had a micro schedule that we put
16 together for line drawing we -- you know, once we get
17 authority from the Commission to put forward then we will
18 put a micro schedule together for the report.

19 And my initial thinking on this, like I said, is
20 to get different sections, you know, to stage this,
21 because you don't want to read a hundred-page report all
22 at once. So, we'll try to get you chunks that we can
23 finish earlier. I imagine, you know, section one will be
24 less controversial and can be put together faster.

25 So, we'll try to stage it because, believe me, we

1 do not want to be scrambling on July 28th.

2 COMMISSIONER ONTAI: Thank you.

3 CHAIRPERSON FILKINS WEBBER: Any other questions?

4 Then do I hear a motion from someone?

5 COMMISSIONER DI GIULIO: I make a motion to --
6 have a motion to give delegated authority to Commissioner
7 Barabba and Commissioner Dai to work on the narrative
8 report.

9 COMMISSIONER ONTAI: And I'll second.

10 CHAIRPERSON FILKINS WEBBER: Any further
11 discussion on the motion?

12 COMMISSIONER RAYA: Question? Should this be with
13 reference to the final? I mean it should say --

14 CHAIRPERSON FILKINS WEBBER: Yeah, I could put in
15 "final" in there.

16 COMMISSIONER RAYA: Narrative, yeah.

17 CHAIRPERSON FILKINS WEBBER: Final narrative
18 report.

19 COMMISSIONER DI GIULIO: Yeah, final narrative
20 report. Thank you.

21 CHAIRPERSON FILKINS WEBBER: Any further
22 discussion on the motion?

23 Then I would open it up to public comment on the
24 motion that's pending to delegate authority to
25 Commissioner Dai and Commissioner Barabba for preparation

1 of the final narrative report. Any public comment?

2 Okay, seeing none then we'll bring it back and
3 then call for the vote.

4 ADMINISTRATIVE ASSISTANT SARGIS: Would you like
5 the motion restated?

6 CHAIRPERSON FILKINS WEBBER: Oh, sure, please.

7 ADMINISTRATIVE ASSISTANT SARGIS: The motion is
8 that the Commission shall delegate authority to
9 Commissioner Barabba and Commissioner Dai to work on the
10 final narrative report.

11 Commissioner Aguirre?

12 COMMISSIONER AGUIRRE: Yes.

13 ADMINISTRATIVE ASSISTANT SARGIS: Ancheta?

14 VICE-CHAIRPERSON ANCHETA: Yes.

15 ADMINISTRATIVE ASSISTANT SARGIS: Barabba?

16 COMMISSIONER BARABBA: Yes.

17 ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

18 COMMISSIONER BLANCO: Yes.

19 ADMINISTRATIVE ASSISTANT SARGIS: Dai?

20 COMMISSIONER DAI: Yes.

21 ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?

22 COMMISSIONER DI GUILIO: Yes.

23 ADMINISTRATIVE ASSISTANT SARGIS: Filkins Webber?

24 CHAIRPERSON FILKINS WEBBER: Yes.

25 ADMINISTRATIVE ASSISTANT SARGIS: Forbes?

1 COMMISSIONER FORBES: Yes.

2 ADMINISTRATIVE ASSISTANT SARGIS: Galambos Malloy?

3 COMMISSIONER GALAMBOS MALLOY: Yes.

4 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?

5 COMMISSIONER ONTAI: Yes.

6 ADMINISTRATIVE ASSISTANT SARGIS: Raya?

7 COMMISSIONER RAYA: Yes.

8 ADMINISTRATIVE ASSISTANT SARGIS: Ward?

9 COMMISSIONER WARD: Yes.

10 ADMINISTRATIVE ASSISTANT SARGIS: Yao?

11 COMMISSIONER YAO: Yes.

12 ADMINISTRATIVE ASSISTANT SARGIS: The motion

13 passes.

14 CHAIRPERSON FILKINS WEBBER: Thank you.

15 Commissioner DiGuilio?

16 COMMISSIONER DI GUILIO: I think the next thing

17 would be the calendar you -- and I think in terms of what

18 we're moving forward, I think Commissioner Filkins Webber

19 has given us all an outline of what to expect for the next

20 couple days in terms of our line drawing and some ongoing

21 VRA review.

22 I think moving on, just as a reminder, again, that

23 once we do this we will be coming back on the 12th and the

24 13th for a review of the districts as they've been

25 finalized by Q2 pending our discussion these next few

1 days.

2 The opportunity, again, will be there for us, the
3 districts will be -- should be finalized. This is -- as
4 opposed to what happened with the first draft map, where
5 we can in and reviewed the districts probably rather
6 quickly, more quickly than what we would have liked, we
7 didn't have much time to discuss and absorb. By building
8 in the 12th and the 13th it was the opportunity for us,
9 again, to review the finalized districts, spend some time
10 even discussing them.

11 We will also have the opportunity, obviously, to
12 take maps home, to digest them a little bit more. And
13 then when we come back on the 14th would be the actual
14 last, any last bit of discussion but, also, the actual
15 vote would take place at that point.

16 And then I think the next -- excuse me, I don't
17 have my calendar. The next day we meet after that would
18 be a Business meeting on the 19th, if I'm not mistaken, or
19 is it the 20th, I'm sorry?

20 CHAIRPERSON FILKINS WEBBER: I'm looking at the
21 calendar that's on --

22 COMMISSIONER DI GIULIO: Thank you.

23 CHAIRPERSON FILKINS WEBBER: -- on the website.
24 So, if there's -- I'd appreciate you going through the
25 days because right now where we have it on the website it

1 just shows Business meetings all the way through this
2 particular calendar, it doesn't really specify any
3 additional meeting with Q2.

4 COMMISSIONER DI GIULIO: And I believe -- yes, and
5 I believe Commissioner Filkins Webber has already
6 cancelled the Sunday and Monday, the 10th and the 11th, if
7 I'm not mistaken? Is that correct? Yes. So, maybe we
8 should just go in order, the 10th and the 11th have been
9 cancelled.

10 Again, the 12th and 13th would be the presentation
11 and the discussion of the second draft maps. At that
12 point we will be able to get the finalized maps from Q2.

13 The 14th will be the vote. We have the 15th,
14 16th -- the 15th through the 19th as if necessary and,
15 again, that would just be a reflection if, for some
16 reason, we haven't been able to reach a consensus with the
17 second draft maps or even in our discussion these next few
18 days. It gives us some ability to push out, but notice
19 that every day that we push out does push us closer to our
20 final deadline. And we do have to remember that we have a
21 14-day notice from our second draft map to the final.

22 So, at this point, unless something happens, we
23 have those as agendized, if necessary, but at this point
24 we don't anticipate necessarily meeting.

25 But we do anticipate coming back for a Business

1 day on the 20th, and Commissioner Ontai would be the Chair
2 at that point. And then we have two more live line-
3 drawing sessions on the 21st and the 22nd.

4 And, again, as a reminder, the live line-drawing
5 is simply a reflection that any direction that we give to
6 Q2 at that point, we will be able to see that changes and
7 that will be it for those changes, they will not go back
8 and -- well, they may have to do a few, but a cleanup, but
9 it's not the opportunity for them to do big, general
10 changes, for them to go back because we will not have an
11 opportunity what they do, if we were to give very large-
12 scale direction. So, this really will be to do a lot of
13 cleanup.

14 And part of that I should say, too, as you notice
15 on the calendar, is our responsibilities up until that
16 point is really to -- to pay very close attention -- even
17 though we won't have Business meetings, we will be working
18 every day because we will be needing to review public
19 comments and to be able to take into consideration any
20 comments after the second draft map into the live line-
21 drawing sessions.

22 So, at that point Q2 will be -- it will be --
23 they'll need, I think it's four or five days in order for
24 them to be able to finalize all of the details of those
25 maps.

1 We will have some days agendized at this time on
2 July 26th and 27th for business meetings. And I think as we
3 get closer Commissioner Galambos Malloy will give us an
4 idea as to whether or not we need both those days or maybe
5 one day. But right now those would be the next two days
6 that we would be meeting with the final map, with the vote
7 and the release of the final map on July 28th.

8 I think the one thing we would maybe like to build
9 in there is, again, some time to review the maps before we
10 actually vote on the 28th, so I think that is something
11 that we will work with Q2 to be able to have some time to
12 review, again, the very final maps.

13 And as the calendar notes, we do have three
14 emergency days, if needed, but I'd like to think of them
15 as emergency. So, that kind of pushes us through until
16 the beginning of August and I think at that point we'll
17 have a little more idea of what our -- the first couple
18 days, the first couple weeks in August will look like. I
19 think we'll be working with F&A on that a little bit in
20 terms of what needs to be done in the interim.

21 So, I think that's kind of the calendar, any
22 questions about the calendar?

23 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

24 COMMISSIONER BLANCO: I just want to get a better
25 sense of when we'll have the maps at both stages, when

1 we'll have the maps to review? You know, we have been in
2 situations where it's very pressed, that's -- we know that
3 happened last time around. And so, and even I think you
4 mentioned we could take them home, take them with us.

5 Now, you know, I don't care if we can print them,
6 but I just really -- have we thought about what -- how we
7 built in enough time so that when they come back to us,
8 from Q2, we have time to really -- I mean I'm just really
9 concerned about that one moment in time with both the next
10 set of maps and then the final. That we've been in
11 situations a lot where it's -- we get them very shortly
12 after we come into the meeting and it's hard to be
13 processing all of it.

14 So, I just would like us to figure out or to just
15 get a little bit more information on how ahead of time do
16 you think we'll actually be able to get stuff and whether
17 that's optimal and, you know, what we need to accommodate
18 that need we may have to have more time with the maps?

19 COMMISSIONER DI GIULIO: And I think that's why
20 when we originally had had the first vote that we had
21 done, in terms of having the final second draft released
22 on the 12th, when we came back the next time and this
23 Commission had decided to agree to the 14th it was
24 basically to give ourselves two days to do the review, of
25 which we would have those maps.

1 So, on July 12th it is anticipated that Q2 will be
2 able to have those maps done at that point, so we will be
3 able to have those available to us in hard copy. I'm
4 hoping that our staff might be able to print them or at
5 least it will be online, as well, because it will be
6 handed out to all of us for discussion.

7 And I would just say, though, very quickly, if for
8 some reason in these next few days of the line drawings,
9 if we need to bump that out a day -- I'm hoping we won't,
10 I have a feeling we'll be very efficient with our time.
11 But if we do need to add an extra day, let's say to this
12 line-drawing session this Saturday, that may bump that 12th
13 a little bit, but so we do have some room.

14 But as it currently stands, we do have two days to
15 review those maps, the 12th and the 13th. So, you'll have
16 the evening of the 12th and the evening of the 13th, as
17 well, to digest and review those.

18 So, that was the point of giving those two extra
19 days is for us to not only be able to look at them, but
20 for all of us to take it upon ourselves to really have a
21 good eye about what has happened.

22 Now, know that you won't be able to make changes
23 at that point, that this is simply for us to review it,
24 it's not to be able to make changes. If you make changes
25 or if that's the -- that shouldn't be the intent, because

1 if changes need to be taken place, then Q2 will have to go
2 back and make those changes and, therefore, we wouldn't
3 have a second draft map.

4 So, that's why these next few days of line-drawing
5 are very important because this is our last chance to give
6 them direction before the second draft maps come back to
7 us.

8 When it comes to the live line-drawing for the
9 last set of maps, this is again what I was mentioning,
10 that Commissioner Galambos Malloy and I can work with Q2
11 about exactly when they will be able to give those --
12 excuse me, that was for -- I'm sorry, that's for the last
13 one.

14 But for the live line-drawing session we will see
15 the changes we make on the screen, so there won't be any
16 surprises. So, what we see will be what we will get for
17 the most part on that 21st and 22nd so that when we come
18 back on -- we have two Business meetings, the 26th and 27th,
19 so we could make one of those a review day, maybe the 27th.

20 COMMISSIONER BLANCO: Uh-hum.

21 COMMISSIONER DI GIULIO: But what we get on the
22 28th shouldn't be a surprise because you should have
23 already seen it in the live line-drawing sessions. So,
24 that what we get on the 28th shouldn't be a surprise
25 because you should have already seen it in the live line-

1 drawing sessions.

2 So, that is why it's very important when we come
3 into the 21st and 22nd that we, as Commissioners, are very
4 prepared to give that detailed direction to Q2. It's not
5 a matter of coming here and suggesting a line here or
6 there, we have to come with our very specific suggestions
7 at that point because we will see what the result is.

8 So, does that answer your question?

9 COMMISSIONER BLANCO: It does and it gives me a
10 better sense. And for the ones for our work tomorrow and
11 Friday, when's the soonest we'll get that? Today?

12 COMMISSIONER DI GIULIO: No.

13 COMMISSIONER BLANCO: Tonight, we'll get it --

14 COMMISSIONER DI GIULIO: No, no. No, whatever we
15 give the direction to they will go back and work on so we
16 will not be able --

17 COMMISSIONER BLANCO: No, no, like for this -- no,
18 in terms of what they're going to bring back to us to look
19 at tomorrow?

20 COMMISSIONER DI GIULIO: I think we probably will
21 be getting it starting tomorrow. I know there's some
22 things that have been completed, some districts that have
23 been completed. I'm not sure if they've been sent to
24 Christina to posting -- or to Ms. Shupe for posting.

25 COMMISSIONER BLANCO: I mean it would be ideal, I

1 think, to have them the night before. I don't know if
2 that's possible, but it just makes it a lot easier.

3 COMMISSIONER DI GIULIO: And I think they're
4 trying -- as soon as they get those done, they have been
5 sending them to our staff, but I think it's just a matter
6 of when they've been working -- sometimes they get done at
7 3:00 in the morning.

8 COMMISSIONER BLANCO: No, I know.

9 COMMISSIONER DI GIULIO: And we actually ask our
10 staff not to stay awake until 3:00, but to do it first
11 thing in the morning so --

12 COMMISSIONER BLANCO: Right. I'm just wondering,
13 I don't know how the -- what the progress is.

14 COMMISSIONER DI GIULIO: Mr. Claypool?

15 EXECUTIVE DIRECTOR CLAYPOOL: I don't believe that
16 we've received anything, yet. Now, that doesn't mean
17 they're not completed, but they haven't -- when we get
18 them, Christina's really good at notifying me so --

19 COMMISSIONER BLANCO: Uh-hum.

20 EXECUTIVE DIRECTOR CLAYPOOL: The only other
21 comment I wanted to make is for next week, when we're
22 going to be looking at the 12th and 13th. For that volume
23 of maps it's going to be extremely important that
24 Christina, and Janeece, and Lon get them on the 11th.

25 COMMISSIONER BLANCO: I know.

1 EXECUTIVE DIRECTOR CLAYPOOL: So, yeah, I know
2 that's difficult and I know that if they get them on the
3 11th at midnight, even though we tell them not to stay
4 awake, they're going to anyway.

5 But, you know, we need that lead time because
6 that's a major volume.

7 CHAIRPERSON FILKINS WEBBER: And that's to upload
8 them onto the website, that's what you need the lead time
9 for?

10 EXECUTIVE DIRECTOR CLAYPOOL: No, the lead time
11 really is to take them, and download them at FedEx and
12 print them.

13 CHAIRPERSON FILKINS WEBBER: Oh, okay.

14 EXECUTIVE DIRECTOR CLAYPOOL: I mean it takes a
15 long time to print that many maps, it takes hours to put
16 those packages that you get each week; it's probably a
17 four- or five-hour process.

18 COMMISSIONER DI GIULIO: And I'm not sure,
19 Commissioner Ancheta, I know there have been some
20 districts for our discussion these next few days that have
21 been finalized and sent to Mr. Brown, but I'm not sure if
22 we -- if they've been sent to our staff for posting, yet?

23 VICE-CHAIRPERSON ANCHETA: Not yet. I mean and
24 the priority is to get the VRA-related districts to Mr.
25 Brown. So, those could be sent out, but they're sort of

1 in isolation, too, because obviously you want the regions.
2 So, you know, let's say you've got the Central Valley
3 Section 2 districts together, but that doesn't necessarily
4 mean that the Bay Area, and Sacramento, and others are
5 quite ready to go. So, that's -- but we could send
6 those -- again, we could send those out, the ones that Mr.
7 Brown has received, but you'll get sort of an isolated
8 view of the regions at that point.

9 COMMISSIONER DI GIULIO: And I think Commissioner
10 Blanco's right, it would be nice if we were to be able to
11 have a day or two before we get into these line drawings
12 to review those. But, unfortunately, with our time
13 schedule it's just -- I think Q2 is working as hard as
14 they can and trying to get these visualizations together,
15 and the lead time for us to be able to review them is just
16 very, very limited, unfortunately. It's time is not on
17 our side.

18 COMMISSIONER DI GIULIO: Commissioner Dai, did you
19 have a --

20 COMMISSIONER DAI: Yeah, I just wanted to clarify
21 that the whole point of the time on the 12th is for them to
22 present the maps to us and to run through it with us;
23 isn't that correct?

24 COMMISSIONER DI GIULIO: Correct, yes.

25 CHAIRPERSON FILKINS WEBBER: Commissioner Barabba?

1 COMMISSIONER BARABBA: It occurred to me that it
2 might be worth an investment on our part to have some
3 backup equipment here just in case somebody's computer
4 decides to have problems, because the last thing we need
5 is to be worrying about whether we can see something if
6 there's a problem with the equipment.

7 COMMISSIONER BLANCO: Yeah.

8 COMMISSIONER BARABBA: So, if we have a little
9 backup system in place, it might be of help.

10 COMMISSIONER DI GIULIO: And this is for the 12th
11 and the 13th, Commissioner Barabba?

12 COMMISSIONER BARABBA: Yes.

13 EXECUTIVE DIRECTOR CLAYPOOL: Could I just get
14 clarification, you're referring to the backup
15 Commissioner -- or Commissioner -- the backup system for
16 Q2?

17 COMMISSIONER BARABBA: Yeah.

18 EXECUTIVE DIRECTOR CLAYPOOL: Okay, they currently
19 have two computers they bring with them. The Legislature
20 actually has loaned us a tower that they keep the system
21 on, so they come with a backup system. So, we'll make
22 sure that if we need a third, we can put it in place.
23 But, thankfully, the Legislature came through for us on
24 that one.

25 COMMISSIONER BARABBA: Well, the only thing is

1 that usually in these kind of instances is just when
2 you're relying on technology it has a tendency to raise
3 its ugly head and we don't have time fall back is my only
4 concern.

5 EXECUTIVE DIRECTOR CLAYPOOL: We'll check and make
6 sure we've got all the equipment we need here.

7 CHAIRPERSON FILKINS WEBBER: I have a couple of
8 questions. It might be in your work plan and I haven't
9 worked at it in this much detail, but when is,
10 technically, I guess, the cutoff for public input after
11 the release of the second draft map on the 14th, when we're
12 already coming back into the detailed line-drawing
13 sessions for the 21st? That's only a week, but then
14 there's got to be this process that I guess Q2 goes
15 through in compiling that -- the public input. So, how's
16 that working?

17 COMMISSIONER DI GIULIO: I believe we had this
18 discussion before where, if our draft map is released on
19 the 14th, then there's a two-week deadline for public
20 comments. So, public comments will be accepted until the
21 28th.

22 But if we're going into line-drawing, again, it
23 will be up to -- because we do not want to wait for Q2 to
24 be able to compile them for us, it's we will be needing to
25 be able to be updated on those public comments and take

1 some of those directions, some of those comments into
2 consideration for direction to Q2.

3 CHAIRPERSON FILKINS WEBBER: On July 21st and 22nd.

4 COMMISSIONER DI GIULIO: Uh-hum.

5 VICE-CHAIRPERSON ANCHETA: Right.

6 CHAIRPERSON FILKINS WEBBER: Okay.

7 VICE-CHAIRPERSON ANCHETA: So, that's a practical
8 matter and the public should understand this, the formal
9 comment period is two weeks, but if you want to get it to
10 us, you better get it to us before we start doing line
11 drawing. So, as a functional matter, it's really sort of
12 the 19th or 20th that you really have to get it to us.

13 CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

14 COMMISSIONER RAYA: Yeah, and that's -- that's
15 what we're working on is to have whatever message about
16 that posted so that people are aware of the time fact they
17 have the -- they have the two weeks but, in real terms
18 they have about a week.

19 VICE-CHAIRPERSON ANCHETA: So, just going back to
20 Commissioner Blanco's original question which is, you
21 know, do we have enough time to actually look at them
22 before we vote on them? So, I think it may be worth
23 thinking about how much -- how many days we want to review
24 during the week of the 25th because, again, assuming we're
25 right on schedule we would -- we would vote on the 28th.

1 Is it -- I mean would we want two days ahead of time to go
2 through the same level of presentation? Again, not as
3 many changes going forward, but just for calendaring
4 purposes as well as, you know, travel and those kinds of
5 things, do we want to calendar one day, two days?

6 COMMISSIONER DI GIULIO: I think just a note very
7 quickly, I think the one thing we should probably check
8 with Q2, because they had asked for, I think it was, about
9 five days' worth of --

10 VICE-CHAIRPERSON ANCHETA: Pure time.

11 COMMISSIONER DI GIULIO: Because when they present
12 the maps to us if there's -- they have to dot there I's
13 and cross their T's because once we vote on it they can't
14 change anything, even if it's a -- you know, the smallest
15 of details. So, I think they were asking for that.

16 So, we might be able to talk to them about one day
17 before to review them. But, again, part of the idea with
18 the live line drawing is that we will be seeing maps
19 pretty much at their entirety at that point.

20 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

21 COMMISSIONER BLANCO: Yeah, I think, though, it
22 would be -- we have two business days built in and I'm
23 wondering, really, whether we should have -- you know, on
24 that 26th and 27th. And I really am wondering whether we
25 should have a little bit more time for the review of maps,

1 especially because if -- as Commissioner Ancheta said, one
2 of the things I think we need to do now, at every stage
3 with the second draft and then with the final, is really
4 as we go through and look at it is list and describe
5 our -- you know, the factors and the criteria that went
6 into that map.

7 And I think we could save a lot of -- ourselves a
8 lot of problems on the other side if we put a lot of time
9 into that at this point in the process, even if it's a
10 little tedious to have that vote and the discussion really
11 be slow and thorough in our -- you know, so that when we
12 take the vote the next day.

13 So, if we try and rush through the whole set, even
14 though I know we will have seen them now and everything's
15 final, it's almost a process that goes into the record.
16 And I think the more deliberative we are and we slow down
17 at that point with that final vote, it -- it's to our
18 benefit later on that we didn't rush part. So that we can
19 really say everything we need to say about why we did what
20 we did.

21 It's just a -- it's just a thought.

22 CHAIRPERSON FILKINS WEBBER: Commissioner Aguirre?

23 COMMISSIONER AGUIRRE: Yes, and I would agree with
24 Commissioner Blanco. And not only is it a way of taking a
25 very good, hard look at what's going to be provided to the

1 public, but it's also an opportunity for us to be
2 consistent, understanding that going forward we are going
3 to be asked not only in our own communities, but through
4 legal -- through litigation, perhaps, to explain why we
5 did certain things.

6 So, I think that that kind of a discussion will
7 help us with consistency in the message and the response
8 when we get to that point of questioning.

9 VICE-CHAIRPERSON ANCHETA: So, the competing
10 interests, of course, are our review, the Commission's
11 review, plus the Q2 interest of getting all the work done
12 for us to review. And I think they're butting up against
13 each other because as we go further -- you know, go back a
14 day or two, we're cutting their time off by a day or two,
15 if we stay at the 28th. Again, we have -- there's some
16 padding built in, it's supposed to be emergency padding,
17 but there's padding.

18 So, you know, if the Commission is starting to
19 really feel we should have two full days then there's room
20 to do that, but we should be very clear about how we're
21 doing that. And we do not want to short change Q2's time;
22 I think that's a very important consideration.

23 CHAIRPERSON FILKINS WEBBER: Commissioner Galambos
24 Malloy and then Commissioner Yao?

25 COMMISSIONER GALAMBOS MALLOY: Well, a couple of

1 thoughts here. One is that if at this stage in the game,
2 when we look at the last week of the month, really, we
3 will have had this coming week, on the 12th and the 13th, if
4 I understood Commissioner Ancheta's review of his agenda
5 thoroughly, that we will be going into that kind of micro
6 level detail for each of the districts as we review them.

7 And so, as we move farther along into the month
8 and we get down to the 26th and the 27th, really the level
9 of review is on whatever refinements had occurred post the
10 second draft map.

11 So, essentially, if I'm thinking we might need two
12 days to do it for the second draft maps and knowing that
13 our ability to maneuver at that point is drastically
14 compressed for that last round, would it be reasonable to
15 think that we might be able to do one day of reviewing the
16 districts again, but again focusing on the changes. So,
17 that's one possibility.

18 And the other was really a question, I guess, for
19 Commissioner Ancheta and Commissioner DiGuilio. My
20 understanding of the five days that Q2 needs at that point
21 is it's both to make sure that the maps are ready for the
22 Commission, but it's also they have a series of reports
23 they have to run. They have to run the contiguity report,
24 and compactness, and all these types of things.

25 So, is it possible that we -- that we could have

1 them prioritize? I mean, it seems sequentially they have
2 to do the maps first in order to be able to run all the
3 reports, anyway, so that could give us an additional day
4 in there. And, for example, if we know on the 27th is when
5 we're doing that review, then that's still a day that they
6 can be -- or part of their team can be at the shop running
7 the reports that they would need. So, those are my two
8 thoughts.

9 I'd still remiss to push our deadline back farther
10 into the month because, again, if we do that now then that
11 leaves us less emergency cushion later, if we need it.

12 COMMISSIONER DI GIULIO: And I can check, I can
13 put that on my notes to see what type of flexibility, or
14 if that's possible for them to do maps first, for our
15 review and a report -- if we need one extra day, maybe
16 they can prioritize. I'll see if that's a possibility.

17 CHAIRPERSON FILKINS WEBBER: Anything further?
18 Commissioner Yao, sorry.

19 COMMISSIONER YAO: You know, in the final cycle if
20 we just work with the calendar, the 28th is the final map
21 release. And if we give Q2 the five days they're asking
22 for, and I have absolutely no intention of short changing
23 them on those five days.

24 But then looking at the balance of the time that's
25 available for the Commission, we really only have two days

1 of live line drawing, in other words the two days is
2 really the only opportunity that we can work together to
3 impact any changes during the third cycle of the map
4 drawing.

5 I would perhaps suggest that we may want to
6 consider the 19th and 20th as additional live line-drawing
7 days. Let me explain why. We stop the public comment
8 from impacting the map back on the 28th of June. So, in
9 addition to the comments that we're receiving on the
10 second draft map, we have a lot of data that we have not
11 allowed to be incorporated into the map-drawing process.

12 Now, we can say that, well, it no longer is
13 important because we now have a second draft map and
14 commenting on the first draft is a thing of the past, we
15 certainly can take that attitude.

16 But taking all that big set of data and having two
17 days, which is really the 21st and 22nd, to have any impact
18 on the final set of draft seems a little bit skinny.

19 So, I'd like to propose that perhaps we can
20 postpone the business meeting that we have scheduled on
21 the 20th and make that into another live line-drawing
22 session. And on the 19th, I don't know what everybody's
23 plan is on the 19th, but that perhaps should be considered
24 as a line-drawing session. I don't know whether it's too
25 late to agendize it at this point in time but,

1 nevertheless, those are my thoughts.

2 CHAIRPERSON FILKINS WEBBER: Technically, in the
3 queue I had Commissioner Ward, Commissioner Dai,
4 Commissioner DiGuilio, and then Mr. Claypool.

5 COMMISSIONER WARD: I had an off-topic question,
6 so I'll defer and you can put me back.

7 CHAIRPERSON FILKINS WEBBER: Okay. Mr. Claypool?

8 EXECUTIVE DIRECTOR CLAYPOOL: I just wanted to
9 remind the Commission that the 19th is the only day that we
10 did not have this room for the entire month. So, we would
11 have to start scrambling for a place to meet if we were
12 going to agendize that.

13 CHAIRPERSON FILKINS WEBBER: Okay, Commissioner
14 Dai?

15 COMMISSIONER DAI: I think the Commission needs to
16 remember that our ability to make drastic changes past the
17 second draft map, it's very limited. So, giving two extra
18 days I don't know that that's going to buy us anything. I
19 mean we -- after the second draft map is done, which is
20 what we really need to focus on in the next couple of
21 days, we're really going to be making street level
22 changes. You know, we inadvertently cut off, you know,
23 one block of a neighborhood here, that's the level of
24 granularity that we'll be getting in for the live line
25 drawing is, you know, really kind of, you know, finding a

1 different Census tract with three people in it. I mean
2 that's the level of detail that we'll be going into.

3 So, I'm not sure that, you know, we will be able
4 to sustain two extra days of that.

5 CHAIRPERSON FILKINS WEBBER: Commissioner DiGuilio
6 and then Commissioner Raya?

7 COMMISSIONER DI GUILIO: Yes, just similarly, I
8 think it's not so much that there's two days that are
9 driving the process, it's that the process is dictating
10 the two days. There's just not as much that we'll be able
11 to do in terms of changing the maps that would allow us --
12 that would give us a need for more than two days because,
13 again, it's that fine-level detail.

14 If we were to do more than that, then Q2 would
15 require similarly what we're doing now, is they would need
16 for them to go back, take those adjustments, come back for
17 us to review, so it would need to be a back and forth.
18 But this is why it's just two days; do the line drawing
19 and that will be it. That's why it's structured that way
20 so --

21 CHAIRPERSON FILKINS WEBBER: Commissioner Barabba?

22 COMMISSIONER BARABBA: I'm good.

23 CHAIRPERSON FILKINS WEBBER: That's the one
24 question that I had, though, because we have -- we've been
25 getting into some of the minutia. We've looked at certain

1 streets and then we might cut off, you know, a certain
2 Commissioner and say, well, we need to just give broad or
3 general instructions.

4 And then my concern is, is if we might be cutting
5 through a neighborhood when we start looking at these fine
6 details and, I don't know, I'm envisioning -- I don't
7 know, necessarily, that it's going to happen with every
8 district, but given all of our familiarity with every
9 state and -- I mean every county and city in this State,
10 thus far, I'm wondering if two days is really enough to
11 look at some detail.

12 And, Commissioner DiGuilio, you probably have a
13 better idea, in working with Q2, about how these two days
14 are really going to work, but I can think of a situation
15 where, you know, if a certain city is split, let's say a
16 city that I know, and we start looking at the streets and
17 neighborhoods, that just seems to take a lot of time.

18 And I think if you might have a concern about an
19 area in Stockton, or something, that again that might take
20 a lot of time, unless I'm not envisioning the same thing
21 that you are in your consultations with Q2.

22 COMMISSIONER DI GUILIO: And we can review this, I
23 think that it's not as if those just two days are set, we
24 have some flexibility. Of course, it means that it will
25 have impacts on everyone to some degree, but I think at

1 this point nobody has a life, so I think we're going to be
2 fine with an extra day.

3 CHAIRPERSON FILKINS WEBBER: Any other questions?

4 COMMISSIONER DI GIULIO: But I think that the
5 bottom line, again, is I think we -- it's up to us these
6 next -- to be able to recognize as we go into these next
7 few days if there's anything left over that really needs
8 to be addressed.

9 But, again, every time we try and incorporate more
10 than maybe a few streets or blocks in that live line
11 drawing you're pushing -- you could be pushing significant
12 population, so that's going to have ripple effects. So,
13 other than those fine-tune details, hopefully, the
14 direction we've been giving in these next few days will
15 take care of some of the larger communities or
16 neighborhoods.

17 CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

18 COMMISSIONER DAI: Yeah, I mean I think the other
19 thing to think about is that that's the reason that we set
20 aside -- that's why we pushed back the second draft maps
21 is that we would have the time. Whereas last time we
22 literally looked at each district for, you know, a minute
23 or something like that, and tried to do it all in one
24 morning. I mean this time we really have a full day and
25 we will, you know, hopefully be able to, if you need to,

1 look at the street level detail. When we know there's a
2 split and you want to look at that detail, we'll be able
3 to look at it on the 12th and note -- you know, make a
4 mental note because you're going to ask for the change on
5 the, you know, 21st and 22nd.

6 CHAIRPERSON FILKINS WEBBER: Commissioner Ward?

7 COMMISSIONER WARD: Then along those lines, I
8 guess, when it comes to the release of the second set of
9 draft maps, I'm kind of unclear as to exactly what
10 analysis is going to be available or released with that
11 beyond just the tech's date that we currently see
12 onscreen, the CVAP, deviation, things like that.

13 You know, I know specifically things like a COI
14 list, or directions, or assumptions, you know, that were
15 provided to Q2, or a list of what public submissions might
16 have been consulted in helping in that area, or our PV
17 analysis, things like that, are any of those items going
18 to be available with the release of the second draft map?

19 COMMISSIONER DAI: May I?

20 CHAIRPERSON FILKINS WEBBER: Commissioner Dai,
21 sorry.

22 COMMISSIONER DAI: Yes. No, again, we're not
23 planning to do that with the second draft map. All of
24 that's going to be in the narrative for the final report.
25 But, you know, again, the hope is that we're going to take

1 advantage of the time, the Business meetings that we have
2 to get rough drafts out, again, for the Commission to
3 review so that by the time the final report has come out
4 everyone's had a chance to weigh in. But we're going to
5 need that time to pull that narrative report together for
6 the final and it's just not practical to have it done in
7 time for the second draft map.

8 COMMISSIONER WARD: The reason why I ask, the
9 concern I have is it's kind of difficult, you know, as a
10 Commissioner, again with the tight time lines --
11 obviously, the technical team is doing amazing things in a
12 small amount of time, but so are, you know, each
13 individual Commissioner and staff doing amazing things.

14 But part of the understanding that the second set
15 of draft maps is going to be a very firm foundation for
16 what the final product looks like, and being that we have
17 to weigh in on that very quickly, it seems hard to do that
18 and knowing that you can't make drastic changes to it
19 without some kind of narrative analysis, that we've been
20 building, of what directions, what assumptions, what COI
21 lists, things like that went into building that map.

22 So, I guess what I'm expressing is a little bit
23 anxiety about having to weigh in on a set of maps without
24 having an understanding on --

25 COMMISSIONER DAI: Don't worry, Commissioner Ward.

1 COMMISSIONER WARD: -- on what, particularly, or
2 precisely was used to build districts.

3 COMMISSIONER DAI: And, again, I would go with
4 Commissioner Ancheta's recommendation, which is we try to
5 verbalize that on the 12th and the 13th because we just
6 won't have time to put it in writing for the second draft
7 maps. But we've been talking about it this entire time,
8 so we'll try to do a summary on the 12th and the 13th as we
9 go through each district.

10 CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

11 COMMISSIONER RAYA: Yeah, I just was trying to
12 understand, was Commissioner Ward concerned about what we
13 know, because it seems like we've been here, we've been
14 hearing everything, talking about everything, or are you
15 concerned about what the public knows?

16 CHAIRPERSON FILKINS WEBBER: Commissioner Ward?

17 COMMISSIONER WARD: You know, actually, a little
18 bit of both. But, certainly, we've all, you know, had
19 occasion to miss certain portions of the process and so
20 sometimes it's difficult to catch back up. To understand,
21 if you've missed one morning, which certainly I have, and
22 the you come back in that afternoon and you want to catch
23 up for the next day to find out what -- what happened
24 because, obviously, these things shift quickly, it's been
25 difficult to do.

1 And, certainly, from the transparency perspective
2 for the public. Again, I've asked this question before
3 this meeting, in e-mail and things, and asked, you know,
4 do we have a COI list that's available, or any list that's
5 available for publishing of all the directions we've given
6 to Q2, or the assumptions we're using for visualizations
7 so the public is, you know, aware of these things and at
8 the table, so they don't have to go back and sit through,
9 you know, 12 hours of video and take notes to figure those
10 things out.

11 I think that all that is part of transparency and
12 what makes our process special. So, I'm curious, I guess
13 was hoping the Technical team might have some opinion on
14 if those were going to be ready for the second draft map,
15 which I understand they're not, and when and if they might
16 be available?

17 CHAIRPERSON FILKINS WEBBER: Commissioner Raya?

18 COMMISSIONER RAYA: Well, you know, my concern
19 about this line of thinking is that I think we have to be
20 careful not to be suggestion, perhaps to the public, that
21 we've been less than transparent or that there is
22 something missing in the equation.

23 You know, obviously, it's a new process for
24 everybody and maybe we've -- we know we've had bumps in
25 the road but I -- you know, I think there is a lot of

1 information that's been out there, it's still out there,
2 that will be included when the report is made.

3 And I want the public to not, you know, be
4 concerned that there's something vital being left out of
5 the deliberative process.

6 CHAIRPERSON FILKINS WEBBER: Anything --

7 COMMISSIONER WARD: I think that's an important
8 point and I agree with you because there's not, and we've
9 done such a great job, I think, of documenting these
10 things along the way. However, like I said, if it's
11 not -- I think putting that together in an easily
12 accessible way for the public to see just helps verify all
13 the hard work and diligent efforts that we've made.

14 CHAIRPERSON FILKINS WEBBER: Thank you. Anything
15 further on the calendar review? Commissioner Yao?

16 COMMISSIONER YAO: Just one suggestion. Today is
17 the 6th, 14 days from today is the 20th. The agenda for the
18 20 is strictly a business meeting. It may be safer if we
19 also agendized map-drawing meeting for whatever reason, in
20 case we need it. If we don't, then we can just hold
21 Business meetings.

22 VICE-CHAIRPERSON ANCHETA: I think every -- every
23 single day has every single possible agenda item at this
24 point.

25 COMMISSIONER YAO: Not the way it's posted right

1 now, I just reviewed the agenda for --

2 CHAIRPERSON FILKINS WEBBER: Did you look at the
3 bottom? At the bottom it has a standard list of about
4 eight items that includes line drawing.

5 COMMISSIONER YAO: If you look at the formal
6 agenda, itself, it does not mention anything about map
7 drawing. Anyway, take a look at it and if that's the
8 intent, we may want to just give us a little more options.

9 CHAIRPERSON FILKINS WEBBER: One, I know you
10 mentioned this earlier, Commissioner DiGuilio, about --
11 and I think, Commissioner Galambos Malloy, you're working
12 on this on the August 1st through the 15th, so we'll be
13 probably revisiting that issue or those calendar dates at
14 a later time?

15 COMMISSIONER GALAMBOS MALLOY: Uh-hum, on August.

16 CHAIRPERSON FILKINS WEBBER: Okay. Go ahead.

17 COMMISSIONER DAI: And on that agenda it does have
18 on the bottom, as Commissioner Filkins Webber said, it
19 says "direction to Q2 for line drawing" it's standard.

20 COMMISSIONER YAO: That's fine.

21 CHAIRPERSON FILKINS WEBBER: We have the list at
22 the very bottom and we use that whenever we possibly can.

23 Commissioner DiGuilio, anything else on calendar
24 review or anything --

25 COMMISSIONER DI GUILIO: Nope, I think that's --

1 as long as everyone else feels comfortable with where
2 we're trying to go, I think that's it. And the
3 coordination of ongoing activities was just in case we had
4 an update on something that had popped up. So, I think
5 with that I think Technical's probably pretty much done
6 and we're moving right along.

7 CHAIRPERSON FILKINS WEBBER: And Public
8 Information's done. We're moving along. What we could
9 do, either, is to Legal or unless Finance and
10 Administration is ready to go.

11 COMMISSIONER GALAMBOS MALLOY: Finance is ready,
12 if you'd like to accommodate us now?

13 CHAIRPERSON FILKINS WEBBER: Okay, sure.

14 COMMISSIONER GALAMBOS MALLOY: Okay, excellent.

15 CHAIRPERSON FILKINS WEBBER: And we're an hour
16 ahead of schedule at this point. I think everybody is sun
17 drained or something.

18 COMMISSIONER GALAMBOS MALLOY: We'll try and keep
19 up the ambitious pace here.

20 So, according to the agenda that we have here our
21 first couple of items would involve updates from our
22 Executive Director, Mr. Claypool, in regards to working
23 with the Secretary of State to clarify our process for the
24 map certification and with the Legislature regarding the
25 resources that would be available to this Commission in

1 our litigation phase.

2 So, do we have any substantive updates from that,
3 Mr. Claypool, or --

4 EXECUTIVE DIRECTOR CLAYPOOL: Well, we have the
5 very fine update from Rob Wilcox regarding what we're
6 doing with the Secretary of State and how we're
7 progressing there.

8 The only update we have with the financing for the
9 post-map phase is that we're -- we've been directed to
10 talk with the Department of Finance and we have a letter
11 that we're drafting, that we'll walk over tomorrow to the
12 Director, just asking whom she would like us to work with
13 to start putting that together.

14 And then once we have the information from the
15 Department of Finance we will go back and, hopefully, just
16 work between the two parties, the legislative staff that
17 is helping us and the Department of Finance to determine
18 where the funding is coming from and how we will access
19 it.

20 COMMISSIONER GALAMBOS MALLOY: Thank you. On the
21 third agenda item, I guess that would be the Agenda for
22 August 1st through 15th and, actually, at this point I think
23 what I'm going to just call it is August 2011 agenda, why
24 just stop at the 15th, really.

25 A couple of things on this point, I mean as you

1 are now well aware with the earlier Committee report-backs
2 that we heard, August and even the last half of July is
3 going to be a time period that requires very tight
4 coordination amongst the assigned Commission workgroup of
5 Commissioner Barabba, Commissioner Dai working in
6 partnership with Q2, with Gibson Dunn & Crutcher and our
7 own CRC staff to produce the products that we will need to
8 finalize this process.

9 There are a number of other tasks, essentially
10 things that we feel like don't rise to the level of
11 urgency that finishing our maps do, but are nonetheless
12 business that the Commission needs to address.

13 And I've had the sense from various Committee
14 leads that there are some running lists of things that we
15 can punt until after we vote on the final maps.

16 So, I had sent a request to the Commission, and I
17 just wanted to underscore this now, particularly for the
18 Committee leads, but I am open to entertaining suggestions
19 from any Commissioners, a sense of what agenda items you
20 anticipate your Committee needing to handle during the
21 month of August, when in the month of August you would
22 want them agendized, and roughly how robust of an agenda
23 item are we talking? Is it something that would require
24 significant work on the part of the Commission during open
25 session or is it, you know, kind of a smaller agenda item?

1 In order to actually agendize these August
2 meetings and to secure a venue or venues for our usage
3 during that time, my request is that if you can get me
4 your suggestions by the 11th of this month, so that's
5 coming up here pretty quickly. But I think that we would
6 like to just go ahead and agendize what we need to
7 agendize for the entire month of August, including some
8 placeholder dates, depending where we end up in terms of
9 any litigation that may arise post-August 15th.

10 Are there any questions or thoughts at this
11 moment? If there are none, my suggestion is that we roll
12 this agenda item over to our next Business meeting, when I
13 can provide some recommendations on what we will need to
14 handle in August and, therefore, timing-wise which dates
15 I'd like to recommend that we agendize.

16 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?

17 COMMISSIONER YAO: I just wanted to float the
18 thought about having a two-week moratorium on meetings at
19 the August 15. If there's no interest among the majority
20 of the Commission, then I'll forego that thought. I
21 thought maybe a couple weeks after -- after we release the
22 map would be a good time to just recharge the battery, so
23 to speak.

24 COMMISSIONER GALAMBOS MALLOY: Some might argue
25 that August 15th is when our work really begins. I think

1 we do need to keep in mind that if litigation is to be
2 filed in relation to our maps that that's really a key
3 time period in terms of preparing for that litigation.

4 You know, we are in the process of trying to
5 identify a firm to represent the Commission in the case
6 that we are in litigation, and I imagine we would need to
7 schedule some time to work with them.

8 So, I completely empathize and wish that I could
9 agree with the moratorium, but I think we do need to
10 agendize some dates, and then the hope is that we're able
11 to let those dates go.

12 CHAIRPERSON FILKINS WEBBER: Anything -- anyone
13 else? My only comment -- oh -- my only comment would be
14 that once you're working so diligently, when you step away
15 for any particular period of time it would be very
16 difficult to get back in. So, as long as we're still in
17 the flow and if we can get that work done, even if it
18 requires post-August 15th hearings, you know, through the
19 end of August, I think we can be very effective and just
20 make the last-ditch effort for us to clean up these issues
21 that we will likely have to postpone because we're
22 concentrating on map drawing.

23 Commissioner DiGuilio?

24 COMMISSIONER DI GUILIO: I just had a general
25 question, and as someone who's worked on calendars and

1 knowing that everyone has their pressing engagements that
2 they're trying to work around, so I'm not going to try and
3 turn it around and do it to you, as well, Commissioner
4 Galambos Malloy. But it sounds like you're asking for a
5 deadline of July 11th, so will we have maybe some idea of
6 what we're looking at for August after maybe the next time
7 we have a business meeting?

8 COMMISSIONER GALAMBOS MALLOY: Yeah, my goal is
9 that when we are in session next week that I would be able
10 to provide this is what August could potentially look like
11 and we can vet it at that time, because that would provide
12 just a cursory look at venue availability, as well.

13 What I would like to request, in addition to the
14 agenda items, is if Commissioners could please update our
15 Google calendar regarding your availability for August? I
16 think we had requested that up through July, but August, I
17 would appreciate that, it would make my job a bit easier.

18 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

19 COMMISSIONER BLANCO: I was going to suggest that
20 in the process of getting that by the 11th that I think
21 we'll know a little bit more, but I think the Legal
22 Committee, working with Mr. Miller, might try and think
23 through exactly -- we just know, oh, if there's
24 litigation, we're busy. I think we should try and really
25 think through, those of us who have done a lot of

1 litigation, what are the points at which the Commission
2 members, themselves, will be involved in this, as opposed
3 to just the -- our lawyers. And that might give us a -- I
4 mean I can already think of a lot of things that we will
5 be having to do as individual Commissioners in that
6 period, but it might be worth us actually, you know,
7 trying to think of what are the things that individual
8 Commissioners, and the Commission as a Commission will
9 have to do post-litigation to give us a sense of what
10 might come up between -- I mean just the immediate stuff.
11 There will be ongoing stuff, but between the 15th and the
12 30th. Maybe we can do that, Commissioner Filkins Webber
13 and Mr. Miller?

14 CHAIRPERSON FILKINS WEBBER: Sure. I've got quite
15 a list of things that I've thought about since the
16 commencement of this entire process, actually thinking of
17 what we would need to do post-August 1st, so I want to
18 gather that all up and coordinate that with you.

19 Because I do see Legal finally having a big
20 agenda, possibly. No, I hope not, actually, I really hope
21 not.

22 So, I'm sorry, did someone else have a comment or
23 a question on the August subject matter? Okay.

24 COMMISSIONER GALAMBOS MALLOY: So, our next agenda
25 item was the 2011 to 2012 Operating Plan. We would like

1 to punt that until later during this Business meeting, or
2 possibly next Business meeting.

3 As Mr. Claypool mentioned, he's in the process of
4 various meetings with Department of Finance, with
5 legislative staff, and those conversations will inform
6 both our understanding of the litigation resources and
7 accessing them, but also begin to inform how we think
8 about our 2011 and '12 Operating Plan.

9 Our goal is that Mr. Claypool will be in a
10 position within this next week to bring forward to the
11 Commission a proposal around a staff structure plan that
12 would move us forward into the next year.

13 Would you have anything to add at this point, Mr.
14 Claypool? Okay.

15 So, our last agenda items were around management
16 of personnel and equipment contracts.

17 Mr. Claypool, is there any update as to the
18 missing transcript from Northridge that we were working to
19 secure?

20 EXECUTIVE DIRECTOR CLAYPOOL: Right, and we're
21 still working through the company down south that is still
22 trying to compel the person to return the -- our
23 transcripts and get them out. So, we're stuck in the
24 middle of their process.

25 COMMISSIONER GALAMBOS MALLOY: And our apologies,

1 I guess Commissioner Barabba and I worked that court
2 reporter a little too hard that day. So, thank you,
3 staff, for working on that.

4 CHAIRPERSON FILKINS WEBBER: Commissioner
5 DiGuilio?

6 COMMISSIONER DI GUILIO: I just had a question, if
7 we don't have the transcripts because the transcriptionist
8 is AWOL with them; I'm assuming we have the video. Is
9 there any way that we can at least work on that
10 concurrently? I know that may be doubling expenses, but
11 it seems like at this point it would be better for us just
12 to cut bait with that transcriptionist, who's taken them,
13 and work on a plan B. Can we do that?

14 EXECUTIVE DIRECTOR CLAYPOOL: We can. We were
15 hoping to not incur that expense and I don't know what the
16 company down south would feel was their obligation to us.
17 But we could certainly start the process of having
18 Foothill transcribe -- Janeece?

19 ADMINISTRATIVE ASSISTANT SARGIS: My understanding
20 is that the Agency has brought in a second reporter to
21 begin the transcript off of the video.

22 COMMISSIONER DI GUILIO: Okay, so they are.

23 ADMINISTRATIVE ASSISTANT SARGIS: So, they are
24 working on that concurrently, while they're working with
25 the Court Reporter's Board to compel the other reporter.

1 COMMISSIONER DI GIULIO: Okay. So, as long as
2 there's someone's working on it, if it's under their
3 expense even better. Okay, thank you.

4 COMMISSIONER GALAMBOS MALLOY: Excellent. Any
5 other questions, comments?

6 Okay, in regard to the Q2 contract, I have nothing
7 to report or take action on at this time in regards to
8 potential augmentation of Q2's contract. We have been in
9 conversations with Q2. They may provide us with invoices
10 for work that may be outside the scope of their contract.
11 When and if that occurs, we would likely need to have a
12 conversation as a Commission about how to handle that, but
13 at this point nothing to report.

14 On the Gibson Dunn & Crutcher contract, as a
15 reminder to the Commission and to the public, during our
16 last business meeting we had made the request to our Chief
17 Legal Counsel, Mr. Miller, to engage in some due diligence
18 on behalf of the Commission.

19 It had come to our attention that Gibson Dunn &
20 Crutcher, being a large legal firm, had a series of
21 different attorneys on staff that were working on our case
22 in various capacities, some billable hours, some write-off
23 hours, and that the Commission wished to have opportunity
24 to review these staff for potential political conflicts of
25 interest, much in the way that we had reviewed our own CRC

1 staff and have reviewed additions to Q2's team.

2 And we also had requested for Gibson Dunn &
3 Crutcher to provide us with an overview of what their
4 internal process is regarding compliance certification.

5 So, I know that Mr. Miller and Mr. Claypool have
6 been working diligently on our behalf, so I'd like to ask
7 Mr. Miller to provide us with a report-back.

8 CHIEF LEGAL COUNSEL MILLER: Sure. I had
9 conversations with Mr. Brown across the weekend and
10 received a memo from him, together with resumes,
11 yesterday. The resumes were of all the lawyers who have
12 billed time to our matter.

13 The memo, I forwarded to the whole Commission last
14 night and it sets forth the internal policy that the firm
15 used with respect to clearing both the lawyers who billed
16 time and those who did not bill time but, nonetheless,
17 worked on CRC matters.

18 The test they used is the test that's in our
19 statute and contain the same conflict provisions that we
20 were all subject to.

21 They have certified, with respect to those lawyers
22 who did not bill time, that none of them -- none of the
23 criteria of the conflict statute was implicated with
24 respect to the activities of those individuals.

25 I'm sorry, one more step that we took was

1 independent of that to do an internet search of those
2 individuals, and we identified no conflicts as a result of
3 that search.

4 COMMISSIONER GALAMBOS MALLOY: Any questions or
5 comments on the part of the Commission?

6 CHAIRPERSON FILKINS WEBBER: Commissioner
7 DiGuilio.

8 COMMISSIONER DI GUILIO: So, I appreciate Gibson
9 Dunn & Crutcher really, you know, following up with this
10 in terms of their resumes and having us be able to have a
11 chance to look at those.

12 Again, one of my concerns with this originally was
13 not that there was any type of intention to deceive, but
14 we've -- from the very beginning this Commission has had
15 conflict of interest be a very important aspect of
16 everything that's guided this Commission and the
17 Commissioners, the staff.

18 And so, as much as I appreciate Gibson Dunn &
19 Crutcher having given us a statement saying there's no
20 conflict of interest, I just felt that based on what had
21 happened with that institution the first time we hired
22 them, their own internal statement that there were no
23 conflict of interests and it turned out there were, and it
24 was something this Commission deemed was not -- did not
25 disqualify them but, yet, it was their own ability to

1 review that.

2 That was why I had asked for some type of staff to
3 review those resumes, as well.

4 So, again, in the light that they had reviewed
5 these contracts and our criteria, and still provided this
6 memo that we've received from Mr. Miller, I appreciate
7 that. But what I'm glad to hear is that our own staff had
8 done a review of the conflict of interest because, again,
9 I want that to come on our part in terms of determining
10 whether there is a conflict of interest.

11 So, if I'm hearing Mr. Claypool and Mr. Miller
12 right is that based on your research, you've found that
13 their staff has met the conflict of interest?

14 EXECUTIVE DIRECTOR CLAYPOOL: We took those names
15 and we gave them the same review that we gave all of Q2's
16 staff, all of the Rose Institute staff, and all of the VRA
17 attorneys, so they were -- it was the same method of
18 review, the same level of review.

19 COMMISSIONER DI GIULIO: Great.

20 EXECUTIVE DIRECTOR CLAYPOOL: And we're confident
21 as much as we can check that there are no conflicts.

22 COMMISSIONER DI GIULIO: I appreciate that, thank
23 you.

24 COMMISSIONER GALAMBOS MALLOY: Could I ask one
25 additional question of Mr. Claypool and Mr. Miller? Is it

1 your anticipation that at this point the Gibson Dunn &
2 Crutcher team is stable in that everybody who's been
3 working on the case up to this point, those are the same
4 individuals who will be getting us to the finish line,
5 that we wouldn't likely have new additions?

6 CHIEF LEGAL COUNSEL MILLER: Yes, I do believe
7 it's a very stable team and, also, it's something of a
8 different charge at this point. The task is more focused
9 and I would expect probably more time from fewer lawyers
10 as an operating principle between here and the finish
11 line.

12 EXECUTIVE DIRECTOR CLAYPOOL: And the only other
13 thing, I think it's clear at this point that if -- if, for
14 some reason, someone were added that we'll make it clear
15 that we would like to be able to subject them to the same
16 level of review that we've done with the individuals that
17 have worked on it so far. So, I believe that that is also
18 clear in this process.

19 COMMISSIONER GALAMBOS MALLOY: Well, thank you to
20 staff for moving that forward really very quickly on our
21 behalf, so we can focus on other matters at hand.

22 And then the final point I have was just a minor
23 update that the Chair, along with our staff, and myself
24 have been working to draft an addition to our policy
25 manual, which would help us in the event that there were

1 lost or stolen property of what is the procedure that we
2 need to follow under State guidelines. And so it's very
3 simple, a one-pager and a form, and I think it's very
4 close to being ready for publication.

5 So, we hope to have that incorporated before the
6 next business meeting and it will be made available to the
7 full Commission and also updated on our CRC website.

8 So, with that, I think that's my final agenda
9 item.

10 CHAIRPERSON FILKINS WEBBER: The only comment, as
11 I recall, I thought that Gibson Dunn did make a
12 representation in their statement to us that I don't think
13 any other new individuals were intending on working
14 throughout the rest of this period. So, I recall that
15 being a specific representation from them.

16 So, thank you very much.

17 At this time I would like to take about a 15-
18 minute break, we are running way ahead of schedule. And
19 so Legal's the only Committee to report back. We'll
20 consider any other additional business and then we will
21 await our guests at 4:00 p.m. So, we'll take 15 minutes,
22 now. Thank you.

23 (Off the record at 2:27 p.m.)

24 (Back on the record at 2:53 p.m.)

25 CHAIRPERSON FILKINS WEBBER: Yes, I'm ready.

1 Okay, thank you. We are resuming the Citizens
2 Redistricting Commission Business meeting for today, July
3 6th.

4 At this point we do have Legal Advisory Committee
5 on the agenda and we are running way ahead of schedule.
6 We have put in an e-mail to the Board of Equalization
7 members who will be presenting, and we have not heard
8 back, yet, to see if they can come earlier.

9 So, at this point we'll just run through the Legal
10 Advisory. The first item is the final map preparation and
11 we had talked about the narrative report in the Technical.

12 Mr. Miller, did you have anything else to add on
13 the final map preparation or Commissioner Blanco?

14 I saw this item on the agenda might have just
15 rolled over from prior, but I think the primary focus was
16 just the map -- or the report that Commissioner Dai and
17 Commissioner Barabba had already been delegated authority
18 for at this point, so I don't know that there's any other
19 items for discussion under -- under number one.

20 CHIEF LEGAL COUNSEL MILLER: I'm afraid you're
21 correct.

22 CHAIRPERSON FILKINS WEBBER: Okay. You're afraid
23 I'm correct, okay.

24 Going to Item 1-a on the litigation RFA, we did
25 discuss that week and we made some proposed changes that

1 have been prepared by Mr. Miller. Do you want to bring us
2 up to date of what the status is of the RFA and when that
3 could anticipate -- or when we are anticipating release on
4 that?

5 CHIEF LEGAL COUNSEL MILLER: Yes, the comments
6 from the Commission that were received last Friday have
7 been incorporated into the document. It was submitted to
8 DGS and we've made good contacts with a couple of their
9 lawyers, who gave us prompt turnaround.

10 I incorporated their comments last night and would
11 expect to be able to send it out tomorrow.

12 Oh, thank you. It did take us three tries since
13 the Commission last asked us to secure from the Attorney
14 General's Office their written confirmation that they have
15 declined to represent the Commission in litigation
16 involving the maps.

17 We received an e-mail message just before this
18 meeting -- during this meeting, okay, just in to that
19 effect. We are also still requesting and will need, in
20 order to hire lawyers for litigation, an actual letter
21 from them, they've promised that. But we do now have an
22 e-mail in the bank that confirms their position.

23 COMMISSIONER BLANCO: Can you just tell us what it
24 says?

25 STAFF COUNSEL JOHNSTON: "Because of potential

1 conflicts the Attorney General's Office cannot commit to
2 defending the Citizens Redistricting Commission and
3 consequently consents to hire counsel other than the
4 Attorney General will be granted pursuant to Government
5 Code section 1140. A formal letter will follow. David S.
6 Cheney, Chief Assistant Attorney General."

7 CHAIRPERSON FILKINS WEBBER: Anything further, Mr.
8 Miller, on the RFI?

9 CHIEF LEGAL COUNSEL MILLER: No, but I'd be glad
10 to entertain any questions that you might have?

11 CHAIRPERSON FILKINS WEBBER: Does anyone have any
12 questions? Okay, seeing none --

13 CHIEF LEGAL COUNSEL MILLER: But we will be using
14 our best bond paper when --

15 (Laughter)

16 CHIEF LEGAL COUNSEL MILLER: Marian Johnston can
17 update you and has a few comments on recent PRA requests,
18 so why don't we move to that.

19 CHAIRPERSON FILKINS WEBBER: Okay.

20 STAFF COUNSEL JOHNSTON: Okay, we had four as of
21 this morning, we now have gotten a fifth one. The one
22 that's long-standing is the one for Mr. Sturgis, asking
23 for all notes taken by Q2 during the public comment
24 section.

25 Apparently, Q2 thinks we already have the

1 information, but none of us know where that is so we're
2 trying to get clarification of that. But that does need
3 to be posted on the website. So, if either they can
4 identify where it is or Christina can identify where it
5 is, we'll be very happy, but so far we don't know where it
6 is.

7 We have the other two that Commissioners have been
8 very good about responding to from Abrams and from
9 Sturgis, so I appreciate that.

10 The most recent one is from API -- or UP -- UP API
11 -- UPI -- AP. Wait a second.

12 (Laughter)

13 CHIEF LEGAL COUNSEL MILLER: We have the
14 Republican Party --

15 STAFF COUNSEL JOHNSTON: Oh, we have the
16 Republican Party and the California Institute; I think I
17 sent out those notices to people before.

18 But the one from -- no, the most recent one just
19 came in, AP.

20 CHIEF LEGAL COUNSEL MILLER: Oh, today, yes.

21 STAFF COUNSEL JOHNSTON: Yes.

22 CHIEF LEGAL COUNSEL MILLER: The Associated Press.

23 STAFF COUNSEL JOHNSTON: The Associated Press is
24 requesting all the per diem things, again, so we will be
25 making another copy of all those, including the more

1 recent ones and sending them to AP.

2 Yes, all of the middle initials will also be
3 redacted per a request from some of the Commissioners.

4 COMMISSIONER BLANCO: Can you remind us as to the
5 deadlines?

6 STAFF COUNSEL JOHNSTON: There is a ten-day
7 deadline to respond to the request and say whether or not
8 we're going to produce, and we have done that except for
9 the AP one, which just came in.

10 Other than that it's the reasonable time necessary
11 to compile the records. I do understand that the
12 Commissioners are totally overwhelmed with the requests,
13 we're feeling the same way, ourselves. So, do your best
14 at getting to them and I will continue to send reminders.

15 If you look and find you don't have documents,
16 please send a note to that effect to me, also, so I know I
17 can cross you off the list.

18 CHAIRPERSON FILKINS WEBBER: Commissioner
19 DiGuilio?

20 COMMISSIONER DI GIULIO: I was wondering if there
21 could be a place, maybe in our Google docs, where you
22 could put all -- a cumulative list of all the PRAs? I
23 find that I have to go back and dig through our e-mails to
24 look for a PRA. Maybe some place where we could reference
25 the ongoing PRA so we know what -- again, as I'd mentioned

1 in an e-mail, I don't think I'll be getting to any of them
2 until after the middle of August, when these maps are
3 done. But it would be nice to have one central place
4 where I could go and remind myself to do my searches.

5 STAFF COUNSEL JOHNSTON: Sure, I could work with
6 Christina and get a special section set up for that.

7 COMMISSIONER DI GIULIO: Thank you.

8 COMMISSIONER BLANCO: That would be great because
9 I don't even remember the difference between the first and
10 second Sturgis.

11 COMMISSIONER DI GIULIO: Exactly.

12 COMMISSIONER BLANCO: The other thing I think that
13 came up at our meeting last time was that people wanted
14 the requests actually posted on --

15 STAFF COUNSEL JOHNSTON: I believe they are being
16 posted.

17 COMMISSIONER BLANCO: -- the website. Okay.

18 STAFF COUNSEL JOHNSTON: But, again, that may be
19 hard to find, so if we can put them in one central
20 location.

21 COMMISSIONER DI GIULIO: And also, also, if you
22 wouldn't mind when you put the PRAs, the requests up until
23 what date, I know there's some things that their requests
24 include all information up to a certain date, so we know
25 what the cutoff is, so we're not, again, doing extra.

1 STAFF COUNSEL JOHNSTON: Generally, the cutoff is
2 the date that we received the request.

3 COMMISSIONER DI GIULIO: Okay, so that's posted.
4 So, as long as it's posted with there, we'll know the date
5 to reference.

6 STAFF COUNSEL JOHNSTON: And there's no provision
7 for any kind of a continuing request, like there is in
8 litigation, for all future PRA requests.

9 COMMISSIONER DI GIULIO: Okay.

10 STAFF COUNSEL JOHNSTON: Although we do have one
11 person who keeps sending us PRA requests for all the PRA
12 requests we've received.

13 CHAIRPERSON FILKINS WEBBER: Ms. Johnston, I think
14 what -- I agree, check with Ms. Shupe about putting
15 together the Google doc.

16 And going along with what Commissioner DiGuilio
17 has asked for, you would identify it, you know, in the
18 manner in which you are and then just put a date that it
19 was received. So, then we would know that if there is no
20 date specification for the documents identified in the PRA
21 request, itself, that we would know at least the date upon
22 which to respond.

23 The other issue is whether or not you've actually
24 responded to the PRA? So, for instance, I mean I've been
25 conscientious to be up to date. But if there are

1 Commissioners that haven't responded at all, my concern is
2 that you may have already responded to -- I don't -- you
3 know, Sturgis number one, whatever that is, or any
4 particular one that came in four months ago. And then the
5 question becomes whether or not if a Commission member did
6 not respond to that, necessarily, in time that you've
7 produced it, whether or not you would be responding with
8 additional documents to a PRA that came in four months
9 ago.

10 STAFF COUNSEL JOHNSTON: To date what I have done
11 is if -- not all PRA requests concern everybody, sometimes
12 they only concern a few Commissioners. But whatever
13 Commissioners are involved in any PRA request, I have a
14 check off and I've made sure that I've heard from them one
15 way or the other before I submit the responses.

16 So, I know that either they've given me their
17 documents or they don't have any documents.

18 CHAIRPERSON FILKINS WEBBER: So, is it possible
19 that -- I mean, you've responded to a certain number of
20 them to date, then?

21 STAFF COUNSEL JOHNSTON: Correct.

22 CHAIRPERSON FILKINS WEBBER: Okay, and so there's
23 a certain number that are outstanding.

24 STAFF COUNSEL JOHNSTON: There are five
25 outstanding.

1 CHAIRPERSON FILKINS WEBBER: Okay, so in this
2 Google doc that Commissioner DiGuilio is talking about, it
3 wouldn't be required of us to go back and look through the
4 ones that you've already responded to.

5 STAFF COUNSEL JOHNSTON: Correct.

6 CHAIRPERSON FILKINS WEBBER: Okay, so we'd just be
7 putting active ones with outstanding responses from the
8 Commissioners.

9 STAFF COUNSEL JOHNSTON: Well, I thought the
10 request was to put all of them in a central location, but
11 I can indicate which ones are still pending.

12 COMMISSIONER DI GUILIO: And that would be
13 helpful. I think that was my intention was to have all of
14 them listed there and Ms. Johnston could say if she's
15 already responded to it, it's a closed or not -- only
16 those that are pending.

17 CHAIRPERSON FILKINS WEBBER: Correct, because I
18 wouldn't want a Commissioner to respond to one that the
19 response has already been completed.

20 STAFF COUNSEL JOHNSTON: Well, hopefully, if they
21 were involved in that one they've already responded.

22 CHAIRPERSON FILKINS WEBBER: Okay, hopefully.
23 Okay, Commissioner --

24 COMMISSIONER DI GUILIO: But that would be a good
25 check, though, right, if she's said it's a closed one and

1 we look back and think, oops, then we can give you --

2 STAFF COUNSEL JOHNSTON: Well, that wouldn't have
3 happened. I mean I've been very careful about making sure
4 I get responses from everybody included in a request.

5 COMMISSIONER DI GIULIO: Okay.

6 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai?

7 COMMISSIONER ONTAI: Marian, could you expand on
8 what do you mean by notes, all notes?

9 STAFF COUNSEL JOHNSTON: All notes from Q2, the
10 request --

11 COMMISSIONER ONTAI: Our notes?

12 STAFF COUNSEL JOHNSTON: Oh, all your notes. Any
13 notes that you take, in whatever format. Yes, if you have
14 notes on your computer, I remember we talked about this in
15 the first Public Records request, or training that you
16 had. If you are doing any work that involves the
17 Commission, whatever format that may take, in scribbled,
18 hand-written notes, or on your computer, or anything other
19 than telephonic communications those consist -- those are
20 your notes.

21 CHAIRPERSON FILKINS WEBBER: And that particular
22 PRA has a limited period of time, though, that one's May
23 29th through June 4th, if I'm not mistaken.

24 STAFF COUNSEL JOHNSTON: That's some -- yeah, I
25 believe that's correct.

1 CHAIRPERSON FILKINS WEBBER: The question, one --
2 any other questions before I ask my next one?

3 The PRA that came in, I think you're referring to
4 it as Sturgis number five, which makes reference to Q2's
5 notes; when did that come in? I think, is that the one
6 that was misdated --

7 STAFF COUNSEL JOHNSTON: Yes, it's --

8 CHAIRPERSON FILKINS WEBBER: -- it was dated in
9 May, but we didn't receive it until June?

10 STAFF COUNSEL JOHNSTON: Correct, it was received
11 June 14th it came in, it was dated May 23rd.

12 CHAIRPERSON FILKINS WEBBER: Okay.

13 STAFF COUNSEL JOHNSTON: And that's because he
14 sent it to the old address and I guess it took a while to
15 get forwarded.

16 CHAIRPERSON FILKINS WEBBER: Okay. So, the only
17 other new one we have is this AP one that you received
18 today?

19 STAFF COUNSEL JOHNSTON: Besides that we have the
20 one from Abrams, the one from the California Institute for
21 Jobs, Economy and Education, from the California
22 Republican Party, from Steven Maviglio and the AP one that
23 came in.

24 COMMISSIONER GALAMBOS MALLOY: Can you refresh my
25 memory on the California Institute Request that one's not

1 ringing a bell.

2 STAFF COUNSEL JOHNSTON: Oh, that's because it
3 only involves a couple of Commissioners, that was
4 Commissioner Ancheta and Mr. Miller, oh, and DiGuilio.

5 COMMISSIONER GALAMBOS MALLOY: Okay.

6 STAFF COUNSEL JOHNSTON: So, I could let everybody
7 know about all of them but if they're all posted, I think
8 I'd just leave it up to you all to take a look at that.
9 And I'll make sure that if it affects you, that I
10 personally make contact with you before I respond.

11 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

12 COMMISSIONER BLANCO: I know you've already
13 answered this, but it's maybe just not wanting to believe
14 it. So, I have -- I don't use my computer, I take notes
15 by hand at every -- at all the input hearings. So, what
16 am I supposed to do with those handwritten notes in a
17 book, a hard-bound book that I have, of all the hearings?

18 CHAIRPERSON FILKINS WEBBER: I don't know that we
19 had any input hearings on those days. May 29th, I know,
20 because I've done this this morning that's why -- and I
21 really only had two sets of notes. One for, I think, May
22 29th and one for June 4th, but we can check the calendar.

23 Mr. Claypool?

24 EXECUTIVE DIRECTOR CLAYPOOL: On the handwritten
25 notes, as onerous as this is going to sound, we're going

1 to need to put them into a -- you know, a scanner, and
2 scan them in, and then produce them in that fashion, or
3 copy them and send them that way. It's probably going to
4 be better to scan them in because it probably won't be the
5 last request we get for them and we don't want to keep
6 asking you for your notebook.

7 COMMISSIONER BLANCO: So, we just give you the
8 notebook and you scan it?

9 EXECUTIVE DIRECTOR CLAYPOOL: That's going to be
10 the best way to do it, yes.

11 COMMISSIONER RAYA: Okay. We can't provide
12 photocopies of our --

13 EXECUTIVE DIRECTOR CLAYPOOL: Certainly,
14 certainly.

15 COMMISSIONER RAYA: Okay.

16 EXECUTIVE DIRECTOR CLAYPOOL: Absolutely.

17 COMMISSIONER RAYA: Oh, that's okay. Okay.

18 EXECUTIVE DIRECTOR CLAYPOOL: However we get it,
19 because then we're going to go ahead and scan them in.
20 So, if you -- if you photocopy them and scan them in and
21 send them to it that way, that's the easiest. But we're
22 going to need to make an archive of them.

23 CHAIRPERSON FILKINS WEBBER: In particular, on
24 this one, and just looking at my calendar, just to refresh
25 everyone's recollection, May 29th was the Sunday of

1 Memorial Day weekend, and then we only had a couple of
2 business meetings, or maybe one on the 1st and the second,
3 and that's it. So, there were no input hearings during
4 that time frame of May 29th through June 4th.

5 So, any further questions on PRA, Commissioner Yao
6 did you?

7 COMMISSIONER YAO: No, I have the calendar before
8 me, I was going to give you the same information.

9 CHAIRPERSON FILKINS WEBBER: Ms. Johnston,
10 anything further on PRA?

11 Mr. Miller, anything further on any legal or Chief
12 Counsel's report?

13 CHIEF LEGAL COUNSEL MILLER: We're advised that
14 the representatives from the Board of Equalization are on
15 their way.

16 CHAIRPERSON FILKINS WEBBER: Thank you. The Item
17 1.b I added to the agenda based on a request of Ms. Blanco
18 and it appears there's not much in the way of further
19 discussion on that issue.

20 Is that correct, Commissioner Blanco?

21 COMMISSIONER BLANCO: Yes.

22 CHAIRPERSON FILKINS WEBBER: Okay. So, seeing
23 nothing further, I think we will go ahead and take a
24 break, and wait for our guests.

25 Oh, Commissioner Ward?

1 COMMISSIONER WARD: Yeah, I had a Legal
2 Subcommittee question; is this a good time to ask that?

3 CHAIRPERSON FILKINS WEBBER: Oh, sure. Actually,
4 yes, if there are any other discussion items or items in
5 which you would like Legal to address, I will entertain
6 them.

7 COMMISSIONER WARD: Thank you, Chair. I was --
8 had a question in regards to Senate districts. I was
9 wondering what the standard is we're using, we're calling
10 it blending when we are not nesting, and what is the
11 criteria we're applying to do it?

12 CHAIRPERSON FILKINS WEBBER: Did you want Legal to
13 confer with counsel and bring back a report in that
14 regard?

15 COMMISSIONER WARD: Yeah, obviously, we're finding
16 that in a number of parts of the State it's necessary, not
17 practicable to nest, and so we've adopted a blending
18 concept. And I was just hoping we -- I'm unclear as to
19 exactly what the standards are that, you know, we're going
20 to be applying consistently throughout the State when we
21 blend. So, I was just hoping that maybe the Legal
22 Subcommittee had discussed this or had some --

23 CHAIRPERSON FILKINS WEBBER: Well, it's my
24 understanding that nesting comes down further in the
25 priority. So, if nesting is not consistent with the

1 community of interest testimony that we've received,
2 replacing community of interest testimony, and its proper
3 place is item number four in priority, to the extent at
4 which it conflicts or interrupts a community of interest
5 by nesting and/or otherwise respecting cities and making
6 them whole in the nesting process. Sometimes, if you're
7 nesting, a city may very well still remain split, as it is
8 at the Assembly level, and that would be inconsistent with
9 our intention to respect city, counties and community of
10 interest boundaries from number four.

11 So, that's where the blending concept, which isn't
12 new, actually, because I think in the past there have been
13 direct nesting, but I think in 2000 there was no nesting,
14 practically, because it was a real political
15 gerrymandering at the Senate level. But that's the
16 concept.

17 Does anyone else wish to address this? I don't
18 know that there much would be. If that answers your
19 question, there wouldn't be anything further for Legal to
20 do on this issue.

21 COMMISSIONER WARD: Yeah. Well, I think my
22 concern in bringing it up was just for litigation sake is
23 that my understanding is that any criteria we use, and in
24 this case, like I said, obviously, it's the sixth criteria
25 and it says to nest where applicable, or where

1 practicable, I should say. And, obviously, we've already
2 identified parts of the State where it's not.

3 And so I'm just -- my concern is that for
4 defending our maps that we have some kind of definition or
5 standard that we apply throughout the State when we do
6 choose to blend, as opposed to nest.

7 Perhaps this is a moot issue, that's why I brought
8 it up.

9 VICE-CHAIRPERSON ANCHETA: Well, I guess, I mean
10 the Committee could bring it up. Obviously, we're
11 applying a set of principles already. So, I guess to the
12 extent you want something more formal, we should try --
13 the Committee could try to do that.

14 I think in practice and as a matter of what we're
15 trying to do for our report we should be articulating,
16 among other things in the Senate district when -- when we
17 are nesting. And then if we're not nesting, we might want
18 to say why we're not nesting and, therefore -- and again,
19 I think as Commissioner Filkins Webber suggested there are
20 higher ranked criteria.

21 So, if we're sticking with VRA compliance, or
22 maintaining cities, or counties or, you know, COIs and
23 neighborhoods that those would -- those would trump
24 nesting, but we should just say so in our report.

25 But in terms of what we just said, that seems to

1 be what we're doing in practice.

2 Would you want some little further analysis on
3 this, something formal, is that what you're asking for?

4 COMMISSIONER WARD: If needed. Again, you guys
5 are the lawyers, it's something that I was pondering as I
6 was looking through, like I said, our Senate
7 visualizations and try to kind of put a criteria or
8 definition to what blending is for us and how we're
9 applying it to the State.

10 Like I said, again, it just seemed possibly for
11 defense reasons, you know, to be able to articulate what
12 blending is and when we chose to do it.

13 Like I said, I do understand that it's the sixth
14 here, I do understand that the way we're using it is in
15 accordance to the prioritized criteria. So, we're doing a
16 good job, I just didn't -- I wanted to ask the Legal team
17 if there was a need to further spell out or clarify what
18 the criteria is we're using to choose to blend as opposed
19 to nest, and then exactly what the principles of that are
20 that we're applying consistently throughout the State.

21 CHAIRPERSON FILKINS WEBBER: Okay, we can put it
22 on the agenda and for Legal to consider discussing it.
23 Today it's not agendized, so I just wanted to clarify what
24 your issue was and then Legal can discuss it.

25 So, Commissioner DiGuilio, if you had something

1 further that you wanted to add for Legal to look at on
2 this issue, it's not really appropriate for us to discuss
3 much more on the actual topic.

4 COMMISSIONER DI GIULIO: I guess I'm just confused
5 as to what Legal will be looking at? I mean I feel like
6 if we've understood that nesting is one of the criterias
7 but we're trying to highlight the higher ones then why --

8 CHAIRPERSON FILKINS WEBBER: We could probably
9 just look at the language between the priorities, and look
10 at the language in the number six, and the practicality,
11 and then we can report back.

12 Commissioner Ontai, did you have anything further
13 that you wanted to ask of Legal on this issue?

14 COMMISSIONER ONTAI: No, you answered it.

15 CHAIRPERSON FILKINS WEBBER: Okay. Anything
16 further for Legal to take a look at and bring back to the
17 Commission on the next agenda? Okay.

18 Seeing none, anything further, Commissioner
19 Ancheta, on any legal issues. Okay, I just thought I
20 would open it up.

21 We do have our guests arriving, so we'll go ahead
22 and adjourn this portion of the meeting, wait from our
23 guests, which they are from the Board of Equalization and
24 I'm so pleased that they were able to act promptly on our
25 request to present to us today.

1 So, we'll await their arrival which we anticipate
2 before -- oh, I'm sorry. Before we take our break, I
3 apologize, we did have one other member of the public that
4 wished to address the Commission in public comments. And
5 given our short agenda and this brief request, we'll go
6 ahead and open it up to public comment real quick while
7 we're awaiting our guests.

8 MS. HOWARD: Hi, there, thank you for the
9 opportunity. In listening to your discussion about the
10 abbreviated time between the release of the second draft
11 maps and the third draft maps, and not wanting to shut
12 down public input at all, completely, but realizing that
13 you just didn't have the time, the resources, the will to
14 sit through a whole other round of a State thing. In a
15 brief conversation we -- Kathay Fang and I, with Common
16 Cause, and I'm just -- she and I talked this out. I
17 wasn't able to reach her so I don't know that she still
18 kind of thinks along these lines, but I think it's worth a
19 conversation or at least putting it out to you.

20 The idea that you would set aside two days, one
21 would be for sort of a -- a virtual round robin meeting
22 where you could spend an hour using some kind of technical
23 media to get input from regions. So, San Diego would have
24 an hour or 90 minutes, Orange County would have an hour or
25 90 minutes. And you all could be wherever you were, you

1 could be in this room, probably, and the groups or
2 organizations, or individuals could be using some other
3 technique. So, you're not having to travel, but it would
4 be a way to structure input from individuals.

5 And then the second idea was the second day would
6 be used in a manner that would be somewhat of a cross
7 between the interested parties' hearing that you had back
8 in February, from people who had been doing outreach and,
9 you know, community education on the redistricting and
10 trying to get people involved, and then the public map
11 submissions.

12 And that you limit that to organized groups that
13 had submitted statewide plans, and to limit that
14 discussion on -- to the Voting Rights Act and population
15 deviation issues because the thought was that those were
16 the two areas that are going to be the most tense around
17 legal issues.

18 And so airing any remaining concerns after release
19 of the second draft would allow those organizations and
20 individuals to kind of have that airing and maybe resolve
21 any differences and, hopefully, diminish challenges.

22 So, I just put that out there for food for thought.
23 I appreciate it. I know you're swamped, so there you are.

24 CHAIRPERSON FILKINS WEBBER: Thank you. At this
25 time we will adjourn until 3:30.

1 (Off the record at 3:20 p.m.)

2 (Back on the record at 3:35 p.m.)

3 CHAIRPERSON FILKINS WEBBER: Thank you very much.

4 We are resuming the Business meeting of the Citizens
5 Redistricting Commission. We are running ahead of
6 schedule.

7 Last week, as you recall, this Commission had
8 asked for a presentation by the Board of Equalization to
9 assist us in considering our duties and requirements for
10 the State Board of Equalization district maps that we also
11 are charged with redistricting.

12 And I am pleased that we have received response
13 from the State Board of Equalization. And ladies and
14 gentleman I appreciate your prompt response to us because
15 this is a very tight schedule that we are on.

16 Today we have the Deputy Director of the State of
17 California Board of Equalization, Jeffrey McGuire. We
18 also have the interim Executive Director, Kristine Cazadd
19 and the acting Chief Counsel, Randy Ferris. And they are
20 here with us, today, and they have provided us their
21 handout that they have from the California State Board of
22 Equalization and we look forward to hearing from them
23 today regarding the State Board of Equalization.

24 So, I will turn it over to -- is it Mr. McGuire or
25 is someone else going to take the lead today?

1 MR. MC GUIRE: Ms. Cazadd will start off.

2 MS. CAZADD: I'll start, thank you.

3 CHAIRPERSON FILKINS WEBBER: Okay.

4 MS. CAZADD: Can you -- is this -- can you hear
5 me? Okay, thank you very much.

6 Thank you very much for the opportunity,
7 Commissioners, for allowing us to come and present to you
8 some information about the Board's business, what our
9 operations entail and how the districts -- Equalization
10 districts actually impact our operations and business.

11 Basically, the Board members, as you know, are
12 elected to represent their Equalization districts. But as
13 part of their administrative and, in fact, statutory
14 responsibilities they are required to investigate and
15 handle matters that are within their Equalization
16 districts during their term of office. And that provision
17 is found in Government Code Section 15623, which I believe
18 is cited in the brochure that we handed out to you this
19 afternoon.

20 In order to enable the members to carry out their
21 duties within their districts the Board, over the hundred
22 years or more that it's been established and operating,
23 has created district offices. And we have 24, 26 district
24 offices throughout the State of California.

25 And each of those district offices service

1 taxpayers and clients within the members' districts. And,
2 in fact, district offices are assigned to each Board
3 member so that that Board member can contact the district
4 administrators and make sure that the tax administration
5 responsibilities connected with his or her office are
6 carried out appropriately.

7 And Jeff, in a few minutes, will describe some of
8 the functions that the district offices perform and the
9 constituents, which most of which are businesses, because
10 our taxpayers are primarily the one million businesses in
11 the State of California, how they are served by these
12 district offices.

13 And, secondly, I think we wanted to point out that
14 in connection with these district offices we make sure
15 that the employees, as well, are trained properly for the
16 audit, compliance and investigation work that they do on
17 behalf of the Board members, and insure that the State of
18 California can in fact realized the \$48 to \$49 billion
19 that the Board collects in tax revenue each year.

20 So, it's very important to us that we are able to
21 articulate for you why the Equalization districts make a
22 difference and why it's important for the district offices
23 to be located appropriately within each Equalization
24 district.

25 So, Jeff, if I can turn to you on that?

1 MR. MC GUIRE: Yeah, again, my name's Jeff
2 McGuire, I'm the Deputy Director of the Sales and Use Tax
3 Department. That's our largest tax program at the Board
4 of Equalization. We have about 23 different tax and fee
5 programs that we administer.

6 So, I think kind of the key distinction is that
7 typically as a citizen, myself, when, you know, I vote for
8 like my Assemblyman, or Senator, or Congressman, you know,
9 they're representing me for a jurisdiction, but most of my
10 services are provided by local agencies that aren't
11 actually run by my politician.

12 My politician sets, you know, goals -- actually
13 passes laws and other things through the Legislature and
14 then those are implemented, potentially, locally.

15 At the Board of Equalization we have a different
16 call because our main constituent group, while voters
17 elect our Board members, is we are really administering a
18 business taxes program for, like Kris said, over a million
19 businesses in California. The vast majority are
20 businesses that hold seller's permits and report sales
21 tax. But, again, we have about 22 other tax and fee
22 programs that also have permits and licensing held by
23 businesses in California.

24 So, part of our administrative responsibility is
25 to try to actually administer our program which is

1 convenient to the constituent group that we're
2 administering to, so like businesses for example. Like
3 when we talk about Los Angeles, like the San Fernando
4 Valley, we want to service them with an office that's
5 actually close for all of them and then draw a boundary
6 line that makes us administratively split that into two
7 places where maybe, you know, the north part of the San
8 Fernando Valley had to be administered by the Bakersfield
9 office and the southern part of the San Fernando Valley
10 administered by the Van Nuys office, which is in the San
11 Fernando Valley.

12 So, a lot of what we've tried to do is, again,
13 nesting our district office boundaries within our
14 Equalization district boundaries for the reasons that Ms.
15 Cazadd mentioned, because of our Board members'
16 responsibility for overseeing the administration of our
17 tax programs.

18 But then for us we really hope that the boundaries
19 stay as much as they can related to where, really, the
20 businesses are located, less important than where the
21 voters are. And I realize the voters, you still have to
22 equalized them out, you know, trying to make, you know,
23 one-fourth, one-fourth, one-fourth as much as possible.
24 But it's also we're really servicing a different group of
25 constituents than just voters, we're really servicing

1 businesses.

2 So, in our district offices, for example, the
3 main -- we actually perform kind of four key functions in
4 a business taxes program, we register businesses, we
5 process tax returns, we collect delinquent taxes and we
6 audit businesses. You know, those are our four core
7 functions.

8 Our district offices actually perform three of
9 those four key functions, is that they register the
10 businesses so they can locally visit a local office to get
11 any new licenses or permits that they need.

12 Then we also do -- we collect delinquent taxes
13 with the collectors located in those local offices, so
14 they can visit those businesses, if they need to, to
15 follow up on those items.

16 And, of course, our auditors are located locally
17 so that they can travel to those businesses to perform the
18 audits that they need.

19 Return processing is primarily a headquarters of
20 Sacramento function, some of it's supported in those local
21 offices, but not as much.

22 So, again, kind of going back it's really key for
23 us is that the boundaries, as they really change, if it's
24 really splitting like business districts or districts
25 where businesses are really co-located, it creates

1 problems with us administratively. We'll have additional
2 travel costs if auditors have to travel from one office,
3 you know, over to a farther geographic region to do an
4 audit. It potentially causes us some administrative costs
5 if we actually, maybe, needed to relocate some of our
6 existing offices to kind of fit within the new boundaries.

7 And so I think, you know, for the most part we
8 adjusted to the last, you know, redistricting. We did
9 make some minor changes that time because of how
10 boundaries changed.

11 This time there's a little bit more changes and I
12 think, you know, as from an administrative stand point we
13 actually have kind of adjusted to this current system, or
14 at least layout of geography and, administratively, that
15 works really well for us.

16 Some of the changes have created some of the
17 problems and I think primarily in the Southern California
18 area where some of the boundaries have changed more
19 dramatically.

20 So, I would definitely be available to answer
21 questions. I don't know if Mr. Ferris wanted to make some
22 comments?

23 MR. FERRIS: No, I'm fine.

24 CHAIRPERSON FILKINS WEBBER: Commissioner Barabba?

25 COMMISSIONER BARABBA: So, would it be correct to

1 say that you're not as interested -- I shouldn't say not.
2 You're less interested in the legislative districts
3 relative to the performance of your functions than you are
4 in having to make sure that the Board of Equalization
5 districts we draw encompass the existing offices?

6 MR. MC GUIRE: Yeah, I think that's a pretty fair
7 statement, yes.

8 COMMISSIONER BARABBA: And it's okay if you split
9 a county because, obviously, you've done that with some of
10 your --

11 MR. MC GUIRE: Yeah, the counties have been split
12 before and that's not as much of an issue, it's more --
13 again, our offices have primarily and historically been
14 located kind of to service the businesses that surround
15 them. And so, then, if you draw like a line between the
16 middle then all of a sudden we're splitting things apart
17 that we haven't had to historically.

18 And I know the boundaries haven't always been
19 perfect in the past, but they've been pretty good.

20 MS. CAZADD: Sir, if you look at the Los Angeles
21 region, right now it has four district offices in that
22 region. The bulk of California's businesses are actually
23 located in that region, hence the auditors, collectors and
24 investigators who work for us in those offices are
25 trained, skilled experts in administering our programs in

1 that region relative to those businesses.

2 If, for example, a district office were pulled
3 from some other area, let's say Santa Barbara, or Ventura,
4 or something that's not particularly an urban area, where
5 there are a lot of concentrated businesses, where there
6 would be more ranch hand and farming, then that would mean
7 that we would have to relocate or retrain our staff. So,
8 that's really what we're talking about in terms of
9 administrative ease.

10 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes?

11 COMMISSIONER FORBES: Yes. I've counted twice and
12 I may have missed one, I've counted 21 offices here, but
13 you said you have like 24. Which ones are missing?

14 MR. MC GUIRE: Those are -- we have -- those are
15 the in-state offices, we actually, also have offices in
16 Chicago, New York and Houston.

17 COMMISSIONER FORBES: I see. Okay, thank you.

18 MR. MC GUIRE: And we're not worried about those.

19 (Laughter)

20 CHAIRPERSON FILKINS WEBBER: Commissioner
21 DiGuilio?

22 COMMISSIONER DI GIULIO: I just was curious as to
23 obviously, many of your district offices are located, as
24 you mentioned, in places that are more urban to service
25 the businesses. So, how have you seen servicing the areas

1 -- I see you have a district in Redding, Sacramento, maybe
2 Santa Rosa's the furthest on the coast. So, how do you
3 service those areas that are more remote? There's a lot
4 of the State that's very -- maybe it's rural, maybe it's
5 agricultural, maybe it's just -- it's just very far away,
6 little population.

7 So, how have your auditors and your district
8 offices handled those remote locations?

9 MR. MC GUIRE: That's a great question. Years ago
10 we had offices all over California, like Susanville,
11 Crescent City.

12 With the advent of more technology for --
13 actually, for our customers to interact with us, for
14 instance, you know, we have a call center now, with an 800
15 number, where people can call. A lot of our like return
16 filing is done on the internet, now, so people don't need
17 to come in for assistance. Registration can be done
18 through the mail, as well as in person.

19 So, we've tried to do things to alleviate customer
20 burdens of them having to drive, you know, a hundred miles
21 to come to one of our offices.

22 But when we do actually have to go out to visit
23 them we do have those burdens. The thing is that even
24 though you've seen in especially Northern California we're
25 much more spread out with our physical offices, but

1 because there's such a smaller concentration of businesses
2 in those areas when we don't have offices, so when we do
3 make trips there we usually try to leverage and do a
4 number of things while we're there.

5 But that is a cost that we've incurred, but the
6 tradeoff was saving on some of our facilities costs and
7 the other overhead of having offices in some of those
8 smaller communities.

9 COMMISSIONER DI GIULIO: Okay. And on the other
10 side of that, that's your response to those areas that are
11 kind of smaller, more remote.

12 If I'm a business owner in Del Norte and I'm way
13 up there does -- what are the implications for me, as a
14 business owner, for being in one district versus another
15 in terms of having access to the Board of Equalization, or
16 its representatives, or the field offices? Is there -- is
17 there a difference, is there an impact for me as a
18 business owner?

19 MR. MC GUIRE: I don't think in those -- in those,
20 like where you're talking about in the Northern
21 California, those complete counties shifting from like
22 Equalization district two or one, back and forth, those
23 aren't really significant differences for our
24 constituents.

25 I know before the last Census it's like, if you'll

1 notice, like our Redding office was in district one, and
2 so that actually was a branch of the Suisun -- or the
3 Santa Rosa office at the time and it served the
4 constituents there, so Sacramento kind of covered the --
5 like Modoc and Lassen Counties, still.

6 And since, I think, your latest proposal is to
7 shift towards what we had before, that's kind of a minor
8 administrative change for those folks.

9 And, again, we still service any of our
10 constituents that walk into any of our offices. We don't
11 say, oh, you can't come into this office because you're in
12 a different Equalization district. Of course we do that.

13 But for purposes of administering the tax, like if
14 we're doing audits, or collections, or anything related to
15 the tax enforcement is we still try to do those primarily
16 from the -- from within the Equalization district where
17 the business is actually situated.

18 COMMISSIONER DI GIULIO: I had one more, if can
19 sneak one more in?

20 CHAIRPERSON FILKINS WEBBER: Sure.

21 COMMISSIONER DI GIULIO: Just if I'm a county, one
22 of the things we had discussed often is because these -- a
23 county entity is often -- the funds come back to the
24 county and is distributed that way, but you had mentioned
25 that splitting a county hasn't been problematic on your

1 end, or is it -- how do the counties feel, or do you know
2 how that works?

3 MR. MC GUIRE: No, it really doesn't affect us
4 because as far as like, you mean, allocating the taxes
5 back to the counties?

6 COMMISSIONER DI GIULIO: Uh-hum.

7 MR. MC GUIRE: Yeah, because about one-third of
8 the taxes that we collect in the sales tax program go back
9 to the cities or counties. All of our accounts or
10 businesses in each location has an area code assigned to
11 it, so regardless of which Equalization district they're
12 in or even which administrative internal district office
13 they report to, our taxes are allocated based on those
14 business codes.

15 So, like previously Santa Barbara County was split
16 between districts one and two so some of the businesses,
17 you know, reported to the district one office and some to
18 the district two, but the accounts still would be coded
19 with the same area code so the money would still go back
20 to the city of the county, you know, depending on kind of
21 where they're actually located.

22 So, that part of our administrative process
23 wouldn't be changed really at all.

24 COMMISSIONER DI GIULIO: Okay, thank you.

25 CHAIRPERSON FILKINS WEBBER: I have Commissioner

1 Ontai and then Commissioner Blanco.

2 COMMISSIONER ONTAI: So, this map here, which
3 presumably works for you because it's mapped out according
4 to density of where your businesses are, this works for
5 you then?

6 MR. MC GUIRE: Yes, you're right.

7 COMMISSIONER ONTAI: Thank you.

8 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco?

9 COMMISSIONER BLANCO: I was just curious, the
10 current map has San Bernardino County in with Riverside,
11 San Diego and Imperial, but there are no offices in San
12 Bernardino, so the nearest one is Riverside and then you
13 go all the way east of Bakersfield and, you know,
14 there's -- there's a cluster of Riverside, Irvine, Rancho
15 Mirage.

16 And our first draft had put most of San
17 Bernardino -- you know, we were dealing with huge -- as
18 you know, the counties that have grown tremendously are
19 San Diego and Riverside and that pushes a lot of the
20 population.

21 And our first draft had San Bernardino now in with
22 the eastern part of the State, instead of in that Southern
23 California part of the State. And I'm just curious about
24 whether -- and we were all asking the same question a lot
25 of different ways but, you know, being grouped in our

1 first draft with, say, parts of Kern and, you know, the
2 northeast part of L.A. County, and then going up with all
3 the -- all the way up to the top where your next office
4 is, Fresno, is there any disadvantage that you see to --
5 for, say, San Bernardino to not be grouped in that
6 Southern California district and being more on a east
7 coast, sort of rural district?

8 MR. MC GUIRE: So, just to clarify if I
9 understand, your question was really related to San
10 Bernardino County --

11 COMMISSIONER BLANCO: And it's just --

12 MR. MC GUIRE: -- and would it be better
13 situated --

14 COMMISSIONER BLANCO: -- it's one of the ones --
15 because you've talked about that east/west kind of thing
16 that's gone back and forth over the years, you know that
17 split, and that you've sort of adapted your offices to be
18 able to go either way with that sort of east/west at the
19 top.

20 But one thing that's I think been -- that's a
21 little different is this Southern California portion of
22 your -- you know, the Board of Equalization, the way we
23 did our draft and the way that you currently have it with
24 Riverside, and San Diego, and Imperial.

25 And I'm just curious if there's any administrative

1 things we -- problems that would present being in with
2 those other counties instead of where -- in Southern
3 California, where you have a cluster of offices?

4 MR. MC GUIRE: Right, because you're proposing
5 moving San Bernardino County completely into district two,
6 is that correct?

7 MR. MC GUIRE: In our first one that's how it came
8 out.

9 MR. MC GUIRE: Yeah, that's the one that we've
10 seen.

11 COMMISSIONER BLANCO: And so I'm just curious,
12 since right now there are no offices in San Bernardino,
13 but there's a cluster right below it, I'm just curious
14 about --

15 MR. MC GUIRE: Right, because I mean if you take
16 off the county boundaries and you really look at like the
17 metropolitan area where they live is that most of San
18 Bernardino, based on what I know, is primarily populated
19 in that little, tiny part that's near Riverside and then
20 the rest becomes -- once you go up over the mountains it's
21 kind of, you know, a lot less sparsely populated, fewer
22 businesses, of course.

23 And so, right, when you split them off there and
24 completely move them, in essence, on our part to district
25 two, then we would probably have to shift those accounts

1 over to the Bakersfield office, which is a long ways away.

2 Whereas Riverside -- again, like I mentioned
3 before, from a customer service perspective, if someone
4 needs to walk into an office to ask for some assistance,
5 they can go to Riverside. But as far as auditing, and
6 collecting, and stuff, we would move them into the second
7 equalization district, which does have some costs for us.

8 You know, any time you make some of these changes
9 we will reassign account numbers and districts to our
10 taxpayers, which has some costs for us internally with
11 technology and, you know, notifying taxpayers, and
12 sometimes it's a little bit confusing.

13 But to really answer your question about San
14 Bernardino County -- I think, I can't remember who asked
15 the question earlier about is it okay to split counties, I
16 think it's -- from our perspective, it's more based upon
17 kind of the homogenous business groups and that having
18 some of San Bernardino County actually still part of the
19 the third Equalization district makes more sense,
20 administratively, from our stand point.

21 CHAIRPERSON FILKINS WEBBER: Commissioner Ancheta?

22 VICE-CHAIRPERSON ANCHETA: Just a real, very
23 basic -- oh, I'm sorry, I'm down here. Sorry.

24 MR. MC GUIRE: Apologize.

25 VICE-CHAIRPERSON ANCHETA: I'm Vice-Chair, so I

1 sit down here with the Chair.

2 So, just to confirm, the members are elected on
3 four-year terms.

4 MR. MC GUIRE: Correct.

5 VICE-CHAIRPERSON ANCHETA: They're all concurrent.
6 The Controller is the fifth at large one. You don't have
7 to worry about -- well, you number from north to south
8 like the other districts, and there's no staggering so
9 there's no issue of -- everybody's elected -- I think 2010
10 was the last time and then 2014 will be the next election.

11 MR. MC GUIRE: Correct.

12 VICE-CHAIRPERSON ANCHETA: Okay.

13 CHAIRPERSON FILKINS WEBBER: Commissioner Barabba?

14 COMMISSIONER BARABBA: I noticed in the Los
15 Angeles, the southern part of that, it looks like the
16 Harbor district is broken away from the rest of the city.
17 Is that by design?

18 MR. MC GUIRE: That was by design of the prior
19 redistricting to move that.

20 COMMISSIONER BARABBA: Okay.

21 MR. MC GUIRE: There's not an administrative
22 advantage for us either way on that.

23 COMMISSIONER BARABBA: Thank you. It will be
24 easier for us to deal with that.

25 CHAIRPERSON FILKINS WEBBER: Commissioner Aguirre

1 and then Commissioner Dai?

2 COMMISSIONER AGUIRRE: Yes. Has there ever been a
3 situation where an incumbent has been drawn out of the
4 district and how do you handle that?

5 MR. MC GUIRE: I'm not aware of that, maybe Mr.
6 Ferris is.

7 MR. FERRIS: No, but there is a statute that
8 provides that since the next election will not be until
9 2014 that an Equalization district member who's elected at
10 a time when they are residing in that district --

11 COMMISSIONER AGUIRRE: Right.

12 MR. FERRIS: -- will continue to be lawfully
13 representing on the Board until the next election. So,
14 shifting the boundary effective 2012, for other purposes,
15 won't disqualify a sitting Board member.

16 COMMISSIONER AGUIRRE: Okay.

17 CHAIRPERSON FILKINS WEBBER: Commissioner Dai?

18 COMMISSIONER DAI: Yeah, I think I'm getting at
19 the same question we've all been grappling with, which is
20 so -- so, I get that we should be looking at kind of urban
21 business cores when we do this but, in addition, we do
22 have to look at whether -- since we have section -- Voting
23 Rights Act, Section 5 counties within these districts, we
24 have to be concerned with whether they retrogress or not.

25 So, the challenge has been, I think, with both Los

1 Angeles and San Bernardino is that we've had to use some
2 of the Latino voter base there to make sure that our
3 overall districts don't retrogress under the Voting Rights
4 Act.

5 So, I guess the question is knowing that Los
6 Angeles has more population than would be in a Board of
7 Equalization district, I'm thinking about the poor folks
8 in San Bernardino and whether they could -- you now, if we
9 redraw the lines such that if we can't fit them into the
10 southernmost district that it seems like it would be
11 closer for them to be perhaps put in the Los Angeles
12 district, if it's possible. We still have to see if that
13 is possible, just from a distance stand point.

14 CHAIRPERSON FILKINS WEBBER: Any other questions?
15 Commissioner Yao. I have a couple, so whenever.
16 Go ahead.

17 COMMISSIONER YAO: From the voters' perspective or
18 from the business community, any complaints that they have
19 that are either brought before you or brought before the
20 Board of -- or the Board of Equalization members, do they
21 differ from district to district, number one, and can you
22 highlight some of these complaints, if there exists any?

23 MR. MC GUIRE: If they're just complaints related
24 to tax administration that are different in different
25 areas, because we for sure have different pockets of types

1 of industries. Like Los Angeles has the motion picture
2 industry which, you know, is a certain kind of not only
3 administrative, you know, specialties and needs, you know,
4 we look in the Bay Area, the Southern Bay Area and, you
5 know, we have the Silicon Valley and all the high-tech
6 companies. So that we definitely have different kind of,
7 you know, business constituencies, maybe just like you're
8 dealing with different kinds of, you know, voter
9 constituencies, we'd have that same thing with businesses.

10 You know, it's agriculture a lot in the Central
11 Valley.

12 COMMISSIONER YAO: Can you comment as to whether
13 the existing districts that are drawn, separating
14 California into four groups, from your perspective is that
15 a -- I know we -- I know we have to basically draw them
16 based on equal population, but does that tend to fit
17 reasonably well with the requirement of the State of
18 California?

19 In other words is there a way to better group the
20 business or better group the --

21 MR. MC GUIRE: I think the way they're grouped
22 currently is really pretty effective and efficient from an
23 administrative stand point and from a need of those types
24 of businesses, I think it works really effectively. I
25 mean, you know, nothing's exactly perfect, but as close as

1 you can get I think our current structure is really good
2 and actually meets the business needs, and keeps them kind
3 of conjoined administratively, appropriately so.

4 So, really, the current structure is really good,
5 the current, at least the boundary maps that you have.

6 CHAIRPERSON FILKINS WEBBER: That kind of goes
7 along with my question, which is given the -- the
8 information that we've received based on the last
9 recession and a lot of the businesses leaving California,
10 or a lot of businesses having to close their doors, has
11 the Board of Equalization needed to make decisions
12 regarding the locations of its district offices, have they
13 closed any offices?

14 And that's kind of on the heels of what you just
15 said, that your present district lines seem to work with
16 your system, but is that consistent with the changes that
17 we have seen economically in the State of California and
18 how -- how do you see redistricting in light of those
19 business changes?

20 MR. MC GUIRE: Again, we haven't seen like a
21 dramatic, like one geographic area or another. Every time
22 any of our facilities come up for renewal on leases or
23 anything we always reevaluate is that the best location
24 within that area.

25 But, typically, we're just moving them, you know,

1 slight areas around, but staying primarily in the same
2 area.

3 Since the last redistricting, the only office that
4 we did close was the Torrance office, which was in
5 Southern L.A. County, and we consolidated that with the
6 Norwalk and Culver City offices. And primarily we did
7 that as a cost savings just because of costs, and
8 administrative costs of having extra offices.

9 CHAIRPERSON FILKINS WEBBER: My other question is
10 does the Board of Equalization, I'm assuming you hold
11 public hearings and such, is that correct?

12 MR. MC GUIRE: Yes.

13 CHAIRPERSON FILKINS WEBBER: And where are those
14 public hearings generally held?

15 MR. FERRIS: They're generally held in Sacramento,
16 but three to four times a year in Culver City, presently,
17 we usually are in -- we have to -- we're statutorily
18 required to meet once a month and we usually meet in
19 Sacramento, but sometimes in Southern California.

20 CHAIRPERSON FILKINS WEBBER: Okay, so the location
21 of your hearings isn't necessarily based on constituent
22 base, or you don't hold them in the district offices, you
23 primarily do it in Sacramento?

24 MR. FERRIS: When we hold them in Southern
25 California we do use the Culver City District Office to

1 hold them.

2 CHAIRPERSON FILKINS WEBBER: Okay.

3 MS. CAZADD: We actually have -- because 55
4 percent of all of our taxpayers are in Southern
5 California, our businesses, we have increased the number
6 of hearings in Southern California, in Culver City in
7 order to accommodate their needs.

8 In addition, in answer to your prior question, we
9 have in recent years, since the economic downturn,
10 actually expanded some of our district offices. The
11 Legislature has added additional staff, investigators,
12 collectors, as well as auditors in order to help with the
13 tax gap. There's a gap between what's owed and what's
14 collected. And so, we have additional staff. Again, a
15 good part of them are in Southern California in order to
16 meet those needs.

17 So, if anything, the district offices have
18 expanded.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai?

20 COMMISSIONER ONTAI: Let me ask another question.
21 The State Board, itself, the five State members, is it a
22 quasi-judicial Board or is it a policymaking Board?

23 MR. FERRIS: Well, in the Government Code it's
24 structured in the Executive Branch. However, our Board
25 members do perform a function as the highest

1 administrative tax court for the State. So, for example,
2 folks that are disputing audits with the Franchise Tax
3 Board can appeal to our elected Board members and they sit
4 as an appellate body for administrative tax disputes.

5 COMMISSIONER ONTAI: But do they make policy?

6 MR. FERRIS: They're charged with interpreting and
7 implementing the statutes that the Legislature enacts.

8 And so there is policy decisions that are made as we
9 promulgate regulations and things like that.

10 It depends on what you mean by policy? I mean,
11 obviously, we have to interpret the statutes, and enforce
12 them, and administer them and so policy decisions are
13 made.

14 COMMISSIONER ONTAI: I guess legal decisions,
15 legislative policies are made by the legislation. So, the
16 State Board members, they effectively just carry out those
17 decisions made by the Legislature.

18 MS. CAZADD: Well, the Board also has regulatory
19 authority, by statute, which means that they adopt
20 regulations to implement the legislation.

21 And, for example, the recent Nexus legislation
22 that just went into effect with the budget, the Board is
23 already considering the possibility of regulatory changes
24 and amendments at its next meeting.

25 So, those -- there's definitely quasi-legislative

1 authority, if you will, through regulations and rule-
2 making.

3 MR. MC GUIRE: And the Board has constitutional
4 functions with respect to property tax and in terms of the
5 equalizing of properties that cross county lines.

6 COMMISSIONER ONTAI: I see. All right, thank you.

7 CHAIRPERSON FILKINS WEBBER: And there isn't any
8 different between those regulations as far as the
9 districts, themselves? In other words, any regulations
10 that are adopted by the Board would apply to all
11 districts, the State Board of Equalization districts
12 equally?

13 Or is there a circumstance in which one district
14 would have regulations that might be different from
15 another?

16 MR. FERRIS: No, a regulation that's promulgated
17 by the Board applies equally in all four Equalization
18 districts.

19 MS. CAZADD: It just might be that the subject
20 matter in the regulation is only impacted in three or four
21 counties, such as the case with airports, assessment of
22 aircraft and that type of thing, there are only --

23 MR. FERRIS: We have a regulation on the motion
24 picture industry, which is located primarily in the fourth
25 Equalization district.

1 MS. CAZADD: Correct.

2 MR. FERRIS: The fourth Equalization district.

3 CHAIRPERSON FILKINS WEBBER: Can you think of a
4 circumstance in which any of your regulations that would
5 apply to an industry, maybe such as agricultural or, as
6 you said, movie industry, that could have a difference
7 among the constituent base that's located in different
8 districts? In other words, maybe the movie industry in
9 Los Angeles might be different than some other movie
10 industry that's located in a different district, where you
11 could have competing interests from those constituent base
12 and, yet, they'd be located in two different districts?

13 Have you ever thought about, maybe, a regulation
14 that impacts industry, but industry that's located in
15 different districts, so that there could be some competing
16 interest?

17 MS. CAZADD: Not that I'm aware of. I can't --

18 CHAIRPERSON FILKINS WEBBER: I'm trying to think
19 of -- you know, we've been thinking and working with, you
20 know, communities of interest, obviously more at a citizen
21 voter level, and so I'm just trying to expand that.

22 MS. CAZADD: Right.

23 CHAIRPERSON FILKINS WEBBER: If they're -- I was
24 concerned about some regulations and some interest of one
25 district of the Board of Equalization that might have an

1 impact on new areas that we put into a district.

2 But if, basically, for the most part the
3 regulations apply equally to everyone throughout the
4 State, regardless of what district that they're in, then
5 maybe I wouldn't have any concern as far as putting
6 certain areas together.

7 MR. FERRIS: Right, I don't think that's a
8 concern. We're expressing our concerns with respect to
9 ease of administration and convenience for our registered
10 taxpayers in terms of, you know, what offices are going to
11 be convenient to them for the services that we offer, and
12 the audit and compliance functions that we administer.

13 CHAIRPERSON FILKINS WEBBER: Any other questions?
14 Any other final remarks based on the questions that the
15 Commissioners have asked?

16 MR. MC GUIRE: Yeah, Ms. Cazadd just wanted me to
17 kind of cover some of the things that we normally do
18 whenever we have a redistricting, which happens once every
19 ten years, and to a lesser or more degree, depending on
20 what the changes are.

21 We do have to look at all of our taxpayers, you
22 know, what districts there are, where they're located. We
23 will actually do detailed maps, just like you guys do, you
24 know, to figure out where all of our businesses are
25 located, and then we will administratively do programming

1 to actually change their account so that they actually are
2 at least designated in our computer and that they know
3 which office they report to.

4 That does take programming and has costs with us
5 internally.

6 We will spend special notices to taxpayers; let
7 them know their office has changed, what office they may
8 be involved in.

9 We'll include information about redistricting in
10 our normal tax information bulletin that we send to all of
11 our taxpayers.

12 When we issue new permits, our staff will have to
13 be retrained to know where our accounts are supposed to be
14 located as far as administrative districts.

15 We do some actual physical transferring, if a
16 district transfers from like -- you know, just for
17 instance, like the West Covina office to the Culver City
18 office or something, we physically transfer documents
19 related to those accounts, like security deposit
20 documents, files related to those accounts, we do things
21 like that.

22 We will, of course, need to make updates to our
23 manuals and publications related to all the changes.

24 And in any drastic situations we would maybe need
25 to look at actually relocated some staff from one district

1 to another, which does incur a cost on us and our staff.

2 And so, again, I think there was an earlier
3 question, too, about how do we evaluate where our offices
4 are. And, again, we would take another look at where all
5 of our offices are currently located to make sure that
6 those are located in the appropriate locations.

7 And, you know, as leases come up we would
8 potentially moving some of those if we had to, which does
9 incur another costs to us as an organizations, you know,
10 just from an administrative stand point.

11 MS. CAZADD: We certainly understand and
12 appreciate your task that you're charged with and we thank
13 you for doing the best you can with this.

14 I think, basically, our primary concern is that
15 whatever does happen that the smaller the changes are for
16 us, in terms of affecting our district offices in these
17 very tough fiscal times, it's a bit easier for us to
18 absorb if it's less dramatic rather than more dramatic.

19 So, that probably summarizes it.

20 COMMISSIONER ONTAI: Chair, I do have one more
21 question I have to ask.

22 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai?

23 COMMISSIONER ONTAI: Based on what you just said
24 I'm a little confused. Are you required to follow the
25 same criteria that we have to follow when we draw these

1 district lines?

2 MS. CAZADD: No, we are -- when you're talking
3 about the Equalization districts, we just deal with the
4 Equalization districts as they are. And then our task, as
5 we view it, based upon the Government Code provision, is
6 to make sure that our district offices, as much as
7 possible, are nested within each of the Equalization
8 districts so that our members can carry out their
9 statutory duties within each district.

10 COMMISSIONER ONTAI: So, you don't follow the one-
11 man, one-vote principle, you don't have the Voters Rights
12 Act to follow?

13 MS. CAZADD: No, we do not.

14 CHAIRPERSON FILKINS WEBBER: Any other questions?
15 Oh, Commissioner Yao, I know there's always one lingering
16 out there.

17 COMMISSIONER YAO: So, the district office, once
18 it's settled down, reports to the -- to the person that's
19 in charge of that district, is that what I just heard?

20 MR. FERRIS: Each elected Board member has
21 statutory duties to investigate the administrative and
22 enforcement of the laws within their district, and so
23 that's why we nest our offices within the boundaries of
24 the Equalization district set through redistricting, so
25 that each Board member has -- that there are clear lines

1 of investigative authority and oversight with respect to
2 the district offices. So that you don't have a district
3 office that is servicing businesses in the jurisdiction,
4 in a sense, of oversight of two different Board members
5 who may have -- that their investigative and oversight
6 functions aren't overlapping and conflicting with each
7 other in any way.

8 However, when they sit as a body and make
9 decisions as to rule-making, things like that, that's done
10 by a majority vote of the five-member Board. And when
11 those decisions are made, those are implemented uniformly
12 throughout all four districts.

13 COMMISSIONER YAO: All right. So, while we draw
14 districts based on -- strictly on population, the
15 Legislature has different workloads just simply because
16 they are in a certain area versus in other areas? In
17 other words, the revenue that they bring in could be
18 totally different, for example?

19 MR. FERRIS: Correct.

20 COMMISSIONER YAO: And does that, by itself,
21 translate to workload for that individual?
22 It seems like if he or she runs so many district offices
23 and they're totally responsible and the -- the workload is
24 significantly different, is that --

25 MR. FERRIS: It's true that some districts have

1 more registered businesses in them than other districts
2 do. So, if that's what you mean by workload, that is
3 correct, not every district has the same number of
4 registered businesses within that district.

5 MS. CAZADD: It kind of evens out, though, as one
6 of the Commissioners mentioned, previously, when you're
7 looking at the rural areas, even though there are less
8 businesses in the rural areas of an Equalization district
9 that's mainly rural, the workload is just spread out.
10 It's there, it's not as much, but it's spread out.

11 COMMISSIONER YAO: Right, right.

12 MS. CAZADD: So, it takes more time to accomplish
13 it.

14 COMMISSIONER YAO: Okay, thank you very much,
15 appreciate your answer.

16 COMMISSIONER ONTAI: I've got to ask another
17 theoretical question, then. So, if this is so, why is the
18 Board of Equalization under Prop. 11 if it's not following
19 the same criteria we are?

20 MR. FERRIS: Well, the California Constitution I
21 think envisions that -- that the people of California
22 value having elected officials that they can come to with
23 their concerns about taxation and so, therefore, that's
24 why the redistricting issues apply there.

25 Because as voters and as taxpayers they -- they

1 have an interest in having a voice that they elect in
2 their Equalization district.

3 And it's also, as we mentioned as well, they --
4 they have an interest in the Board of Equalization because
5 we -- we over -- we audit every county assessor's
6 practices to see that -- to make sure that property taxes
7 are being equally assessed throughout the State, and so
8 every taxpayer has an interest in that.

9 If they have a dispute with the Franchise Tax
10 Board, they have an interest in knowing that they can make
11 their case to the elected Board with respect to this tax
12 dispute that they have.

13 And so, so you have those types of concerns that
14 apply equally to all voters who may own real property, or
15 who may have a dispute with the Franchise Tax Board, other
16 things like that.

17 And then there's this other issue that we're
18 talking about, which is in terms of the kinds of
19 businesses that register with the Board of Equalization
20 for the taxes and fees that we administer, in a sense
21 there's a different population there, those are the
22 businesses that are registering with us.

23 But there are other, broader issues that every
24 voter has that the Board of Equalization is important to
25 responding to those concerns that each individual voter

1 may have. I don't know if that's helpful or responsive to
2 what you're asking about there.

3 COMMISSIONER ONTAI: Somewhat, somewhat.

4 CHAIRPERSON FILKINS WEBBER: Okay. Any other,
5 final questions? It doesn't look like that.

6 Well, thank you very much for your presentation
7 here today, it certainly has enlightened our -- or it
8 provided the information that we need for the Board of
9 Equalization districts that we are considering and it
10 certainly answered quite a few of my questions.

11 And, once again, I want to thank you for coming
12 today on such short, short notice. This Commission's
13 under a tremendous amount of pressure to move forward and
14 meet our deadlines and your cooperation in that regard has
15 been very helpful, so I certainly appreciate it.

16 At this time is there any other, final business of
17 the Commission that had been lingering, previously, that
18 we need to address today?

19 If not, I'd like to just provide the Commission
20 and members of the public with a brief summary regarding
21 the next two days of hearings.

22 Tomorrow, the meeting will commence at 10:00 a.m.
23 and we will be focusing on line drawing for the Northern
24 California districts, all the districts, as well as the
25 State Board of Equalization. So, based on the

1 presentation that we received today, we're looking forward
2 to working with Q2 tomorrow on the State Board of
3 Equalization.

4 Time permitting then we will consider the non-L.A.
5 districts of Southern California. I'm not certain if
6 we'll get to those tomorrow.

7 Right now we tentatively have the time scheduled
8 for 6:00 p.m., but I'll be working with Q2 and see if they
9 can arrive -- or stay later.

10 On Friday we tentatively have, or at least it's
11 official, I think at this point, unless something happens,
12 but we'll commence our meeting at 9:00 a.m. and Mr. George
13 Brown, of Gibson Dunn & Crutcher will be with us.

14 We must consider a brief, closed session meeting
15 from approximately 9:15 to 10:30. So, for the members of
16 the public tuning in, we do need to go into closed
17 session.

18 And then we will be commencing our line drawing at
19 approximately 10:30 on Friday, with Q2, with a focus on
20 Southern California.

21 And again, if we can move through all of the
22 districts by the end of the business day, we do not
23 anticipate the necessity of continued line drawing on
24 Saturday. But, again, this is contingent on our ability
25 to work effectively the next two days and get through

1 Northern California and Southern California.

2 Does anyone have any questions on the schedule for
3 the next two days?

4 At this point we still do have Saturday agendaed
5 but, again, that's just going to be -- we need to keep it
6 on there and, as well for the members of the public, if we
7 don't get through the line drawing that we need to and
8 make some decisions on some of these districts as we need
9 to, that day is still open.

10 Anything further, Commissioner Ancheta, for today?

11 Commissioner Dai?

12 COMMISSIONER DAI: Just a note that the website
13 still shows Sunday and Monday, so that still just needs to
14 be adjusted.

15 CHAIRPERSON FILKINS WEBBER: Where? At the
16 calendar it says cancelled. On the right-hand side, for
17 the hearing calendar, that's calendar. But as far as the
18 notices, it's still on the notice page?

19 COMMISSIONER DAI: Uh-hum.

20 CHAIRPERSON FILKINS WEBBER: Okay, we will have
21 that corrected.

22 COMMISSIONER DAI: Thank you.

23 CHAIRPERSON FILKINS WEBBER: So, the meetings are
24 technically cancelled -- or are cancelled, actually, for
25 Sunday and Monday.

1 Anything further? Anything further from staff?

2 EXECUTIVE DIRECTOR CLAYPOOL: The agenda for
3 Saturday, would that include Q2 as well, is that --

4 CHAIRPERSON FILKINS WEBBER: I believe that is a
5 line-drawing day, also, so it would be --

6 EXECUTIVE DIRECTOR CLAYPOOL: Okay, and so
7 they're -- the only reason I ask is because they're on
8 notice that they might have to be here, is that correct?

9 VICE-CHAIRPERSON ANCHETA: I think the goal is to
10 finish up Friday and if we have to go a little bit later
11 on Friday, that's preferable to going that Saturday, as I
12 understand.

13 If we go into Saturday, we cut into their time to
14 do the mapping, so it's strongly -- we should really try
15 to wrap up by Friday evening.

16 EXECUTIVE DIRECTOR CLAYPOOL: I was only making
17 sure that they were -- you know, that they had prior
18 notification because if we're going to have that option,
19 we have to make sure that we actually have that option.

20 VICE-CHAIRPERSON ANCHETA: Yeah, I've brought it
21 up with them and I think that the consensus is we should
22 try to wrap up by Friday evening. But if we absolutely
23 have to, we can, and they would be available. But, again,
24 it's not desirable at all.

25 CHAIRPERSON FILKINS WEBBER: It's my understanding

1 they're aware that we've had that as a backup day and we
2 are doing, we'll do everything, and the Commission will do
3 everything in their power to work diligently the next two
4 days so we can avoid that. But they do -- they are aware
5 of that as being a backup day.

6 Anything further from staff? Anything further
7 from the Commission?

8 Okay, then we are adjourned.

9 (Off the record at 4:22 p.m.)

10 --oOo--

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25