

BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the matter of
Full Commission Business Meeting

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

Thursday, July 21, 2011

1:00 P.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Lilbert "Gil" Ontai, Chairperson

Connie Galambos Malloy, Vice-Chairperson

Gabino Aguirre

Angelo Ancheta

Vincent Barabba

Maria Blanco

Cynthia Dai

Michelle DiGuilio

Jodie Filkins Webber

Stanley Forbes

M. Andre Parvenu

Jeanne Raya

Michael Ward

Peter Yao

Staff Present

Daniel Claypool, Executive Director

Kirk Miller, Legal Counsel

Rob Wilcox, Communications Director

Janeece Sargis, Administrative Assistant

Deborah Davis, Budget Officer

Marian Johnston, Staff Counsel

APPEARANCES (CONT.)

Consultants Present

Karin MacDonald, Q2 Data & Research, LLC

Nicole Boyle, Q2 Data & Research, LLC

Kyle Kubas, Q2 Data and Research, LLC

Also Present

Public Comment

Kelly Cox

Denise Rushing

Susan Nissman

Kim Lamorie

Madelyn Glickfeld

Jacqui Irwin

Mina Layba

Richard Bloom

Nancy Freedman

Cyndi Hensch

Suzanne Fuentes

Nathaniel Trives

Connie Gallipi

Carmen Ramirez

Nic Bonovich

Glen Schaller

Ken Cooley

Barry Melton

APPEARANCES (CONT.)

Also Present

Public Comment

Chris Orrock

Carl Brickey

Kyra Kazantzis

Javier Gonzalez

Maya Esparza

Adan Lupercio

Manny Diaz

Karen Gonzales

Diego Berragan

Andres Quintero

Francisco Lozano

Chris Chaffee

Darlene Love

Rosalinda Martinez

Frances Stiglisch

Kyle Hamilton Orlemann

Alex Vargas

Jameson Lingl

Jack Batchelor

Kevin Coleman

Rachael O'Brien

Gina Rodriguez

APPEARANCES (CONT.)

Also Present

Public Comment

Alice Huffman

Tyrone Netters

Marco Mlikotin

James Gallagher

June Catalano

Philip Vince

Astrid Garcia

Dean Andal

Marqueece Harris-Dawson

David Salaverry

Daniel Morales

Julian Canete

Roy Perez

LaKenya McCloud

I N D E X

	Page
Introduction	8
Public Comment	10
Legal Advisory Committee Discussion Topics	61
1. Interpretation of 14-day noticing requirement	
2. VRA Counsel Update	
3. Final Map Preparation	
4. Selection of Litigation Counsel	
5. Update on Commissioners' responses to PRA Requests	
Break	129
Technical/Outreach Discussion Topics	129
1. Narrative Report update	
2. District Numbering: report and action	
3. Calendar discussion	
a. adjustments (if needed)	
b. technical expectations within schedule	
Finance and Administration Discussion Topics	200
1. Budget and financials	
2. Staffing and personnel	
3. Management of personnel and equipment Contracts	
a. Additional line-drawing sessions	
b. In-line process reviewer	
c. Transcription support	

I N D E X (CONT.)

	Page
Finance and Administration Discussion Topics (continued)	
d. GDC contract	
e. Q2 contract	
4. August schedule	
Public Information Discussion topics	229
1. Public education plan	
2. Media relations training	
3. Media plan	
4. Website/social media	
a. Posting of final visualizations	
5. Communications strategy	
a. press conference update	
Public Comment	232
Adjournment	259
Certificate of Reporter	260

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 ONTAI: Okay, we're going to start so, Commissioners, if you could take a seat, please.

All right, awakea kakua (phonetic) everybody; good afternoon in Hawaiian. You thought I forgot to say that, huh? I haven't said it in a long while, but here it is.

Welcome everybody. This is towards the end of our session and we've got some serious business ahead but we have met our goals and I think it's important that we finish up in a good, positive note.

So, we do have a lot of speakers today and I've talked to some of the people there and we're going to try to limit the public speaking to one minute each. We have 42 or 45 speakers so far.

It is important to hear our partners, the public, about their concerns about the maps at this time. So, I do want to take the time to express or to show our, the Commission's interest in hearing these comments.

But before we start, Janeece, could we take a roll call?

ADMINISTRATIVE ASSISTANT SARGIS: Aguirre?

COMMISSIONER AGUIRRE: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Ancheta?

COMMISSIONER ANCHETA: Here.

ADMINISTRATIVE ASSISTANT SARGIS: Barabba?

1 COMMISSIONER BARABBA: Here.

2 ADMINISTRATIVE ASSISTANT SARGIS: Blanco?

3 COMMISSIONER BLANCO: Here.

4 ADMINISTRATIVE ASSISTANT SARGIS: Dai?

5 COMMISSIONER DAI: Here.

6 ADMINISTRATIVE ASSISTANT SARGIS: DiGuilio?

7 COMMISSIONER DI GUILIO: Here.

8 ADMINISTRATIVE ASSISTANT SARGIS: Filkins Webber?

9 COMMISSIONER FILKINS WEBBER: Here.

10 ADMINISTRATIVE ASSISTANT SARGIS: Forbes?

11 COMMISSIONER FORBES: Here.

12 ADMINISTRATIVE ASSISTANT SARGIS: Galambos Malloy?

13 VICE-CHAIRPERSON GALAMBOS MALLOY: Here.

14 ADMINISTRATIVE ASSISTANT SARGIS: Ontai?

15 CHAIRPERSON ONTAI: Here.

16 ADMINISTRATIVE ASSISTANT SARGIS: Parvenu?

17 Raya?

18 COMMISSIONER RAYA: Here.

19 ADMINISTRATIVE ASSISTANT SARGIS: Ward?

20 COMMISSIONER WARD: Here.

21 ADMINISTRATIVE ASSISTANT SARGIS: Yao?

22 COMMISSIONER YAO: Here.

23 ADMINISTRATIVE ASSISTANT SARGIS: We have a

24 quorum.

25 CHAIRPERSON ONTAI: Thank you, Janeece.

1 Okay, we'll jump right into the public speaking.
2 I'm going to let Janeece call out the names; she has a
3 queue system going here, so we want to do this as
4 efficiently as possible, but as fairly as possible.
5 Janeece?

6 ADMINISTRATIVE ASSISTANT SARGIS: Okay, so we're
7 going to ask the speakers to queue up very near the
8 microphone so that we don't spend time having you come to
9 the microphone. I'm going to call up three names at a
10 time, if you could just come queue up, that would keep it
11 going.

12 So, we're going to start with Cox, Rushing,
13 Nissman.

14 MR. COX: Can you hear me?

15 ADMINISTRATIVE ASSISTANT SARGIS: You can sit.

16 MR. COX: I can sit down? Oh, great, thank you.

17 Okay, my name is Kelly Cox; I'm the County
18 Administrator from Lake County, here on behalf of the Lake
19 County Board of Supervisors, who have submitted a letter
20 to you that I'm going to read through really quickly.
21 This is regarding our Congressional district maps for
22 NEBAY and YUBA.

23 "Dear Commissioners, when you last discussed the
24 Congressional district designated as NEBAY on
25 July 13th, you considered Lake County's request

1 to add us to the NEBAY Congressional district
2 instead of the Yuba Congressional district.
3 You asked us to let you know if we would
4 consider splitting Lake County so that Fairfield
5 currently split between these two districts
6 could be make whole within the Yuba district.
7 This would involve a population transfer of
8 27,691 people. With this invitation from you in
9 mind we appeared again before you on July 16th,
10 and said that although we preferred to remain
11 whole, we would accept a split so that part of our
12 county would be in NEBAY and part in Yuba. We
13 presented you with a map, suggesting how the
14 split could happen. We appreciate the difficult
15 task you had in keeping track of all these
16 comments and the multiple requests made of you.
17 However, since you specifically asked us to
18 comment on splitting Lake County between NEBAY
19 and YUBA Congressional districts, we are
20 respectfully requesting that you consider this
21 option before you finalize the Congressional
22 district maps.”

23 ADMINISTRATIVE ASSISTANT SARGIS: Time.

24 MR. COX: Thank you.

25 (Laughter - Applause)

1 ADMINISTRATIVE ASSISTANT SARGIS: Okay, Rushing,
2 Nissman, Lamorie.

3 MS. RUSHING: Okay, Denise Rushing, Lake County.
4 Kelly had mentioned, we had appeared on July 16th at what
5 we thought was your invitation. We were very surprised
6 when you did not discuss NEBAY and YUBA at all on the
7 Congressional area and you had talked about the Assembly,
8 which was not our intention.

9 Our repeated appearance here underscores the
10 critical importance to our little County of having even a
11 part of our County affiliated in Congressional district
12 with Napa.

13 The letter we sent you was signed by all five
14 members of our board, representing the full political
15 spectrum. In what could be a minor technical adjustment
16 for you, this is very, very important to us.

17 Our letter has a map, it's the line splitting Lake
18 County's Congressional district. We will remain here all
19 afternoon, should you have any questions for us. We have
20 worked long and hard over the past five years to align our
21 workforce investment area with Napa. We have strong ties
22 with the South and the West Counties and beg you not to
23 group our entire county with counties to the east, with
24 which we have no interest or easy connection. This is
25 very important to us. Thank you.

1 ADMINISTRATIVE ASSISTANT SARGIS: Go ahead, start.

2 MS. NISSMAN: Good afternoon, Susan Nissman, on
3 behalf of L.A. County Supervisor Zev Yaroslavsky. Thank
4 you for this, my third opportunity it seems, and hope it's
5 a charm.

6 I've heard from a broad spectrum of my
7 constituency and I would like to speak to their and my
8 continuing concerns.

9 The comments of interest, communities of interest
10 along the 118, 126, 5, inland transportation corridor have
11 absolutely no communities of interest from the 101, 405,
12 PCH corridors. This has to do with the Senate district
13 map.

14 The region containing the L.A. Westside Coastal
15 corridor and the Santa Monica Mountains unites a very
16 diverse intersection of community, city, county, state and
17 federal jurisdictions that are unique to this quarter.
18 These complex relationships in terms of public safety,
19 environmental regulations, transportation infrastructure
20 and economic interdependence have been developed over the
21 last decades through leadership and cooperation at all
22 levels. To drastically rewrite the map now makes no sense
23 and is not supported by the stakeholder communities who
24 have worked tirelessly to protect and preserve their
25 mutual interests.

1 ADMINISTRATIVE ASSISTANT SARGIS: Time.

2 MS. NISSMAN: Please look at our Congressional
3 section of the letter submitted by the supervisors.
4 Regards, the VA, thank you.

5 MS. LAMORIE: Kim Lamorie, I'm President of the
6 Federation. We're citizens of the Santa Monica Mountains.
7 And the Senate district EVENT does not work because it
8 combines two distinct and completely unrelated areas.

9 The communities north of the 118 freeway form a
10 separate north inland corridor versus the Santa Monica
11 Mountains Coastal communities which are a southern coastal
12 corridor.

13 Our Santa Monica Mountains Coastal communities of
14 interest all lie east and west, not north and south. We
15 do not share any communities of interest with those areas
16 north of the 118 or any transportation corridors.

17 The Commission recognizes our coastal communities
18 of interest and understands the east/west pattern because
19 you've already drawn those boundaries and incorporated
20 them into Assembly and Congressional mountain coastal
21 districts that do work.

22 We request that you do the same for our Senate
23 district and redraw the lines. We have two alternatives.
24 One, the first is to take your EVENT district and remove
25 the communities north of the 118 and replace them with

1 Malibu, Pacific Palisades, Brentwood, Santa Monica and
2 Sherman Oaks, which would make the EVENT district work.
3 Or, secondly, the second alternative is to simply take
4 your two Assembly districts --

5 ADMINISTRATIVE ASSISTANT SARGIS: Time.

6 MS. LAMORIE: -- and amalgamate them. Thank you.

7 ADMINISTRATIVE ASSISTANT SARGIS: So, we have
8 Glickfeld, Shaw, Irwin.

9 MS. GLICKFELD: Thank you. My name is Madelyn
10 Glickfeld and I'm a Malibu resident, I'm also a member of
11 the L.A. Regional Quality Control Board that covers
12 Ventura and Los Angeles County.

13 I am referring to the alternative that was just
14 mentioned. I've just sent out -- I've just given you a
15 map which proposes changes. It would delete -- it would
16 remove Moorpark and Simi Valley and put it into Ventura
17 County. It would move Stevenson Ranch and Porter Ranch
18 north of the 118 and put it in with their neighboring
19 communities in Santa Clarita. And it would add in the
20 Pacific Palisades, Santa Monica, and the Brentwood area up
21 to the 405 to balance off the community.

22 I would like to note that these comply with all of
23 your criteria. It complies with the Constitution and the
24 Voting Rights Act. It is better geographical compactness.
25 It improves geographical integrity; it keeps all cities

1 whole, Santa Monica, Malibu, Agoura Hills, Calabasas,
2 Westlake Village, Hidden Hills and Thousand Oaks, with the
3 exception of L.A. But it also keeps together all of City
4 of L.A. Neighborhood Councils within that area. It keeps
5 the unincorporated area of Oak Park in with the rest.

6 ADMINISTRATIVE ASSISTANT SARGIS: Time.

7 MS. GLICKFELD: Thank you very much.

8 ADMINISTRATIVE ASSISTANT SARGIS: Josh Shaw?

9 There's also a Richard Bloom?

10 Okay, Jacqui Irwin.

11 MS. IRWIN: Good afternoon Commissioners, my name
12 is Jacqui Irwin, Mayor Pro Tem of the City of Thousand
13 Oaks, County of Ventura. On behalf of the City Council,
14 residents, and business community we would like to thank
15 you -- okay, we would like to thank you.

16 The City of Thousand Oaks is completely Ventura
17 County focused and the visualization acknowledges this.

18 Our first priority was to keep our community
19 whole, our second was to stay within Ventura County. That
20 is our most -- that is a very important thing for us.

21 Two of the three proposed districts do just that.
22 We also think that if we have to be separated from Ventura
23 County that being grouped with Simi and Moorpark insures
24 the interests of the East County cities and will not --
25 and we will not be ignored in the proposed Senate

1 district.

2 We think the Redistricting Committee has done an
3 excellent job. Let me reiterate some of the reasons that
4 the current visualizations work. Our Congressional
5 district unifies cities that shared larger interests in
6 joint power authorities in collaborations with Ventura
7 County, including transportation, sheriff, fire services,
8 energy, wastewater, air pollution, sanitation. Cities in
9 the district also share mutual support for the military
10 installations and Naval Base at Ventura County.

11 ADMINISTRATIVE ASSISTANT SARGIS: Time.

12 Okay, Layba, Freedman, Cyber.

13 MS. LAYBA: Good afternoon Commissioners, my name
14 is Mina Layba, Legislative Affairs Manager for the City of
15 Thousand Oaks.

16 There's a letter being handed out on behalf of our
17 Mayor, Andy Fox. I'm here to provide a letter of thanks
18 to the Commission. On June 22nd we provided testimony to
19 you at the Oxnard hearing that our city was split into two
20 Assembly districts and two Senate districts.

21 Your current visualizations, and I know you put up
22 some new ones, current and proposed, they work for us.
23 The EVENT district works for us. They keep Thousand Oaks
24 whole, in Ventura County. The Assembly district takes
25 into consideration national security interests with the

1 Oxnard/Thousand Oaks Urban Area Security Initiative.

2 It also takes into effect our US 101 corridor of
3 critical goods movement with ag and manufacturing
4 districts.

5 The Senate district complements our tech corridor.
6 We have two biotech giants in our community and it works
7 well with the East Ventura County/Canejo Valley.

8 Our Congressional district provides the same
9 services we have, such as transportation, public safety,
10 and energy, wastewater, air pollution, sanitation.

11 ADMINISTRATIVE ASSISTANT SARGIS: Time.

12 MS. LAYBA: Thank you.

13 ADMINISTRATIVE ASSISTANT SARGIS: Do we have a
14 Nancy Freedman?

15 John Cyber?

16 MR. BLOOM: Richard Bloom, Mayor of the City of
17 Santa Monica, speaking to you about Senate districts LAPVD
18 and EVENT. I'm also a Coastal Commissioner and a member
19 of the Santa Monica Mountains Conservancy, and Chair of
20 the Santa Monica Bay Restoration Commission and the
21 Westside Cities Council of Government.

22 We're pleased that the newest maps keep Santa
23 Monica intact and place us in the same district as Malibu,
24 with whom we share many districts, including a school
25 district. And pleased that the maps appropriately pair us

1 with our communities of interest to the east, West L.A.,
2 Beverly Hills, and West Hollywood.

3 The maps should be redrawn one more time to
4 include the Santa Monica Mountains communities. This is a
5 well-documented community of interest. The Santa Monica
6 Mountains stretch from beyond Malibu to Hollywood.
7 Moreover, these areas share watershed and environmental
8 concerns, transportation concerns, billions of dollars of
9 transit measures and, taken together, we are a regional
10 center of commerce and recreation.

11 To the contrary, the South Bay cities share little
12 or no community of interest with the other cities I've
13 described and detract from compactness.

14 ADMINISTRATIVE ASSISTANT SARGIS: Time.

15 MR. BLOOM: Thank you.

16 ADMINISTRATIVE ASSISTANT SARGIS: Freedman, Cyber,
17 Hench.

18 MS. FREEDMAN: Good afternoon. My name is Nancy
19 Freedman; I'm the Chairman of the Brentwood Community
20 Council. I'm here to speak to you today about the borders
21 that we share with the Brentwood VA. This community of
22 interest has been going on for a long time, since 1988 --
23 I mean since 1888 and we do share a border, one of the
24 only places in Los Angeles that does.

25 We have been working with the VA through our

1 community council, through our neighborhoods, through all
2 the people that surround the border, and we care about the
3 VA and we work well with the VA, and we are the only ones
4 that do.

5 And I would ask very much that you consider,
6 because we are involved with their master plans, we are
7 concerned about Veterans' needs, we are concerned about
8 their actual grounds that you do consider this a community
9 of interest and include them in the Brentwood borders.

10 The map I've handed out to you shows it's just a
11 little pocket of the VA that's been taken out of the
12 Brentwood area. And we would ask very much, this has
13 nothing to do with politics, there's all sorts of people
14 that live there and --

15 ADMINISTRATIVE ASSISTANT SARGIS: Time.

16 MS. FREEDMAN: Thank you.

17 ADMINISTRATIVE ASSISTANT SARGIS: Cyber?

18 Hench?

19 MS. HENCH: My name is Cyndi Hench; I'm the
20 President of the Neighborhood Council of
21 Westchester/Playa. I have two points that I'd like to
22 make to you today.

23 First, the community of Westchester/Playa is a
24 community of interest recognized by the City of Los
25 Angeles, as demonstrated by the existence of our

1 neighborhood council and includes Westchester, Playa Del
2 Rey, and Playa Vista, and this community should not be
3 divided.

4 My second point is that historically Westchester
5 has been included, but not represented, in the 35th
6 Congressional district. Westchester/Playa does not
7 identify or share common interests with the other 35th
8 district cities, like Inglewood, Athens, Westmont,
9 Florence, et cetera.

10 Your first drafts had it right; you had us
11 included with the South Bay Beach cities.

12 I have nearly 400 signatures here, from our
13 community members, who express the same concern and have
14 the same request.

15 ADMINISTRATIVE ASSISTANT SARGIS: Vargas, Alex
16 Vargas, Suzanne Fuentes?

17 MS. FUENTES: Good afternoon Commissioners, I am
18 Suzanne Fuentes, Council Member from the City of El
19 Segundo.

20 Our communities, the Cities of El Segundo,
21 Manhattan, Hermosa, and Redondo, Torrance, Hawthorne, and
22 the four cities on the Palos Verdes Peninsula,
23 Westchester, Playa Del Rey are partners in the county,
24 adjacent areas, stand united before the Commission for the
25 purpose of maintaining our uniquely shared community of

1 interest, including our shared economy, our cultural
2 diversity and our unique way of life.

3 We share 25 miles of coastline on the South Bay of
4 Los Angeles County, bordered by Los Angeles International
5 Airport on the north, the 405 Freeway on the east, and the
6 southern end of the Palos Verdes Peninsula on the south.
7 The Pacific Ocean is our invaluable common western border.

8 Together we represent the aerospace capital of the
9 nation. The Los Angeles Air Force Base in El Segundo is
10 the center of the most valuable concentration of air and
11 space national defense workers anywhere, shared among our
12 cities with over 50,000 of our workers due to the base,
13 alone.

14 Our beach cities residents are the reason that our
15 country's military dominates space and air space. They
16 are valuable beyond calculation to our nation's defense of
17 our war fighters.

18 ADMINISTRATIVE ASSISTANT SARGIS: Time.

19 MS. FUENTES: Thank you.

20 ADMINISTRATIVE ASSISTANT SARGIS: Nathaniel
21 Trives. Gallip, Ramirez. Bonovich.

22 MR. TRIVES: I'm a former member of the City
23 Council of Santa Monica, President of the Santa Monica
24 Chamber of Commerce and I want to thank you for the July
25 20th visualization because that makes the City of Santa

1 Monica whole.

2 My predecessor, honorable Council Member from El
3 Segundo, set part beautifully why those communities are
4 not communities of interest to the City of Santa Monica.
5 I've lived there for six decades and I've seen common
6 community of interests from the fifties to now survive to
7 the 21st Century, such as mutual aid, public safety, COBS
8 and community government.

9 Faith communities that go to churches, live in
10 different homes, but in that specific community.

11 Educational communities, including the Santa
12 Monica Community College District and a thriving
13 independent school community.

14 Cultural communities where the arts are shared
15 with the nonprofit organizations that exist in our town.

16 Our Santa Monica Chamber of Commerce has over 100
17 nonprofit organizations in it that serve that greater
18 community. That is unheard of in chambers of commerce.

19 ADMINISTRATIVE ASSISTANT SARGIS: Time.

20 Connie Gallipi?

21 MS. GALLIPI: Good afternoon, Connie Gallipi here
22 on behalf of Joe Edmiston from the Coalition for Fair
23 Representation of Santa Monica Mountains.

24 Basically, they wanted to suggest two changes to
25 the most current visualizations for the EVENT Senate

1 district. One is Malibu, Pacific Palisades, Santa Monica
2 and Brentwood are integral to the Santa Monica Mountains
3 area that is otherwise included in the EVENT Senate
4 district and must be included in this district.

5 The second item is Simi Valley, Stevenson Ranch,
6 and the I-5 adjacent areas of the City of Santa Clarita;
7 they're of no logical relationship to the rest of the
8 EVENT Senate district and should be deleted from the EVENT
9 district.

10 I've shared copies of a letter with more detail
11 and reasoning behind these points, as well as a map that
12 suggests changes to the boundaries. Thank you.

13 MS. RAMIREZ: Good afternoon, Carmen Ramirez, a
14 member of Oxnard City Council. I am here begging you,
15 members of the Commission, to support the Oxnard/Thousand
16 Oaks Unity Map and not to put El Rio, a significantly
17 poor, minority, immigrant community in with Simi Valley.
18 There is no shared community of interest. God bless the
19 people of Simi Valley, they don't really have much in
20 common with the people of El Rio.

21 Please keep our city whole. We have been split in
22 the past, we're the 20th largest city in the State and we
23 have been split before. We need representatives that are
24 accountable to this very large minority, farmworker
25 community. I beg you, please do not turn away from our

1 plea. Thank you.

2 COMMISSIONER AGUIRRE: Mr. Chair, I know Carmen
3 from my work in Ventura County. Nice to see you.

4 MR. BONOVIK: Hi, my name's Nic Bonovich and I'm
5 here representing VICA. And we just want to thank you for
6 placing Malibu back with Santa Monica in the same Senate
7 district and keeping those coastal communities together.
8 So, thank you for doing that and please keep it that way.
9 Thank you.

10 ADMINISTRATIVE ASSISTANT SARGIS: Glen Schaller?

11 MR. SCHALLER: Glen Schaller, I'm reading a letter
12 from the Mayor of the City of Santa Cruz, and you're
13 receiving maps from us as well.

14 "As Mayor of the City of Santa Cruz I'm
15 representing a coalition of Santa Cruz residents
16 and organizations, including those representing
17 business, labor, educational, social service
18 providers and elected officials. We've been
19 watching your work very closely in Santa Cruz,
20 Monterey and San Benito Counties. Our three
21 counties share a strong community of
22 interest that unites along the Monterey Bay
23 with natural, social, and economic interests
24 We understand the difficult task that you've
25 all undertaken and have been impressed by your

1 work and the diligence in drawing districts
2 for the people of California.”
3 Now, I’m going to cut off part of this. The
4 population of the City of Santa Cruz is just under 60,000
5 people. We’ve sent you maps that unify our city and two
6 Bay Area cities, increase the Asian CVAP in the Fremont
7 Congressional district, decrease the split of the City of
8 San Jose from three Congressional districts to two. I
9 hope that you give these proposed maps serious
10 consideration. The maps presented unify the City of Santa
11 Cruz with most of our neighbors in Santa Cruz, San Benito
12 and Monterey Counties.

13 In the process we maintain the Latino CVAP in the
14 Section 5 Congressional district --

15 ADMINISTRATIVE ASSISTANT SARGIS: Time.

16 MR. SCHALLER: -- actually increasing the CVAP
17 from 27.7 to 28.

18 ADMINISTRATIVE ASSISTANT SARGIS: Cooley, Melton.

19 COMMISSIONER BARABBA: I have a question.

20 CHAIRPERSON ONTAI: Commissioner Barabba.

21 COMMISSIONER BARABBA: As I’m looking -- as I’m
22 looking at this map is it correct that you’ve -- that
23 you’ve cut off the southern part of the district at Pajaro
24 Dunes?

25 MR. SCHALLER: No.

1 COMMISSIONER BARABBA: Okay.

2 MR. SCHALLER: No, we did not intend to change
3 that line at all, if that's --

4 COMMISSIONER BARABBA: Okay, so it's Monterey
5 County is the -- thank you.

6 MR. SCHALLER: Thank you.

7 ADMINISTRATIVE ASSISTANT SARGIS: Cooley, Menton,
8 Orrock.

9 MR. COOLEY: Commissioners, thank you for the
10 privilege to speak today. My name is Ken Cooley, Council
11 Member, past Mayor in the City of Rancho Cordova here, in
12 Sacramento County.

13 I'm speaking today on behalf of the county,
14 generally, we get split into six district, Senate
15 districts in the Nor Cal maps.

16 More specifically my city and its planned area
17 sphere of influence gets split four ways. And eight-mile
18 drive on Highway 50 from the Folsom Auto Mall to just past
19 Bradshaw you cross four Senate districts in my city. I
20 have maps that are provided in the blue folders.

21 I certainly favor, on behalf of the County,
22 consolidation. My city is a huge job center, 50,000 jobs,
23 more office space than downtown Sacramento, a 2.7
24 jobs/housing ratio compared to 1.2 average.

25 If you can't address the larger county issue, I

1 ask you to move the Foothill district line north of the
2 natural boundary of the American River. That will keep
3 all of my city, most of my planning area in a single
4 district, it will tie us to the urban area of Fresno. And
5 I, frankly, think use of a natural boundary like a river
6 will help ward off litigation on Constitutional grounds.
7 Thank you for your time.

8 MR. MELTON: Good afternoon, my name is Barry
9 Melton, I'm an attorney who works and resides in Yolo
10 County, California. I'm the retired public defender of
11 Yolo County.

12 I've written a letter to the Commission regarding
13 the 14-day comment period following drafts and
14 visualizations.

15 In sum, the letter urges you to vote on final maps
16 at least 14 days prior to August 15th. I've done an
17 analysis of the Voters First Act and, specifically,
18 Government Code Section 8253(a)(7) and I'd request you
19 read the analysis and consider it in your deliberations.
20 Thank you so much.

21 ADMINISTRATIVE ASSISTANT SARGIS: Orrock, Brickey,
22 Kazantzis.

23 MR. ORROCK: Good afternoon, my name's Chris
24 Orrock, I'm from the City of Elk Grove, just south of
25 Sacramento. I'm here to talk about something that not a

1 lot of people are talking about in your map drawing, and
2 that's the Board of Equalization.

3 The Board of Equalization's not a sexy seat but it
4 covers our whole State. What you've done is taken
5 something that was kind of a premise for creating your
6 Commission and that was the Congressional seat that's on
7 the coast, that was that ribbon of shame that went out
8 into the ocean, and you've created three ribbons of shame
9 going down the State.

10 You've disenfranchised many voters in the Central
11 Valley and Los Angeles by making a Board of Equalization
12 seat that goes all the way from the Oregon border down to
13 the Mexican border. What do the people up on the Oregon
14 border have in commonality with the people down on the
15 Mexican border, down in San Diego?

16 You have a seat that takes in portions of the
17 Central Valley, but not all of the Central Valley, that
18 will become an L.A.-based seated because it takes in L.A.
19 County.

20 And then you have two different seats that
21 encompass portions of L.A. County, disenfranchising the
22 minority voters there, making it so that you have a seat
23 that comes down into Orange County --

24 ADMINISTRATIVE ASSISTANT SARGIS: Time.

25 MR. ORROCK: Thank you.

1 MR. BRICKEY: I'm Carl Brickey. To continue from
2 the previous speaker -- hi, I'm Carl Brickey. To continue
3 from the previous speaker, the current working
4 visualizations disenfranchise most of Orange County.
5 Rather than linking the similar counties of Orange and San
6 Diego, these visualizations place Orange into a Los
7 Angeles district and San Diego is put it into a district
8 stretching from Mexico to Oregon.

9 Furthermore, the current visualizations also
10 disenfranchise and provide unnecessary impediments to the
11 legal rights of Eastern Sierra residents.

12 The law states that BOE members must be available
13 to meet with taxpayers. Under the current maps, though,
14 the residents of Eastern Sierras, along the Nevada border,
15 would have to travel to San Diego to get to the closest
16 population center of their district.

17 What would make sense? The first draft maps
18 presented by the Commission on June 10th were similar to
19 what the courts drew in the 1990 redistricting. The only
20 public comment submitted came from the elected officials
21 and community groups in Ventura and Los Angeles asking to
22 keep Ventura in a similar agricultural district with
23 Central Valley, and keep the City of Los Angeles whole in
24 the L.A. district.

25 The Commission should adopt the June 10th maps

1 with that change. Thank you.

2 ADMINISTRATIVE ASSISTANT SARGIS: Kazantzis?
3 Javier Gonzalez, I'm not sure, and Esparza.

4 MS. KAZANTZIS: Hello, my name is Kyra Kazantzis,
5 I'm from Public Interest Law Firm, which is one of the
6 legal programs of the Law Foundation of Silicon Valley.

7 I came here from San Jose, today, to express our
8 strong support for the most recent visualizations for the
9 Assembly districts. By drawing these maps you've
10 demonstrated an understanding of the electoral struggles
11 that the Latino community faces in San Jose.

12 Prior to the 1991 special master's redraw, the
13 Latino community did not have an ability to elect a
14 representative.

15 As many have stated before, this community --
16 before this Commission, regressing to that situation would
17 be a tragedy, in part because the Latino community is a
18 geographically compact and politically cohesive community
19 of interest in San Jose.

20 In addition, the Latino and white populations do
21 exhibit racially-polarized voting, which will be discussed
22 further by the Redistricting Partners.

23 The worst case scenario is a lawsuit, which would
24 damage our community, as well as the integrity of the
25 Commission's work as a whole, and so we are very

1 appreciative of seeing these visualizations of the
2 Assembly districts and hope to see them as final. Thank
3 you.

4 COMMISSIONER ANCHETA: Oh, Mr. Chairman, I know
5 Ms. Kazantzis from her work in San Jose.

6 MR. GONZALEZ: Good afternoon. I'm a 20-year
7 resident of downtown San Jose and I was here last week
8 with a bunch of our community who came up, and we want to
9 thank you for listening to us and keeping downtown San
10 Jose, East San Jose, and Central San Jose together as a
11 community of interest.

12 Your work should be commended for listening to us
13 and restoring a little bit of that faith that the process
14 is working.

15 And I'm referring to the SANJO district, Assembly
16 district.

17 And so one last thing we'd like to do is also take
18 into consideration as you're drawing the Senate map, to
19 keep those district boundaries as part of the Senate
20 district so that Latinos do have an opportunity to elect
21 someone from their community and represent the interest of
22 those communities. Thank you very much for your time.

23 MS. ESPARZA: Hi, my name is Maya Esparza, I'm a
24 resident of San Jose. I'd also like to thank you for the
25 changes to the Assembly district.

1 But I'd like to echo TechNet, Silicon Valley
2 Leadership Group, and the Chamber of Commerce,
3 representatives from the City of San Jose and Santa Clara
4 County in asking that Downtown San Jose not be divided in
5 the Congressional district, as it is right now.

6 We would like to see Downtown bound by the
7 airport, and 101, and 280 to be kept whole, instead of
8 divided. As it stands now, San Jose State is separated
9 from its think tank, the Mineta Transportation Institute
10 on North 4th Street. The airport is in a different
11 district from the city hall that is responsible for it.

12 Further, the police department is in a separate
13 Congressional district from city hall. So, it really
14 should be kept whole.

15 Secondly, I'd like to speak on the SANJO Senate
16 seat, that it should mimic the Assembly seat and, instead,
17 go southeast instead of west. Right now it divides some
18 of the --

19 ADMINISTRATIVE ASSISTANT SARGIS: Time.

20 MS. ESPARZA: -- poorest neighborhoods in San Jose
21 and benefits the wealthiest. Thank you.

22 ADMINISTRATIVE ASSISTANT SARGIS: Adan Lupercio,
23 Manny Diaz, Karen Gonzales, Diego Berragan. And then we
24 have Quintero and Lozano.

25 MR. LUPERCIO: Hello, members of the Commission, I

1 just want to thank you guys for the -- my name's Evan,
2 with San Jose. Thank you for the AD SANJO district.
3 Thank you for listening to us in San Jose, that means a
4 lot to us, as we organized some people to go out there and
5 speak. And we're just asking that you also mirror the
6 Senate district for that area and try to take it a little
7 bit south, maybe so it encompasses a little bit of
8 Monterey. Because, you know, with the western part of
9 that district, how it is right now, we don't share the
10 common interests in that area. So, if you'd consider
11 that, it would be a great deal, it would mean a lot to us.
12 Thank you so much for your time.

13 MR. DIAZ: Good afternoon, Commissioners, Manny
14 Diaz from San Jose, co-founder the Society of Hispanic
15 Engineers, co-founder of Silicon Valley Latino Forum.

16 I also want to thank you for listening to us on
17 the Assembly district in San Jose. However, you're only
18 halfway there.

19 In Silicon Valley we've never had a champ in
20 Sacramento on the Senate side that listens to the Latino
21 community, especially on the educational side.

22 The Latino community, there's a huge disparity
23 right now in Silicon Valley between the haves and the have
24 nots, this is what we're trying to tell you.

25 And right now in Silicon Valley, even though

1 there's a lot of high tech jobs many of the people of the
2 Latino community are not getting those educational
3 opportunities.

4 We need somebody that's going to be able to
5 represent our community in Silicon Valley and that's why
6 we're asking you to take the cities on the west part of
7 the district, which basically is Cupertino, Campbell,
8 Saratoga, Los Gatos, these are very affluent cities and
9 they have nothing in common to San Jose, Central, East San
10 Jose, and going down south to Gilroy and to the Monterey
11 district. That's what we're asking you to do so that we
12 can have somebody that's going to listen to us in
13 Sacramento --

14 ADMINISTRATIVE ASSISTANT SARGIS: Time.

15 MR. DIAZ: -- and help our kids out. Thank you
16 very much.

17 MS. GONZALES: Good afternoon, my name is Karen
18 Gonzales, I am a recent graduate from San Jose State and a
19 current resident of San Jose.

20 First off, first of all I would like to thank you
21 for listening to the importance of our Latinos, of Latinos
22 in the San Jose community by creating Assembly lines that
23 protect and represent the communities.

24 However, we now ask that you recognize and that
25 you meet the needs of our communities through Senate

1 districts that require the same attention.

2 Furthermore, if you don't do so, it will
3 marginalize our communities of interest who represent the
4 working class and the largest urban Latino seat in
5 Northern California. Thank you.

6 ADMINISTRATIVE ASSISTANT SARGIS: Berragan,
7 Quintero, Lozano.

8 MR. BERRAGAN: My name is Diego Berragan, I'm a
9 life-long resident of Downtown San Jose. I just want to
10 thank you again for the lines you've proposed for the
11 SANJO Assembly district.

12 But one thing I would like to ask, again, if you
13 could reconsider the lines for the Senate district and
14 keep them in line with the SANJO Assembly district, as
15 well as the Monterey Assembly district in which you
16 proposed to keep them consistent with one another since,
17 again, you have shared communities of interest.

18 Also, too, again, if you could also maybe consider
19 the Congressional -- what is the 16th Congressional
20 district and keep that all within Santa Clara County.
21 Thank you.

22 MR. QUINTERO: Commissioners, Andres Quintero,
23 with the South Bay Community for Fair Redistricting. I
24 want to thank you for the changes you made with the SANJO
25 district. However, I'm now back, again, for the Senate

1 district. You've put us in with the west -- with West
2 Santa Clara cities, West Santa Clara County cities and
3 they definitely don't feel like they're a part of us and
4 we don't feel like we're a part of them.

5 Just recently, in the area code split, they all
6 came together and chose to identify themselves as one
7 group, rather than being associated with San Jose. So,
8 that just serves as proof that they don't feel that
9 they're part of us.

10 Also, they're very affluent. Therefore, we would
11 ask that you take the SANJO district that you currently
12 drew and keep East San Jose and Downtown San Jose whole,
13 and nest us with the Monterey district. That would be
14 very acceptable and it would meet the needs of us, as well
15 as the West Santa Clara County cities.

16 So, I would encourage you to go ahead and take
17 these steps. Thank you.

18 ADMINISTRATIVE ASSISTANT SARGIS: Lozano, Chaffee,
19 Love.

20 MR. LOZANO: Good afternoon, my name is Francisco
21 Lozano. I'm a resident of East San Jose and I'm a teacher
22 in Downtown San Jose.

23 I would like to thank the Commission for
24 listening, for considering our community's concern in
25 drawing the AD SANJO map.

1 I hope that you consider this map in drawing the
2 Senate district and keep east, south, central San Jose
3 together because most of the residents share the same
4 concerns and the same challenges. Thank you.

5 MR. CHAFFEE: Hi, my name is Chris Chaffee, I'm
6 with Redistricting Partners, and I'm testifying on behalf
7 of South Bay communities -- Committee for Fair
8 Redistricting.

9 I'd like to thank you for recognizing the
10 importance of the Latinos in San Jose and creating a
11 visualization that protects this cohesive and compact
12 community of interest in San Jose, in the SANJO Assembly
13 district.

14 You should also be commended for recognizing the
15 adjacent Asian population and actually increasing the
16 Asian strength of the Milpitas Assembly district.

17 In addition to being geographically compact and
18 politically cohesive, the Latinos in this part of San Jose
19 do exhibit racially-polarized voting.

20 At the last hearing we provided a visual
21 representation of the Latino community and an overlay of
22 the Prop. 187 vote, and that's been attached.

23 This analysis mirrored some of the same arguments
24 outlined by the Commission counsel in discussing the
25 racially-polarized voting for Latinos in Los Angeles.

1 To enforce this RPV analysis we have provided a
2 homogeneous precinct analysis, HPA. This is one of the
3 methodologies employed by plaintiff's experts in the
4 Gingle's case and accepted by the court.

5 This analysis looks at voting behavior and only
6 those Census blocks --

7 ADMINISTRATIVE ASSISTANT SARGIS: Time.

8 MR. CHAFFEE: Well, you can read the letter.
9 Thanks.

10 ADMINISTRATIVE ASSISTANT SARGIS: Darlene Love,
11 Rosalinda Martinez and Frances Stiglich.

12 MS. LOVE: Good evening, Commissioners. I'm proud
13 and thank you for the privilege of being able to speak
14 just a minute. My name's Darlene Love, I'm a 47-year
15 resident of Hawthorne, California. I was a civil service
16 commissioner for 20 years.

17 I would like to say that whatever you can do to
18 keep us in the South Bay would be greatly appreciated. I
19 left South Central 47 years ago, not to go back. So,
20 please, keep that map where we can stay in the South Bay.
21 Thank you.

22 MS. MARTINEZ: Good afternoon, Commission. I'm
23 Rosalinda Martinez, a resident of Hawthorne for over 23
24 years and I ask that you consider the City of Hawthorne to
25 be placed in the South Bay Congressional, State, and State

1 Assembly district. Please refer to number 7391 Reso. And
2 I would thank you for letting me be here and letting you
3 know that this change would give us the opportunity to
4 still serve the Los Angeles Air Force Base, the aerospace
5 industry and the collaboration of South Bay Regional
6 Public Communications Authority, our fire, and our police
7 department, and our Authority Task Force. And I hope that
8 you consider that. Thank you.

9 ADMINISTRATIVE ASSISTANT SARGIS: After Stiglisch
10 we have Orlemann, and Alex Vargas, and Jameson Lingl, I
11 have no idea, Lingl.

12 MS. STIGLISCH: My name is Frances Stiglisch. I'm
13 93 years old and I've rode here eight hours to get here to
14 beg you to put us in and stay in that South Bay city part,
15 not put us anywhere else.

16 Because I have -- I go to the beach city, I go to
17 Manhattan Beach. El Segundo, I belong to the seniors over
18 there and we have our good city and we all seem to go to
19 the beaches and belong to the beach cities. So, I wish
20 that you would just let us stay there because we do love
21 our city. And I don't know of anybody in Hawthorne, and
22 I've been there for 65 years, so I was there when there
23 was farmyards and everything else. And now I saw
24 everything grow up and we want to stay where we're with
25 the beach cities. Thank you very, very much.

1 MS. HAMILTON ORLEMANN: Good afternoon,
2 Commissioners, my name is Kyle Hamilton Orlemann and I am
3 here from Hawthorne, California, which is the gateway to
4 the beach cities and the South Bay.

5 I would like to address you regarding both our
6 Congressional districts and, also, our State Senate and
7 Assembly districts.

8 My neighbors and I, as you have just heard, left
9 home at 4:00 a.m. in order to get here. We will drive
10 over a thousand miles today in order to convey to you the
11 importance to us of recognizing our traditional and
12 crucially important relationships with the other South Bay
13 cities.

14 We would like to tell you that we fully support
15 the Hawthorne Resolution Number 7391, which you are being
16 given a copy of. We also are in full support of the map
17 that you had previously on your date of July 15th, your
18 Congress L.A. Option 1.2 map.

19 I will be brief. I have a little light reading
20 from myself and a little light reading from my husband
21 that gives the reasons why we think this is critically
22 important.

23 I would like to ask you and beg you to please keep
24 our South Bay cities together. We have enumerable --

25 ADMINISTRATIVE ASSISTANT SARGIS: Time.

1 MS. HAMILTON ORELMANN: -- crucial relationships
2 with those cities. Please do the right thing and
3 recognize our community of interest. Thank you so very
4 much for your time and work.

5 MR. VARGAS: Alex Vargas, Mayor Pro Tem, City of
6 Hawthorne. And I was on that -- on that -- in that van
7 coming up here today, early in the morning, too.

8 So, we have a record of our special meeting that
9 we had on Tuesday. We have a DVD so that you can watch
10 the testimony. We have copies of the resolution that our
11 city issued and was signed by all the leaders of our
12 community.

13 You have all five homeowner associations that
14 drafted a letter. That's the power of 85,000 people, the
15 people who live in the City of Hawthorne.

16 So, we are asking that you please place Hawthorne
17 in the communities of interest which is the South Bay.
18 It's a long-standing tradition and we're speaking about
19 the Congressional, the State Senate, and the Assembly.

20 So far the Assembly -- the Assembly and the State
21 Senate have problems. We do agree with the map that you
22 had that was dated on July 15th.

23 So, these are the people speaking and please
24 listen to the people of Hawthorne, who live there, not the
25 special interests, please. Thank you.

1 ADMINISTRATIVE ASSISTANT SARGIS: Jamison Lingl,
2 Nat Trives and Jack Batchelor.

3 MR. LINGL: Hi, my name is Jamison Lingl and today
4 I'm speaking on behalf of a diverse group of over two
5 dozen community leaders of faith, education, labor, and
6 local elected officials with constituents who live, go to
7 school, or work in the City of Oxnard, including the
8 unincorporated area of El Rio.

9 And they write you to protect the vulnerable
10 populations that are disenfranchised if segments of Oxnard
11 and El Rio are split from the rest of the City of Oxnard
12 in the East Ventura Assembly district.

13 El Rio is a Census designated place of 7,198
14 people. El Rio is immediately adjacent to the City of
15 Oxnard and shares so many demographic similarities to the
16 City of Oxnard that most people think that El Rio is a
17 community in the City of Oxnard.

18 As an unincorporated area, with very high
19 concentration of very low-income farm workers, immigrants,
20 and Mexico indigents.

21 ADMINISTRATIVE ASSISTANT SARGIS: Time.

22 MR. LINGL: Thank you.

23 ADMINISTRATIVE ASSISTANT SARGIS: Oh, okay. Nat
24 Trives, Jack Batchelor. Oh, you've spoken, thank you.

25 MR. BATCHELOR: Good afternoon, Commissioners,

1 Jack Batchelor, Mayor, City of Dixon.

2 I want to express my serious concern about
3 dividing Solano County at the federal level. The first
4 draft of the Congressional maps placed all of Solano
5 County and most of Yolo County into the same Congressional
6 district.

7 This created an Interstate 80 corridor
8 Congressional district that shares common transportation
9 issues, such as federal Interstate 80 and Amtrak's Capitol
10 Corridor, common economic and community development
11 progress efforts, common educational interests such as
12 Solano Community College and UC Davis.

13 Common agriculture interests of Solano and Yolo
14 Counties and common environmental interests, such as
15 Suisun Bay in the Montezuma Hills.

16 Common clean energy clusters efforts to expand
17 wind, solar and geothermal. Common life science clusters
18 efforts to provide better health outcomes.

19 Each common interest can benefit from unified
20 representation at the federal level from advocacy for
21 federal funding, for transportation and clean energy
22 efforts, to advocacy on agriculture and environmental
23 policies.

24 New altered maps appear to divide Solano County
25 among two --

1 ADMINISTRATIVE ASSISTANT SARGIS: Time.

2 COMMISSIONER FORBES: I've known Mr. Batchelor for
3 some time.

4 ADMINISTRATIVE ASSISTANT SARGIS: Kevin Coleman,
5 Rachel O'Brien, Gina Rodriguez, Alice Huffman.

6 MR. COLEMAN: Good afternoon, Commissioners, my
7 name's Kevin Coleman, I'm a business agent for the
8 International Brotherhood of Electrical Workers, Local
9 180, representing Solano and Napa Counties.

10 My comments and concerns mirror those of the
11 previous speaker, esteemed Mayor Batchelor. We, too, wish
12 to express our serious concern about dividing Solano
13 County at the Congressional level.

14 The new, alternative maps appear to divide Solano
15 County among two, possibly three Congressional districts,
16 which would attenuate the appropriate advocacy of the
17 common interests of the county.

18 The first draft of the Congressional maps placed
19 all of Solano County and most of Yolo County into the same
20 Congressional district and this made sense to us.

21 It created, as Mr. Batchelor had mentioned, an
22 Interstate 80 corridor Congressional district that shared
23 the enumerated interests that he had mentioned,
24 transportation, economic and community interests,
25 educational interests, agricultural interests,

1 environmental interests, clean energy clusters.

2 ADMINISTRATIVE ASSISTANT SARGIS: Time.

3 MR. COLEMAN: Thank you.

4 MS. O'BRIEN: Commissioners, Rachel O'Brien on
5 behalf of the California League of Conservation Voters
6 Education Fund and our partner/sister, the California
7 League of Conservation Voters.

8 It's a pleasure to be here again before you. I'm
9 here today, however, to express a concern about the latest
10 visualization of the Los Angeles Senate district.

11 Since the July 14th visualization the composition
12 of this district has taken a radical shift by moving out
13 the communities of Santa Monica and Malibu coastline, thus
14 separating them from the Santa Monica Mountain watershed.

15 This action will mean less stewardship of a vital
16 and essential macro-environmental community of interest
17 which has been our position since the beginning of this
18 process.

19 Replacing the coastal region north, and south of
20 Malibu, and placing all of Santa Monica back into the July
21 14th visualization would accomplish, in our view, the best
22 fate for a true coastal and mountain eco-connected
23 district. We ask for your reconsideration of this matter
24 and thank you for your time.

25 MS. RODRIGUEZ: Thank you, Commissioners. Gina

1 Rodriguez, I'm the Vice-President of State Tax Policy for
2 the California Taxpayer's Association. We are a
3 nonpartisan, nonprofit association that supports good tax
4 policy and opposes unnecessary taxes, as well as promotes
5 government efficiency.

6 We were a very strong proponent of Proposition 11,
7 which requires this Commission to draw fair districts that
8 reflect the best interests of the people.

9 The lines drawn in the July 18th Board of
10 Equalization visualization, however, are not in the best
11 interests of the people.

12 The B of E districts represented in the latest
13 visualization make it extremely difficult for taxpayers to
14 have access to their board member, something that unlike
15 Legislators, is statutorily required.

16 Additionally, the lines rip apart communities of
17 interest in Orange County, Los Angeles, the Bay Area, and
18 particularly the Central Valley.

19 Instead of joining Orange County with its similar
20 neighbor to the south, in San Diego, your map goes from
21 San Diego to the Sierra Nevadas, to the Oregon border and
22 then takes in the Eastern and Northern Central Valley.

23 Taxpayers in the Eastern Sierras would likely have
24 to travel --

25 ADMINISTRATIVE ASSISTANT SARGIS: Time.

1 MS. RODRIGUEZ: -- to San Diego to meet their
2 board member. Thank you.

3 ADMINISTRATIVE ASSISTANT SARGIS: We have Alice
4 Huffman, Tyrone Netters, Marco -- I'm sorry, I can't read
5 the last name, and James Gallagher.

6 MS. HUFFMAN: Commissioners, Alice Huffman, I
7 don't know what I'm going to do about you. It seems I'm
8 here every day.

9 I wanted to talk about two specific things, but
10 Tyrone Netters will talk about the Board of Equalization,
11 and some other people will give you some particulars on
12 the Congressional districts. The devil's in the details.

13 What I want to remind the Commissioners today that
14 I know you have a hard job, you're not going to make
15 everybody happy. But, remember, you cannot dilute the
16 current political power that the African Americans have.

17 And so when you hear about Hawthorne, and Santa
18 Monica, and all of the things that other people would like
19 to have, you're bound by law to put some things higher
20 than other things.

21 And so I commend you for being almost there,
22 you've got a little tweaking to do, which you will hear
23 from the next two, following speakers. And I just don't
24 know what I'm going to do when I leave town today and I
25 won't see you for the next week. Thank you.

1 MR. NETTERS: Good evening Commissioners, welcome
2 back to Sac; Tyrone Netters, NAACP.

3 Let me just follow up on the commentary from prior
4 speakers regarding the Board of Equalization. We, too,
5 share a concern with the configuration. In short we
6 think, for example, just make Los Angeles district whole
7 and I think that if that's a base in terms of drawing,
8 then it will send you back into the right direction.

9 So, in short, just make L.A. district whole and
10 not have the configuration where you split Orange County
11 and split Los Angeles. Thank you.

12 ADMINISTRATIVE ASSISTANT SARGIS: Marco, James
13 Gallagher.

14 MR. MLIKOTIN: Marco Mlikotin, Folsom Chamber of
15 Commerce and business owner. Commissioners, thank you
16 today for accepting public testimony and listening to the
17 Chamber's request to keep the city whole and within the
18 Mountain CAP district.

19 The neighboring district, the EVO [phon.] one, is
20 rather curious, it brings together districts that have --
21 communities that have little in common, some of the most
22 northern and agricultural districts with suburban
23 Sacramento.

24 I'd like to recommend that you move Shasta County
25 to Siskiyou County, Rocklin, Lincoln and surrounding rural

1 Placer from the Mountain CAP to the Yuba district and
2 remove Roseville, Rancho Cordova, Citrus Heights,
3 Carmichael and as much of Sacramento County as possible
4 from the Yuba district to the Mountain CAP district. I
5 will be submitting some maps for the public record.

6 I thank you. This recommendation's very
7 consistent with the mission of the Commission. So, again,
8 thank you very much for accepting public testimony.

9 ADMINISTRATIVE ASSISTANT SARGIS: Gallagher,
10 Catalano, Phil Vince.

11 MR. GALLAGHER: Good afternoon, James Gallagher,
12 Chairman of the Board of Supervisors in Sutter County. My
13 colleague was with you last week, asking that you keep
14 Sutter County whole. And I appreciated the new
15 visualizations that you've done.

16 So, we have a lot of connections with surrounding
17 rural counties, Yuba, Colusa, Glenn, Tehama, Butte County,
18 we'd like to be kept within that community of interest.

19 I'm also here on behalf of many civic leaders in
20 the region who are in support of the proposal you just
21 heard from Marco. And I have with me 186 citizen letters
22 and 20 city, county and elected official letters asking
23 that you change, basically swap out areas between Mountain
24 CAP and the Yuba district.

25 We're asking that Shasta County, Siskiyou County,

1 and the Cities of Rocklin and Lincoln be moved into the
2 Yuba district as those share more common interests with
3 those North State counties and cities.

4 And that we ask that you would move the Cities of
5 Roseville, Rancho Cordova, Citrus Heights, Carmichael, and
6 portions of Sacramento County --

7 ADMINISTRATIVE ASSISTANT SARGIS: Time.

8 MR. GALLAGHER: -- into the new -- the Mountain
9 CAP district. So, thank you very much for your time.

10 MS. CATALANO: Thank you for the opportunity to
11 comment. My name is June Catalano, I'm the City Manager
12 for Pleasant Hill, a city in Contra Costa County. We were
13 quite shocked this week to find that our city and the city
14 of Martinez had been notched out of Contra Costa County
15 and out of Senator DeSaulnier's district and into a
16 district in Solano County.

17 We have no community of interest with Solano
18 County and in fact we are separated from that county by
19 Suisun Bay, which is a very big separation.

20 We have no media market with Solano County. Our
21 employment base is all within the East Bay and San
22 Francisco.

23 And very importantly, our planning and
24 sustainability efforts are all tied to the Contra Costa
25 County's transportation system and to BART. And our

1 opportunities for transit-oriented development are very
2 related to that.

3 So, we would ask that you put us back into the
4 proper Senatorial district because, otherwise, our
5 efforts --

6 ADMINISTRATIVE ASSISTANT SARGIS: Time.

7 MS. CATALANO: Thank you very much.

8 MR. VINCE: Hi, I'm Philip Vince, City Manager of
9 Martinez in Contra Costa County. Thanks to the Commission
10 for allowing us to speak. I know you have a long day.

11 Please give strong consideration to the fact that
12 Martinez is the seat of Contra Costa County. We regularly
13 collaborate with county and other agencies, and cities
14 located in Contra Costa County and, in particular, the
15 City of Pleasant Hill.

16 Martinez shares planning efforts, safety
17 coordination, land use, emergency services, traffic
18 management and other regional issues can be better
19 addressed by our Legislators we have now, in Senatorial
20 District 7.

21 Additionally, the City of Martinez is a much more
22 homogenous community with the cities that lie in Contra
23 Costa County versus cities to the north.

24 Given our smaller size and geographic placement in
25 the Senate and Congressional districts, the city has grave

1 concerns that our needs will be given weight as compared
2 to the other communities in Contra Costa County.

3 Thank you for letting me speak.

4 ADMINISTRATIVE ASSISTANT SARGIS: Garcia, Andal.

5 MS. GARCIA: Good afternoon, Commissioners, Astrid
6 Garcia with NALEO Educational Fund. We submitted public
7 testimony this morning and so all of you have received our
8 letter as of this morning.

9 I just wanted to highlight a couple of things.
10 First, we just want to really commend the Commissioners
11 for all the hard work in developing the visualizations.
12 We appreciate that the visualizations has taken into
13 consideration many of the concerns raised by community
14 members. And we also feel that the visualizations are a
15 strong, positive step towards insuring that the voting
16 rights of the Latino community are respected.

17 We do, however, continue to provide additional
18 recommendations. As this is a public process, we love
19 working with you to make sure that California has the best
20 maps.

21 And I'll just highlight here, but there's much
22 greater detail in that letter.

23 For the Central Valley, at the Assembly level, we
24 feel that there should be another Latino effective
25 district in the southern part. The Senate is of most

1 concern to us because it reduces the number of Latino
2 effective districts from six to five. Please consider
3 creating Latino effective districts in the --

4 ADMINISTRATIVE ASSISTANT SARGIS: Time.

5 MS. GARCIA: You can read our letter. Thank you
6 so much.

7 MR. ANDAL: Dean Andal, citizen Stockton. And I'm
8 here to argue against the Board of Equalization map before
9 you and for the earlier version, your first draft map.

10 Here are three examples of how horrible these maps
11 are. One, the Los Angeles County will end up with two of
12 the four board districts, the way your districts are
13 configured. Northern California, north of Tehachapi,
14 which has consistently had two of the four districts, will
15 only have one.

16 And I think the district number four will probably
17 be used for years as an example of outrageous gerrymander.
18 A district that goes from Mexico to the Oregon border, on
19 its face, cannot be respecting geographic integrity.
20 People in La Jolla have nothing to do with people in
21 Alturas.

22 And this district, your first draft map is very
23 consistent with what the 1992 Special Masters did in these
24 districts which, actually, was done again in the last
25 reapportionment.

1 And I don't know why such a big departure was made
2 from the first draft map.

3 ADMINISTRATIVE ASSISTANT SARGIS: Time.

4 MR. ANDAL: Thank you.

5 MR. HARRIS-DAWSON: My name is Marqueece Harris-
6 Dawson, I'm with the African American Redistricting
7 Commission. We've tried to be a fixture in your process
8 and so I'm happy to see it coming to a close.

9 We think on the whole a good job is being done
10 balancing all of the different interests in California,
11 both people who -- neighbors, who want to be together, and
12 neighbors who don't seem to like each other very much, and
13 don't even want to be in the same Senate district.

14 We're particularly concerned about the 11th hour
15 testimony from the Mayor Pro Tem of Hawthorne. We think
16 it's very suspicious that an elected official, after there
17 had been hearings in Culver City, in Los Angeles, and in
18 Long Beach and none of these issues came up, that they
19 suddenly come out just a week or two after a special
20 election.

21 Hawthorne has been with Inglewood, which it shares
22 a border, a very large border I might add, for several
23 decades. And this concern, it just comes to the fore and
24 so we want to call attention to it and --

25 ADMINISTRATIVE ASSISTANT SARGIS: Time. I believe

1 that is it.

2 CHAIRPERSON ONTAI: That's it? Excellent.

3 Well, I just want to thank all of you that came.
4 We understand how passionate you feel and I know you've
5 come a long way and spent the energy, resources to come
6 here and we appreciate that very much, to all the public
7 members who are here.

8 I think, you know, we've spent an extra half-hour
9 to accommodate you because it is important for us to hear
10 your voice. We're at the tail end of our Commission
11 meetings and it's important for us to hear you.

12 We are going to have an opportunity to spend
13 another 45 minutes at the end of the day, so those of you
14 who are willing to come by in the afternoon, we'll have an
15 opportunity to hear you again.

16 So, it is important that we hear you. So, thank
17 you very much.

18 I would like though, however, the public who is
19 sitting back there, if you could please move over onto the
20 other side. We need the staff to be totally isolated on
21 this side. So, if you could please move on the other
22 side, we'd appreciate that very much.

23 Okay, I am Commissioner Ontai, I'll be chairing
24 here, the Commission, for the next couple of days.

25 To my left is Commissioner Galambos Malloy, who

1 will be chairing the sessions next week.

2 We view this session and next session as one solid
3 meeting because of the nature of where we are at this
4 point. So, Commissioner Galambos Malloy and I will be
5 somewhat working together on this meeting.

6 Today we've got five committee reports that we are
7 going to be making, but I would like to have Commissioner
8 Galambos Malloy point out some of the major issues that
9 we'll be talking about today.

10 VICE-CHAIRPERSON GALAMBOS MALLOY: Thank you
11 Commissioner Ontai.

12 So, as Commissioner Ontai mentioned, today will be
13 a Business meeting, there will be no line drawing
14 occurring today. On Friday and Saturday we will be doing
15 line drawing, we will be providing direction to Q2.

16 This time it will be at a much smaller geographic
17 scale than historically we have been working, and so we're
18 really looking at neighborhoods, blocks, city streets.

19 Our schedule for doing the line drawing will be
20 that we will take on the Assembly and the Senate districts
21 on Friday and we will complete the Congressional and Board
22 of Equalization districts on Saturday.

23 In order to accommodate that we have -- actually,
24 at this point the line drawing is going to be very
25 different in that the maps that we have done at the

1 regional levels have all been merged, now, so we will be
2 working off of a statewide map.

3 So, on each of those days, as opposed to having an
4 exclusively Northern California team or Southern
5 California team, we will have a team of mappers that can
6 accommodate both Northern and Southern California issues
7 at any given time. So, that's our strategy on how to move
8 forward on the line drawing.

9 As for today's business meeting, we will start
10 with the Legal Advisory Committee discussion, which will
11 be led by Commissioner Filkins Webber.

12 We had asked our Chief Counsel to provide the
13 Commission with analysis regarding the 14-day public
14 comment provision in the Government Code in order to
15 inform our timeline over the coming weeks. So, he will
16 provide us with that analysis and entertain questions.

17 We'll have an update from our weekly legal call
18 with our VRA attorney. Mr. George Brown will actually be
19 here with us both Friday and Saturday this week to
20 entertain questions as we move through our final phase of
21 line drawing.

22 We will have a report back and potential action
23 from the Legal Committee delegates who led the
24 interviewing of potential firms that will be representing
25 the CRC in litigation. So, we will get their report from

1 the interviews that happened on Tuesday of this week, and
2 an update on Commissioners' responses to Public Records
3 Act requests.

4 We will take a brief break, although we'll be
5 adjusting the agenda, of course, because we had more
6 robust public comment than we had anticipated.

7 We will move into the Technical and Outreach
8 discussion topics, led by Commissioner DiGuilio, an update
9 on our narrative report progress.

10 Our district numbering, the Commissioners were
11 provided with a memo from Ms. MacDonald, of Q2, regarding
12 deferral issues and this will be an item where we'll need
13 to provide some direction to Q2.

14 So, if you can have reviewed that memo, it will be
15 available online presently for the public to review.

16 We will also discuss whether there are any
17 adjustments that need to be made to our calendar based on
18 the information we will have from our previous discussion
19 topics.

20 For Finance and Administration we have our
21 standing agenda items, but the most substantive thing that
22 we would like to accomplish with that discussion is that
23 we are posing, for the Commission, some significant
24 questions about what role we, as a Commission, would like
25 to play post-August 15th.

1 The goal is not that we're going to make final
2 decisions on those considerations today, but that we will
3 be able to provide our staff with enough direction that
4 the next week, at our Business meeting, they can come back
5 to us with a preliminary staffing proposal that would have
6 the necessary staff needed to do the tasks that we have
7 directed.

8 Then the likelihood is that next business meeting
9 and in August we'll have to make some more definitive
10 decisions moving forward.

11 Finally, we'll have our public information
12 discussion topics and, of course, as we approach the final
13 stages of our map-making process there's a heavy lift,
14 both for Commissioners and staff, around public education,
15 media communications, and so Commissioner Raya will walk
16 us through that.

17 We will have another round of public comment at
18 the close of the day.

19 And one additional piece of detail I would add for
20 you on the final map preparation, under Legal Advisory
21 Committee, is that two aspects we want to be sure to cover
22 today include the pre-clearance submission to the
23 Department of Justice. And it had been requested that the
24 Commission have a discussion regarding any potential
25 referendum considerations. So, those would both fall

1 under final map preparation.

2 So, with that I'll pass it back to Commissioner
3 Ontai.

4 CHAIRPERSON ONTAI: Okay, so we'll go right to
5 our first Committee advisory report from Commissioner
6 Galambos -- excuse me, Commissioner Filkins Webber, with
7 our Legal Advisory Committee.

8 COMMISSIONER FILKINS WEBBER: Thank you. I'm just
9 a little stunned, the public comment today was pretty
10 incredible.

11 So, I understand, Mr. Miller, you have -- I would
12 like for you to provide the Commission a summary of your
13 opinion concerning the 14-day notice requirement for the
14 final maps.

15 CHIEF LEGAL COUNSEL MILLER: Thank you. On
16 Wednesday, yesterday, I -- it is in the on position.

17 Yesterday I provided the Commission a memorandum
18 that describes the legal issues associated with voting and
19 posting the maps and I hope that you've had an opportunity
20 to review that memo.

21 In essence, the heart of the opinion is this; that
22 the Code requires that maps be posted for 14 days for
23 public comment.

24 We had that requirement in mind at our last
25 meeting when the Commission adopted a resolution that

1 contemplated that what we styled as the preliminary final
2 maps would be the subject of a vote next week, August 28th
3 [sic].

4 The methodology was, and is, and is recommended
5 that the Commission with that schedule and that is that
6 what we'll call the preliminary final maps are the subject
7 of a Commission vote and that should be a super majority
8 vote, that they then be posted for 14 days to comply with
9 the statute, permit public comment. And then two weeks
10 later, on the 15th of August, the Commission would vote to
11 certify those maps.

12 Because maps are subject to the 14-day publishing
13 or posting requirement, it's our advice that the maps that
14 are approved on the 28th be very substantially the same
15 maps that the Commission certifies on the 15th.

16 When we last discussed this I suggested at most
17 narrow technical corrections might be made, but that the
18 maps approved next week should be considered, essentially,
19 for all purposes the final Commission maps.

20 If there are any questions, I'd be glad to try to
21 respond to those?

22 COMMISSIONER FILKINS WEBBER: Actually, I just had
23 a comment, I was wondering if -- I don't think Mr. Barry
24 Milton is here.

25 But just briefly summarizing the public comment

1 that we received today, I would like to point out for the
2 Commission if I -- and I have read it really quickly, but
3 I think he is supporting Mr. Miller's interpretation and
4 the practice that this Commission has essentially accepted
5 and understood that we would perform by a vote on the
6 preliminary maps, preliminary final maps on July 28th-29th,
7 before we go there.

8 He makes an interesting point that, obviously,
9 this 14-day -- and the struggle has been between the 14-
10 day comment period and being a period in which we could
11 change the maps, which I never was under the impression
12 that that could actually occur because then we would
13 not -- we'd be butting up against that August 15th date.

14 And what Mr. Milton points out is that during this
15 14-day comment period obviously we're taking the public
16 comment and that citizens, if they believe that the maps
17 do not support their -- their understanding of the
18 process, or if they advocate for their passage, or if
19 they -- this period could urge them to -- you know, urge
20 the Commission from certifying. I mean there's other
21 purposes, rather than actual minutia, to change the maps.
22 There's an entirely separate purpose for 14 days which may
23 be to influence the Commission in any other respect, which
24 might very well be not to certify.

25 Obviously, there's a lot of litigation that could

1 come about, other members of the public could view other
2 comments made by members of the public, find out if
3 they're alone or, you know, is there a certain group
4 that -- you know, if somebody has a concern about a
5 particular district and then reads, you know, a number of
6 the public comments that we're posting and they actually
7 say, well, wow, the majority of people in this city or
8 this district actually support it, so maybe I won't join
9 this other group that might have some challenge to the
10 district.

11 So, I think it serves an entirely different
12 purpose during this 14 days rather than an actual advocacy
13 for a change in a map.

14 And I think Mr. Melton's interpretation appears to
15 be consistent with what Mr. Miller is saying and I'm
16 pleased to see that he's taken the time to provide that to
17 the Commission.

18 CHAIRPERSON ONTAI: So, Mr. Miller, if there were
19 a minor technical adjustment, a correction that needs to
20 be done during the 14-day period of review what would that
21 be, for example?

22 CHIEF LEGAL COUNSEL MILLER: Well, when we last
23 spoke I gave an example, and this is actually the only one
24 I've been able to think of so I'm going to use it again.

25 Let's just hypothesize that you have two Senate

1 districts side by side and you had virtually unanimous
2 public input that the citizens of those districts would be
3 better served if those numbers were reversed that would,
4 perhaps, be within that narrow zone.

5 If you had conflicting public testimony on that, I
6 think I'd be inclined to stay with your initial
7 determination.

8 Now, just, if I could follow up just briefly on
9 Commissioner Filkins Webber's comment, I haven't seen that
10 opinion, but I think the point is well taken that public
11 comment that is received between the 28th and the 15th is --
12 would be used for a different purpose.

13 While to date it's been designed solely to assist
14 the Commission in drawing lines that would be, under this
15 interpretation, of very limited utility.

16 But that input is still part of the public record.
17 It should not be a foregone conclusion that certification
18 would occur if a Commissioner were sufficiently influenced
19 by that comment. Obviously, each vote stands on its own.

20 And in addition, in the event there were
21 litigation, that public comment received would be part of
22 the record that could be relied on at that time. So, I
23 think that's a fair comment.

24 The nature of the use of input may change, but it
25 still has value to the very end.

1 CHAIRPERSON ONTAI: Thank you. This is such an
2 important issue and I want to make sure that the full
3 Commission understand the gravity of it, so I'm not sure
4 if Commissioner Filkins Webber would like for the
5 Commission to take some formal action on it? Do we agree
6 with this interpretation? What is your comment on that?

7 COMMISSIONER FILKINS WEBBER: My inclination, I
8 don't know that there's a necessity for a vote. We have
9 been acting in all of our decisions, throughout the course
10 of this process, was under an understanding we would be
11 voting on our preliminary final maps on July 28th, 29th,
12 30th, 31st, wherever it might be after this week, and that
13 was the intent.

14 And then, obviously, those maps are final until
15 our certification vote on August 15th. That's consistent
16 with Mr. Miller's interpretation, that's been consistent
17 of our understanding throughout this process.

18 So, to the extent in which any Commissioner feels
19 otherwise, we certainly can -- obviously, entertain that
20 discussion now in consideration for an alternative mode of
21 operation from here on out, again, based on some of the
22 additional letters that we have received, providing
23 another interpretation.

24 But, again, we are dealing with a statute that has
25 not been interpreted by any court. But I think our

1 interpretation thus far has been reasonable. And unless
2 anyone else has some other suggestion, I would just simply
3 say that that's -- we're going to operate in the manner in
4 which our counsel has suggested and that we just move
5 forward with Item Number 2.

6 CHAIRPERSON ONTAI: Thank you. Commissioner
7 Blanco?

8 COMMISSIONER BLANCO: Yeah, I want to second that.
9 I want to point out that we've been offered, from members
10 of the public, different interpretations and have been
11 asked to basically read language into the plain language
12 of the statute to substitute the word -- to inject, before
13 the word "map", the word "draft map" and that does not
14 appear.

15 If we were to treat this map that we're going to
16 vote on this week -- I mean next week, as a draft map and
17 adopt the final map on August 15th, we would not have a 14-
18 day period after that final map, as required by the
19 statute. I mean, I think you all know this, it's in the
20 memo, but I just want to make that clear.

21 That if -- that's what that interpretation would
22 mean, that if we considered the August 15th map the final
23 map in order to have some more public testimony in the
24 next two weeks, we would then not have a public comment
25 period after the final map in violation of the plain

1 language of the statute.

2 I think this is something that in our
3 recommendations and in our report about how it should be
4 handled for the next coming redistricting effort, you
5 know, in the next decade, that we might recommend
6 something like what was in Prop. 11 that got taken out by
7 Prop. 20, where they had a clause in there about a
8 shortened notice and public comment period of five days,
9 because the Prop. 11 drafters recognized this dilemma.

10 But it was deleted and supplanted by Prop. 20,
11 which gives me even more pause because when a statute,
12 actually, that succeeds a previous statute modifies it,
13 there is a possible legal interpretation that it is an
14 intentional change of the previous statute.

15 So, I just wanted to reiterate that I think this
16 is the only possible interpretation. I don't like it,
17 necessarily, I don't -- I would have preferred what was in
18 Prop. 11, but I think that's what we're working with.

19 CHAIRPERSON ONTAI: Yes. Yes, Marian?

20 STAFF COUNSEL JOHNSTON: If I can make one
21 correction to what Commissioner Blanco had said, it's true
22 that 20 was changed by proposition -- Proposition 20
23 changed Proposition 11, but it only did it with the notice
24 of the meeting requirement. The 14 days for posting of
25 the map was in both 11 and in 20.

1 So, if the Commission wants to consider proposing
2 an amendment in the future, it would have to be a
3 Constitutional that would correct both Proposition 11 and
4 20.

5 COMMISSIONER BLANCO: Thank you.

6 CHAIRPERSON ONTAI: Any other comments? I do want
7 to get a sense of where the -- all of us stand. So, if
8 you agree with the two interpretations by the two
9 Commissioners, could you raise your hand? I just want to
10 get a sense of it.

11 All right, it seems like we're all on board.

12 COMMISSIONER FILKINS WEBBER: Okay.

13 CHAIRPERSON ONTAI: Okay, Commissioner?

14 COMMISSIONER FILKINS WEBBER: Then if there isn't
15 anything further on Item 1, we can move to Item 2, which
16 is the VRA counsel update.

17 It had been some time since we had a conference
18 call with our counsel because he's actually been with us
19 and provided a memorandum that was distributed last week,
20 if I recall correctly.

21 We did have an opportunity to have a conference
22 call this week and primarily we discussed the
23 visualizations that were presented to the Commission last
24 week.

25 We did have a discussion, based on some concerns

1 in the south -- Los Angeles South Bay Area. In
2 particular, I believe, some of the visualizations showed
3 some higher Latino CVAP numbers while we were considering
4 those options.

5 And, basically, Mr. Brown again repeated the same
6 advice that he had provided to us before, which is to
7 simply be conscientious of our -- making sure that we
8 don't over-concentrate a district to, obviously, make sure
9 that we are following the community of interest testimony
10 that we have in considering and respecting those areas in
11 the district. And to certainly be conscientious of the
12 United States Constitution under the 14th Amendment and the
13 California Constitution when we are considering VRA, you
14 know, there is a balance between the two of them.

15 So, essentially, he will be joining us Friday and
16 Saturday. I believe our Chair and Vice-Chair have stated
17 that.

18 So, to the extent in which anyone has any
19 additional questions regarding the visualizations that
20 we'd be looking at this week, he is available to certainly
21 entertain them.

22 So, it was a relatively brief conversation, but
23 just to give -- just to check in and make sure we were
24 still on board.

25 Any other Commissioners that might have been on

1 the call that wish to add anything further?

2 VICE-CHAIRPERSON GALAMBOS MALLOY: I think that's
3 an excellent summary. The only other thing I would add
4 was that Mr. Brown asked if, in the course of drawing the
5 districts, if we had considered, as a Commission, various
6 types of sociodemographic data? He indicated that some of
7 that data is available at this point in time through the
8 Census. I think there are some districts throughout the
9 State where that type of information has come up in the
10 context of community of interest testimony that's coming
11 from members of the public.

12 It is not something that we, as a Commission, have
13 formalized to require or analyze for the proposed
14 districts.

15 So, I'm sure he can, you know, provide more
16 explanation as to his thought around that tomorrow, if it
17 is something the Commission is interested in exploring
18 further at this point in time.

19 COMMISSIONER FILKINS WEBBER: I have one question,
20 if either Commissioner DiGuilio or Commissioner Galambos
21 Malloy, do you know if that's -- how time consuming that
22 is for Q2 to consider running any of those reports?

23 I think we've been pretty good at recognizing
24 certain areas that may have that demographic difference on
25 socioeconomic grounds. I think you've brought a lot,

1 Commissioner Galambos Malloy, in some areas of Alameda
2 County.

3 We have heard some more today, obviously, on some
4 of the larger Senate districts where it gets a little hard
5 to take a look at that.

6 But do you have any idea of how -- how time
7 consuming that is for Q2?

8 VICE-CHAIRPERSON GALAMBOS MALLOY: I have put a
9 query in to Ms. MacDonald and when she's here this
10 afternoon to do the deferral memo, requested some time for
11 Commissioner Ontai and myself to check in with her about
12 what data they have available, in the event there's
13 interest on the part of the Commission moving down that
14 path.

15 So, I believe by the time we get started tomorrow
16 morning we should have a more fleshed out answer to that
17 question.

18 COMMISSIONER FILKINS WEBBER: Okay. Any other
19 Commissioner that was on the call that wish to add? That
20 was essentially a brief summary of what we've discussed
21 thus far.

22 So, I'll move on to Item Number 3, the final map
23 preparation.

24 I did have a note, actually, for next week, on
25 pre-clearance submission, but if Mr. Miller has anything

1 further to add on this topic, on the final map preparation
2 or where we're at?

3 CHIEF LEGAL COUNSEL MILLER: With respect to pre-
4 clearance, I believe you're required --

5 COMMISSIONER FILKINS WEBBER: Well, I do have
6 two -- I guess my first question is we know that we have
7 the one report that we are putting together, that supports
8 all of the districts, but there is additional, I guess,
9 substantive document that's prepared as a pre-clearance
10 document to submit to the Department of Justice.

11 And I think Ms. Johnston had sent around a sample
12 that we had seen, previously. Am I correct in that
13 regard?

14 CHIEF LEGAL COUNSEL MILLER: You are and I'm glad
15 that you raised it, we wanted to make a note about that at
16 this meeting.

17 When we initially met with the Attorney General's
18 Office, at the very start of this process, it was our
19 understanding that they were going to prepare the Section
20 5 submission as it comes from their office and is signed
21 by them.

22 Our current understanding from them is different
23 than that and it's one that we need to follow up on to
24 better understand.

25 It appears that they may turn that responsibility

1 over to us, in which case we're going to have to be quite
2 nimble and figure out how we make that preparation.

3 I think it makes most sense for us to report back
4 to you next week on that subject matter, but there may be
5 a change there from where we began this process.

6 COMMISSIONER FILKINS WEBBER: And you anticipate
7 receiving additional information from the Attorney
8 General's Office to report back next week?

9 CHIEF LEGAL COUNSEL MILLER: Well, we would like
10 to engage with them, so we're going to undertake to have
11 additional conversations.

12 COMMISSIONER FILKINS WEBBER: To the extent in
13 which they ask that we take over that responsibility, do
14 you have any proposals that the Commission could think
15 about as alternative mechanisms for preparation? In other
16 words, whose responsibility at that point?

17 MS. CLARK: Well, that's why I would like to come
18 back next week as this is a very recent change and we want
19 to look more carefully at the form of the prior
20 submission, think about how that compares with the data
21 that we're already going to be incorporating into our
22 final report, as I think one will support the other.

23 But I think there may be other information that's
24 required so we would like to come back to you and have
25 that discussion.

1 COMMISSIONER FILKINS WEBBER: Okay. My only
2 request is that as we move into just the next week, it
3 would be easier if the Commission -- if there was three
4 options. In other words, that you would be drafting it,
5 Gibson Dunn & Crutcher could be drafting it or some other,
6 you know, maybe subadvisory committee.

7 I mean do you have -- do you have a sense that if
8 the Attorney General's Office states that they will not be
9 doing it, then it would have to be one of those three, or
10 unless I'm missing another option, so that we can think
11 about it, and think about each of them individually so
12 that if it does drop in our lap, which I suspect it will,
13 we can be prepared to make a decision and know who's going
14 to be responsible next week.

15 CHIEF LEGAL COUNSEL MILLER: Those are all
16 correct. The one piece I would add to that is we will
17 need statistical information from Q2 to complete the
18 report.

19 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

20 VICE-CHAIRPERSON GALAMBOS MALLOY: I have an
21 additional just observation and question around this. So,
22 even if the Attorney General's Office would be relying on
23 the Commission to prepare the pre-clearance report, my
24 understanding is that the AG's Office would still be the
25 one submitting it on our behalf? In other words that it

1 would be issued from their Office, it would be signed by
2 them.

3 Now, if that's the case, it would seem that
4 whether or not they are playing a substantial role in
5 writing the report that to protect their own legal
6 vulnerability, and that of the Commission, that they would
7 need to provide some even cursory review of the content of
8 the pre-clearance submission to insure that it fit the
9 bill of what we need to be submitting.

10 So, I recognize these talks are underway and I
11 would like more clarity around that piece, because I am
12 uncomfortable with the idea that, you know, it would be
13 wholesale seated with the Commission to submit the report,
14 but then the AG's Office is responsible for content that
15 they played no role in creating, or even reviewing, or
16 approving at a high level. And I just think that's -- you
17 know, perhaps that just needs to be clarified moving
18 forward, at what points do we have that high-level review,
19 but I would assume that it needs to happen.

20 STAFF COUNSEL JOHNSTON: If I could respond,
21 Commissioner Galambos Malloy, just shortly, it says that
22 "The submission may be made by the chief legal officer or
23 other appropriate official of a submitting authority, or
24 any other authorized person on behalf of the submitting
25 authority."

1 So, it doesn't specify that it has to be the
2 Attorney General. Traditionally, it has been. And they
3 indicated they would in this case, but it doesn't require
4 it.

5 CHAIRPERSON ONTAI: Any other comments?
6 Commissioner Aguirre, Commissioner Yao.

7 COMMISSIONER AGUIRRE: Just given the legal
8 importance of such a submission is there a particular
9 timeline or deadline for the submission?

10 STAFF COUNSEL JOHNSTON: As soon as reasonably
11 possible after the change is made in the election
12 procedure, so it would be sometime after August 15th.

13 CHAIRPERSON ONTAI: Commissioner Yao?

14 COMMISSIONER YAO: It appears that the submittal
15 of a pre-clearance is a very mechanical process in nature,
16 they have done it many times before. I don't see any
17 conflict of interest associated to that as compared to
18 taking on the role of having to defend us against
19 political parties, and so on, and so forth.

20 Is this decision subject to further negotiation?
21 I kind of feel like they have been doing it for the last,
22 whatever, hundred years and all of the sudden they decide
23 not to do it. I guess I, for one, would want to know why?

24 CHIEF LEGAL COUNSEL MILLER: Well, I think your
25 comment is a fair one and we were surprised, as well.

1 I would say that it's not quite as mechanical as
2 suggested in that it is essentially an advocacy piece.
3 And in the best sense of the word an explanation of why
4 the Commission believes that its determinations with
5 respect to the Section 5 districts are proper
6 determinations.

7 So, in that sense it is positional. A position
8 that we're proud to take, I might add.

9 CHAIRPERSON ONTAI: Any other questions?

10 Okay, Filkins Webber, next item?

11 COMMISSIONER FILKINS WEBBER: Commissioner
12 Galambos Malloy, you had mentioned under this topic, as
13 well, we had discussed the issues of referendum.

14 VICE-CHAIRPERSON GALAMBOS MALLOY: Uh-hum.

15 COMMISSIONER FILKINS WEBBER: We were going to
16 consider those issues in closed session. I don't know if
17 there was something more that you wanted to add there or
18 if, Mr. Miller, if you -- as far as I know it was -- it
19 wasn't something we were really going to discuss today,
20 but you had mentioned it, so I didn't know if you had
21 anything that you wanted the Commission to discuss on the
22 issue.

23 VICE-CHAIRPERSON GALAMBOS MALLOY: Mr. Claypool,
24 would you like to weigh in?

25 EXECUTIVE DIRECTOR CLAYPOOL: The sharing of the

1 mic. No, we just wanted to make sure that we were on the
2 agenda for next week and that you knew that it was on the
3 radar, because there's been a lot of discussion about it.
4 There is a fair amount of misunderstanding about it, as
5 well as misunderstanding that's been printed, and so we
6 just didn't want it to linger and we wanted you to know
7 that we were going to discuss it.

8 COMMISSIONER FILKINS WEBBER: I had already
9 updated the agenda for July 27th and included that issue.

10 VICE-CHAIRPERSON GALAMBOS MALLOY: Yes, and next
11 week there will be at least two, potentially three
12 different areas under which we will need to have closed
13 session as a full Commission. Litigation is one area and
14 depending on the outcome of today's conversation and the
15 outcome of next week's initial conversation regarding a
16 preliminary staffing plan post-August 15, we may need to
17 have closed session to discuss personnel matters.

18 COMMISSIONER FILKINS WEBBER: Thank you, then we
19 will move on.

20 Item Number 4, selection of litigation counsel; as
21 I understand, my two fellow Legal Advisory Committee
22 members have had an opportunity to interview some -- those
23 that responded to our request for invitation to bid as
24 potential litigation counsel. So, I will turn it over to
25 either Commissioner Forbes or Commissioner Blanco.

1 CHAIRPERSON ONTAI: Before we start, let me have
2 Commissioner Yao.

3 COMMISSIONER YAO: Before we move on to the next
4 item, on the topic of final map preparation do we fully
5 understand as to what it is that we have to release? Is
6 the equivalency file the only thing that we have to
7 provide in the final report? Is there a checklist of all
8 of the things that we need to do? I know we're going
9 through it the first time, but what is it that are
10 required?

11 CHIEF LEGAL COUNSEL MILLER: The statute, itself,
12 doesn't give us that recipe, but we've given a lot of
13 thought to what the form would be.

14 Commissioner Dai has been doing a lot of work and
15 maybe it would be most appropriate if you would describe
16 the form that we've contemplated?

17 COMMISSIONER DAI: Yeah, I mean it will be
18 everything that we've released before for previous draft
19 maps, plus we've obviously figured out a very nice way to
20 release it to the public on the Statewide Database as well
21 with the final report, which will have all of the detail
22 we've discussed before, including things like splits
23 reports, and statistics by district, et cetera.

24 COMMISSIONER YAO: I guess what I'm interested in
25 is in the past district map releases what were the end

1 product, is it different than what Commissioner Dai just
2 described or -- all I want to know is are we missing
3 anything?

4 CHIEF LEGAL COUNSEL MILLER: Well, there is going
5 to be substantially more information in the final report
6 than what we've done in the past, and in particular an
7 explanation of the basis for the Commission's
8 determinations, in addition to the statistical information
9 that supports them. There will be narrative that explains
10 the decision-making process.

11 COMMISSIONER DAI: Narratives that I'm hoping,
12 Commissioner Yao, you've started on already for your
13 region.

14 COMMISSIONER YAO: I do know what I know, but I do
15 not know what I don't know. So, the question really is
16 what is it that legally and otherwise that we're supposed
17 to have on our final map release? Is there a checklist,
18 is there a list from previous 10-year, 20-year releases
19 that says these are the things that you must have? I
20 guess I just want to make sure that we have it, that's
21 all, I'm not doing anything more than that.

22 CHIEF LEGAL COUNSEL MILLER: Well, I'll give
23 Commissioner Dai an opportunity, as well, but I think the
24 short explanation is there will be a CD that contains all
25 of the data that supports the maps, as well as a narrative

1 that deals with the criteria that you've been dealing with
2 that reflects the community input that's been received.

3 And as I kind of mentioned about Section 5 is
4 something of an advocacy piece that puts the Commission's
5 best foot forward about the basis for its decisions in
6 each district.

7 COMMISSIONER YAO: Okay. Let me just cap it off
8 by stating that let's understand what technically we need
9 to release as part of the completion of this task. And
10 maybe, if there's no checklist, then I would look at the
11 past, the year 2000 releases, and see and understand what
12 is the minimum that they had released so that we at least
13 fulfill the end product part of our task.

14 CHAIRPERSON ONTAI: Okay. Well, maybe staff can
15 do a little research and communicate with Commissioner Dai
16 and figure that out.

17 COMMISSIONER DAI: Yeah, I'll just comment, the
18 2001 maps did not have a public process; it was a
19 completely and entirely different thing. So, anything
20 that we release I'm sure will be substantially more.

21 COMMISSIONER YAO: Commissioner Dai, did they
22 release anything more than just the equivalency file?

23 COMMISSIONER DAI: I don't know the answer to that
24 but --

25 COMMISSIONER FILKINS WEBBER: Mr. Claypool?

1 EXECUTIVE DIRECTOR CLAYPOOL: Yes, and we've had
2 this discussion with the Secretary of State. When they
3 delivered it, they delivered it with the CD that -- with
4 all the files, as they explained. They also delivered,
5 the Legislature delivered a set of maps, each map
6 individually printed out and that was presented as well,
7 and then presented other copies, and then that was the
8 official handover of the physical materials that
9 represented the body of the work.

10 COMMISSIONER YAO: Okay, thank you.

11 CHAIRPERSON ONTAI: So, that appears to be our
12 checklist.

13 COMMISSIONER FILKINS WEBBER: Ms. Johnston, did
14 you have anything else to add to that?

15 STAFF COUNSEL JOHNSTON: I think it's pretty much
16 been said but in prior years, at least in the 2000, it was
17 done by a statute that the Legislature simply enacted and
18 then staff created maps out of that and presented the
19 information. So, this is the first time that you've had a
20 report that had to accompany it.

21 And the language of Proposition 11 does say that
22 "With each of the final four maps a report shall explain
23 the basis on which the Commission made its decisions and
24 shall include definitions of the terms and standards used
25 in drawing each final map."

1 COMMISSIONER FILKINS WEBBER: Anything further?

2 Any other questions on the map? Thank you.

3 Then I will turn it over to Commissioner Forbes
4 and Commissioner Blanco for update on litigation counsel.

5 COMMISSIONER FORBES: I'm going to initiate this
6 conversation. And I think we did this set of interviews
7 with a real sense of responsibility. As we all know,
8 we're about to end this process, at least the map-drawing
9 part of this process. And when we adopt the maps, as I
10 suspect we shall, we will be speaking for all of
11 California. These maps will not belong just to us, they
12 will belong to all of the people who spoke, who have
13 spoken to us, the more than 10,000 comments we've gotten,
14 they'll belong to the people who voted for Prop. 11 or
15 Prop 20, and they'll be for all Californians and all
16 future Californians for the next ten years.

17 So, we want to put forward the best defense
18 because we are defending the people of the State of
19 California in this regard and we owe it to the public to
20 give them the best defense.

21 And so we had an opportunity to look for the very
22 best lawyers that we could look for. So, Maria and I went
23 to, with Mr. Miller, to Southern California, Tuesday, and
24 we had the opportunity to interview five of the very
25 finest firms in the United States.

1 I mean for me it was genuinely an exciting
2 experience to see the intellectual horsepower and the
3 litigation and appellate horsepower that appeared in the
4 room hour after hour.

5 We -- the five firms, we asked them the following
6 questions: We asked them what their experience was in the
7 California Supreme Court and the Federal Courts. We asked
8 repeatedly and we honed in on were there any conflicts
9 now, in the future with anybody who might have
10 participated? And we made it very clear that anyone who
11 had to -- who was going to work on this for us had to be
12 pre-vetted and not just sort of a firm standard, but we've
13 emphasized that we have our own standard, which is a very
14 high standard.

15 We asked them if they were familiar with the
16 issues? And we found some issues that they were familiar
17 with that we hadn't even thought of.

18 We probed their political affiliations because it
19 was important to us, and we thought to the Commission,
20 that the -- whatever political affiliations that they
21 might have would not be a lightning rod to deflect the
22 issues, the important issues that this litigation will
23 engender.

24 And we asked their experience was in working with
25 public entities? I mean we explained to them this is not

1 like working with a corporate board. You have 14 very
2 engaged individuals that they have to be responsible to.

3 Because of the potential for this being in many
4 forums at the same time, and almost instantly once the
5 maps are approved or certified, we asked what's your
6 ability to handle multiple cases at once and quickly?

7 We wanted to meet the proposed team. Who are
8 these people? Are they people that we thought we could
9 work with and they could work with each other.

10 We brought up the issue of cost. I mean, be under
11 no illusion, this is not going to be inexpensive.

12 The one example we've used in the past is Arizona,
13 which had to defend 40 districts, which spent multiple
14 years doing that and spent \$6 million dollars on their
15 defense, over the course of their defense, and they did
16 win.

17 We also asked them why did you want to do this? I
18 mean one thing which I have been impressed by and I think
19 we've all recognized this, both the Commissioners and the
20 staff, we are true believers in what we're doing, so we
21 were looking for people who had that level of commitment
22 to the defense of the maps that we're going to draw.

23 Having done that, we concluded that we would be
24 best served with a recommendation of two firms to the
25 Commission, both to provide the Appellate experience and

1 to provide the institutional memory, if you will, of the
2 process that we've spent the last six-odd months doing.

3 And so with that I'm going to turn it over to
4 Commissioner Blanco to talk about the individuals and
5 their really wonderful experience.

6 COMMISSIONER BLANCO: So, no suspense here, cut to
7 the chase, and then I'll talk about who the firms are.
8 But I want to just say that we'll be proposing to the
9 Commission that we retain Gibson Dunn, it's a different
10 team of lawyers, and I'll describe that, in addition to
11 the firm of Morrison & Foerster, a team led by Jim
12 Brosnahan.

13 And we have talked to both of them about the
14 ability -- their ability to work together, and their
15 desire to work together, and their experience in working
16 together in co-counsel situations with other big firms.

17 So, let me -- so that's the -- you know, that's
18 the upshot of the recommendation, but let me walk you
19 through it a little bit.

20 All of the firms that we interviewed, and we
21 interviewed some really great firms, one of the firms had
22 a lot of Voting Rights experience, but the two people with
23 the Voting Rights experience were in DC and they flat out
24 told us that we would be spending a lot of our money
25 paying their travel time and travel costs, and that that

1 might not be a best use of our money and the people in
2 L.A. were the people that would be doing, you know,
3 appearances, but that the brain power was in DC. And even
4 though we liked them a lot, we felt that that was not a
5 good arrangement for us.

6 Another firm had incredible staff, but it was a
7 large team and there were maybe a couple of senior people
8 and then more junior people. And our thought was that
9 that combined with another firm would be too big of a
10 team.

11 Let me tell you the thinking -- and so this is
12 sort of the whittle, how we ended up with Morrison &
13 Forester and I'll talk about them.

14 But let me back up and talk about the
15 recommendation to keep Gibson Dunn for the next stage of
16 our legal representation and what that team is like and
17 what other firms said about that. There seemed to be
18 agreement that it is -- it is not a good idea to lose the
19 brain trust we have of somebody who already knows a lot of
20 the facts of the case.

21 In fact pretty much everybody we interviewed and I
22 must say that some didn't come prepared, but some came
23 very prepared having read articles about us and having --
24 were familiar with the process. They all stated that they
25 thought this would be a very fact-intensive case. That

1 even though there will be challenges that are about
2 Constitutional issues that in some cases there will be a
3 lot of focus on facts.

4 And that it was important to not recreate the
5 wheel and that the sooner they could hit the ground with
6 the facts, the better. So, that seemed to be an important
7 refrain we heard from everybody we interviewed. And so
8 that went a lot into the thinking that Commissioner
9 Forbes, and Mr. Miller and I -- went into our
10 recommendation that we retain Gibson Dunn.

11 Let me say a little bit about that team, the team
12 that was presented to us includes -- it's a very different
13 team. We have Ted Boutrous, who is a -- who just recently
14 litigated, in the U.S. Supreme Court, the Wal-Mart case
15 and won. A very big, big case with a lot of implications
16 and he argued it and was the attorney on the case.

17 He also was the attorney on the case challenging
18 Prop. 8, in the Federal Court in San Francisco, and which
19 is now in the 9th Circuit.

20 He has -- those aren't his only two cases, he has
21 extensive experience in Appellate and Supreme Court work
22 and he is an expert in Appeals and, you know,
23 Constitutional Courts.

24 The other member of the team, Mr. McRae, was a
25 former U.S. Attorney. And what he is -- and he does

1 complex litigation, and what he is is he's a trial lawyer,
2 and he does extremely complex cases, multi-district cases,
3 large, high stakes. He's the guy that kind of does the
4 high stakes litigation for Gibson Dunn.

5 And the presentation to us was that Mr. McRae and
6 Mr. Boutrous would be the hub of the team, along with Mr.
7 Brown, they're all partners. And there were a couple
8 of -- there were two other people in the room, one who we
9 know from the previous team and another addition.

10 But the representation to us was that Mr. Boutrous
11 and Mr. McRae would be the hub, along with Mr. Brown, and
12 then some additional -- these two additional associates.

13 The Morrison & Foerster team was only three
14 people, but here's what I want to say about these three
15 people; none of them has less than 20 years' experience,
16 they're all partners in the firm. And they did not come
17 to us with a large team; they came to us with a team of
18 high, high level partners who like to do this kind of
19 case.

20 They were extremely excited, the first thing they
21 did is say we've thought of ten issues that are going to
22 come up and here's what we think they would be, and here's
23 what we think the possible theme for your defense would
24 be. Very impressive.

25 Mr. Brosnahan, just to give you a sense of things,

1 for those of you that aren't familiar with him or with
2 sort of the legal field, has tried 140 cases to verdict.
3 He's been practicing for 50 years. He's had two cases
4 successfully in the U.S. Supreme Court; he has had 90
5 cases in Federal Court.

6 One thing that was very, very impressive to us and
7 I think will be helpful for us is that he has represented
8 public agencies. He represented the Alameda in the case
9 against the Raider's, a very difficult case, with
10 difficult parties involved, and prevailed in the case.

11 You will meet him tomorrow. If you agree, we've
12 invited both of them to come present tomorrow.

13 The sense that we got from Morrison & Foerster was
14 a team that gets often called in, in these circumstances,
15 where people may have had, say, a lawyer that was advising
16 them and then all of the sudden the case either goes to
17 trial or the case goes on appeal, and they're very used to
18 getting up to speed quickly, and marshaling a lot of
19 resources. Not so much -- this is what's interesting to
20 me, there was not an emphasis on resources, the emphasis
21 is on these three partners have done this many, many times
22 successfully, and I think probably efficiently, and are
23 used to big cases.

24 They were extremely excited about the nature of
25 this as a Citizens Commission and saw it as a public

1 policy case, which I think really meant a lot to us that
2 they didn't see it just as a sort of a case with a fee, or
3 that, you know, they really were engaged in a conversation
4 about the policy, first-time nature, exciting nature of
5 this case.

6 Let me -- on the -- they were clear that --
7 Morrison & Foerster, the three people at the interview,
8 these three partners with none than less than 20 years'
9 experience, would be the people staffing the case; that
10 they were not there to make their presentation, but that
11 they were there and that they would be the ones staffing.

12 They have offices in Sacramento. They have a very
13 strong, especially one of the people in the interview,
14 very strong injunction practice, which is what we will
15 probably be facing immediately will be some requests for
16 stay and injunctions. They had a very good sense of the
17 California Supreme Court, how it works, what the timing
18 would be.

19 We had a lot of real, actually, very concrete
20 discussions already about sort of the timing, what would
21 happen, what would happen first, discussions about --
22 which I won't -- don't want to go into and not to reveal
23 strategy, but they had very clear thoughts about how they
24 would proceed in day one of a lawsuit being filed,
25 including some ideas about how they would defend against

1 the injunction.

2 Again, they all -- Morrison expressed, in
3 particular Mr. Brosnahan, that he would feel extremely
4 comfortable working with other co-counsel.

5 That was not true of all the other firms we
6 interviewed, there was a feeling that they may not feel as
7 comfortable. I think Morrison & Foerster is such a
8 respected, and this team is so respected they didn't sort
9 of have issues about, you know, sharing a big, important,
10 high-profile case.

11 I will -- oh, just both -- both sets of lawyers,
12 both said something very similar, which was that we would
13 be the ones instructing the lawyers. They made it -- when
14 we would ask them questions they'd say, well, you know, we
15 can -- but you will have to tell us what your -- what kind
16 of defense you want to mount. We will, you know, discuss
17 with you but, obviously, there are different approaches,
18 you could do -- take different tacts, and in some ways you
19 will be the ones advising the lawyers about what -- what
20 your strategy is. We may decide the tactics but the
21 strategy, you know.

22 So, one other thing, it's not a comment about the
23 firms, but it's a comment for us, both firms expressed
24 that one thing that they will need from us is they will
25 need to know how we will interface with them? That it

1 will be hard to have 14 people interfacing with them on --
2 especially in the immediate hours, in the immediate period
3 following probably what we anticipate will be multiple
4 lawsuits.

5 And that's something just we don't have to deal
6 with that now, but just before I forget to mention that,
7 that was a refrain we heard actually from all the firms.
8 They asked us what's your structure going to be in terms
9 of this?

10 I'm going to stop. Maybe, Mr. Miller, you can
11 fill in where Commissioner Forbes and I may have missed
12 something really because, you know, I know there was a lot
13 there. It was a long day, it was very -- I have to agree
14 with Commissioner Forbes, it was actually in some ways, if
15 it weren't because it's awful to think that after all of
16 this work we're going to be sued, it was a very -- it was
17 very, how can I say it? Exciting's not the right word.
18 It was very reassuring and great to hear from lawyers who
19 you knew what they were doing and who had already a lot of
20 knowledge about issues similar to what they will be
21 dealing with on this case.

22 CHIEF LEGAL COUNSEL MILLER: I think you've
23 covered the playing field very well. Just to say it
24 slightly differently, I found it reassuring and
25 aspirational to the whole process.

1 And what I mean by that is the fact that you -- we
2 did have as good as any lawyers in the United States to
3 work with on Tuesday. And the fact that they were there,
4 that they had the level of interest and commitment in
5 validating this process I found very validating by itself.

6 CHAIRPERSON ONTAI: Questions? Okay, let's start
7 with Commissioner DiGuilio, then Commissioner Galambos
8 Malloy.

9 COMMISSIONER DI GUILIO: Just before we do
10 questions I just had -- I think Commissioner Forbes had
11 gone over the questions you asked and you gave us a little
12 bit of a summary of response. But it would be helpful if
13 we -- I think we asked this before, if we -- if there's
14 something that could -- if we could have a list of your
15 questions, and your response, and some of your feedback to
16 both of these two, as well as any of the other, because I
17 think it would be helpful for us to know where you saw the
18 strengths and weaknesses. Not just of these two firms,
19 but of all of them.

20 I know it hasn't been much time since Tuesday, but
21 if we have something like that, that can be shared with us
22 in a document or something that -- I'm not doing very well
23 at taking notes at the moment so --

24 COMMISSIONER BLANCO: Okay. So, we did send
25 out -- maybe we didn't. I apologize, I thought we had

1 sent out the proposed evaluation criteria. But we will
2 resend it.

3 But here were the questions --

4 CHAIRPERSON ONTAI: Don't do it now.

5 COMMISSIONER BLANCO: Okay.

6 CHAIRPERSON ONTAI: Just send it to the staff and
7 then we can distribute it.

8 CHIEF LEGAL COUNSEL MILLER: It was attached with
9 the resumes of the firms.

10 COMMISSIONER DI GIULIO: I was just looking for
11 the response, their response to those questions, yeah.

12 CHAIRPERSON ONTAI: Yeah, those would be very
13 good, but let staff receive that and they'll disseminate
14 it to us.

15 COMMISSIONER FILKINS WEBBER: I think what
16 Commissioner --

17 COMMISSIONER BLANCO: I'm not sure, are people
18 looking for a filled-in grid?

19 COMMISSIONER DI GIULIO: Uh-hum.

20 COMMISSIONER BLANCO: Okay, it's not ready yet.
21 But we had to move quickly. I was trying to -- I had the
22 little punch list here as I was talking, you know, trying
23 to go through them.

24 But I will -- that's why I don't know what the --
25 if we have to discuss this, now, I don't know if it really

1 helps to do the grid for you guys later, and I don't know
2 if it's helpful --

3 CHAIRPERSON ONTAI: No, no, just complete that
4 point.

5 COMMISSIONER BLANCO: Because that's why I was
6 going to go through the list because I think if we have to
7 have the discussion, we can't wait for us to fill in the
8 grid later.

9 COMMISSIONER DI GIULIO: And could I ask a process
10 question about what -- where we go -- what we're trying
11 to -- if we're trying to decide anything today or if
12 you're sending this -- sending the outline out for a
13 discussion tomorrow?

14 COMMISSIONER FORBES: I think that -- I mean we're
15 not going to -- we're not going to decide this today.
16 They're going to be here tomorrow, so we can sort of see
17 them and vet them, if you will, in front of us.

18 But I think the thing that we were constantly
19 aware of and we brought this up to each one of the
20 candidates, was that we could easily see an injunction the
21 day after we vote on the maps. It may be as late as the
22 15th of August, but it could be week after next.

23 And so this whole process is proceeding apace.

24 CHAIRPERSON ONTAI: Okay, let me get Commissioner
25 Galambos Malloy, then we'll go back to Commissioner

1 Blanco.

2 VICE-CHAIRPERSON GALAMBOS MALLOY: Yeah, I'll
3 defer to Commissioner Blanco and then I have a question,
4 actually, to flesh out more the proposal regarding what
5 the co-counsel structure would look like. So, go ahead,
6 first.

7 COMMISSIONER BLANCO: So, what I will do tonight,
8 along with Commissioner Forbes --

9 COMMISSIONER FORBES: I'm sorry?

10 COMMISSIONER BLANCO: I hope with Commissioner
11 Forbes. Is since this is the report -- this is the report
12 about what recommendation. We've invited them to come
13 tomorrow, the decision is tomorrow.

14 So, what I will do tonight is I will for -- the
15 only thing I need to know from you is do you want all five
16 firms? I don't think that makes sense. I will fill out
17 the grid with the questions for the two firms that we're
18 recommending, and go through the questions that you had
19 attached, I'll do the grid.

20 CHAIRPERSON ONTAI: It's up to the Commissioners.

21 COMMISSIONER BLANCO: You know, so that everybody
22 has it tonight, in preparation for tomorrow's presentation
23 by counsel.

24 CHAIRPERSON ONTAI: All right.

25 COMMISSIONER BLANCO: Does that help a little bit?

1 CHAIRPERSON ONTAI: Commissioner Barabba?

2 COMMISSIONER BARABBA: Yeah, I would concur that
3 we have very little time to make an important decision, we
4 sent two members of the Commission who have experience in
5 this area, who have also experienced previous decisions
6 we've made in this area, and so I would concur that they
7 should tell us why they picked these two and focus on
8 that, rather than having us go through all five.

9 CHAIRPERSON ONTAI: Commissioner Filkins Webber?

10 COMMISSIONER FILKINS WEBBER: Well, I have a
11 number of comments, but if it's -- not necessarily on this
12 topic, I don't have an opinion on what information they
13 provide to us.

14 CHAIRPERSON ONTAI: Okay, let's stick to this
15 topic. Any other feelings?

16 All right, I think the census is just do the top
17 two.

18 COMMISSIONER BLANCO: Okay.

19 CHAIRPERSON ONTAI: All right.

20 COMMISSIONER FILKINS WEBBER: Well, I have a
21 number of questions. First, Commissioner Blanco and
22 Commissioner Forbes, we have experience with Gibson Dunn
23 and before I get to my other issues with them, I first
24 have been struggling with a consideration of two firms.
25 The magnitude of the firms that responded to our request

1 for invitation was incredible. These are firms that do
2 not kow tow, necessarily, to one another. When they
3 develop a strategy and they stick to that strategy it's
4 not likely, if they're not working together, necessarily,
5 because they're two independent firms that -- I can see,
6 based on the experience that we've had before, that there
7 could be some concern here.

8 I've dealt with much in the way of complex
9 litigation, I've been cumis counsel in numerous cases,
10 numerous class action cases. I know precisely the types
11 of team strategy sessions that are necessary to build up a
12 mutual defense and despite that, there's always conflicts
13 between the two.

14 And under those circumstances oftentimes you can
15 have strategies that will not coordinate with one another.

16 So, my question is, I think that you might have
17 had this on your worksheet, but what was the response of
18 each of these firms regarding their ability to, I guess,
19 strategize between the two to combine a joint defense for
20 us, if we were to consider two firms.

21 CHAIRPERSON ONTAI: That's my question, too.
22 Commissioner Blanco?

23 COMMISSIONER BLANCO: So, I will answer it and
24 then Mr. Miller actually spoke in-depth with the two
25 finalists about this precise issue.

1 So, we did ask this question of all the firms and
2 they -- these two firms, one of the -- you know, part of
3 what's in this equation is these are the two firms that
4 really felt comfortable with working in a co-counsel
5 arrangement and didn't bat an eyelash about it.

6 I can say a couple of things here which is that
7 I've participated, perhaps, in 15 litigation cases, 15
8 cases where I've been co-counsel with major firms and on
9 maybe four or five of those involved Morrison & Foerster
10 as co-counsel, and I've worked extensively with Mr.
11 Brosnahan.

12 And I have -- I know that they do this. This is
13 what I was alluding to that because they have done this a
14 lot in the past and because of their comfort with their
15 sort of position, if I may say sort of there's no sense of
16 the competitiveness you get when somebody's really trying to
17 prove themselves in some way. They're established. They
18 were very comfortable with the notion and they said we do
19 it all the time and they didn't hesitate.

20 So, I know there's tensions, I've done many, many
21 co-counsel, so I've done cases with five, and six, and
22 seven co-counsel on a class action litigation. And it is,
23 it is complicated, but it gets done and it often is a
24 process where you benefit from the fact that people have
25 different ways of seeing the problem, as well as the fact

1 that you have -- you can staff a case, you know, rapidly
2 and you can be in multiple venues.

3 So, and as they all said to us, that all their big
4 cases, their anti-trust cases, their complex security
5 litigation cases, you know, they're all with four, or
6 five, or six big firms. Nobody does these cases on their
7 own and so they're extremely used to working on complex
8 litigation cases in big teams.

9 And they said, you know, that they would have to
10 figure out, obviously, what the division of labor, or we
11 would have to figure out how we wanted to structure the
12 relationship but they were not at all -- they do this
13 really literally all the time because those big cases
14 often you have different clients, sometimes you have a
15 plaintiff, sometimes you have, you know, sub-classes that
16 have to be represented by a different law firm. Sometimes
17 you have, you know, plaintiffs with slightly differing
18 interests, et cetera, et cetera, and they each have their
19 own firm, so they're very used to this.

20 But maybe, Mr. Miller, since you put this to them
21 precisely, you can answer about this.

22 CHIEF LEGAL COUNSEL MILLER: Yeah. First of all,
23 Commissioner Filkins Webber asked the right question about
24 this. So, Commissioner Forbes and Blanco raised this as a
25 hypothetical possibility in the interviews.

1 When I called -- I called all of the firms to
2 advise them how we come out, but what I said specifically
3 to Mr. Brown and to Mr. Brosnahan is if the Commissioners
4 were to recommend you to the full Commission and would do
5 so as one of two firms, is that something you can work
6 with? And the response in both cases was very positive.

7 With respect to Mr. Brown, within five minutes of
8 our conversation he was literally jotting down a possible
9 division of responsibility and a way to engage in the most
10 constructive and efficient manner.

11 And I would say as to both lawyers, their interest
12 in representing the Commission is simply off the charts.

13 CHAIRPERSON ONTAI: Commissioner Galambos Malloy,
14 then followed by Commissioner DiGuilio.

15 COMMISSIONER FILKINS WEBBER: And I wasn't done,
16 but whenever you get back to me.

17 CHAIRPERSON ONTAI: Oh, okay.

18 COMMISSIONER FILKINS WEBBER: Thanks.

19 VICE-CHAIRPERSON GALAMBOS MALLOY: My question is
20 related to this very point. I don't know if Commissioners
21 Blanco and Forbes would be in a position to provide more
22 detail on the vision regarding co-counsel today or if
23 maybe this could be a part of your analysis that you work
24 on this evening, but it would definitely help me, again
25 coming from a non-legal background, to have a clear

1 understanding of what you would see the unique strengths
2 of each firm and what your projections might be on what
3 the division of labor might be that you would want to
4 recommend to the Commission.

5 Because my understanding is the recommendation is
6 really coming that this is our team, so it would help to
7 understand not just that these are the two members of the
8 team but this -- these are the unique roles that each of
9 the teams will play. And I recognize we may not have that
10 fully fleshed out, but that's one thing that I would like
11 to hear from the part of the Commissioners.

12 And then we may have opportunity, as well, to
13 elicit some response from the two firms on that very
14 question when -- if they join us here, tomorrow, during
15 our business meeting.

16 COMMISSIONER FORBES: Chairman Ontai, can I just
17 comment about that just a moment? It's a direct response
18 to that question.

19 CHAIRPERSON ONTAI: Sure, sure, go ahead.

20 COMMISSIONER FORBES: Perhaps Mr. Miller could
21 also address this slightly. It's that it's my
22 understanding that that's one of the things they're going
23 to talk about tomorrow.

24 CHIEF LEGAL COUNSEL MILLER: I believe they'll be
25 prepared to do that, yes.

1 CHAIRPERSON ONTAI: Good. Commissioner DiGuilio?

2 COMMISSIONER DI GUILIO: I guess I'm kind of
3 taking a step back here because I'm trying to balance, you
4 know, the knowledge and expertise of Commissioner Forbes
5 and Commissioner Blanco in this area, but I'm a little
6 concerned that we only have two people. This goes back to
7 I guess I like choices and options.

8 Because I feel like because of the tight time
9 schedule that's been mentioned that we won't have -- if
10 for some reason something were to come up where we weren't
11 in agreement with these two, and it's been recommended
12 that maybe we have co-counsel, that we've already limited
13 ourselves.

14 I think everywhere, from the very beginning, when
15 we started hiring for the Executive Director and every
16 position afterwards; we tried to have as many options as
17 possible. And if it was such that there was really not
18 any two beyond this that our Commissioners felt was really
19 viable, then maybe I should hear that.

20 But I guess part of this is because, you know, I
21 understand that Gibson Dunn & Crutcher is a different team
22 to some degree, even though Mr. Brown will be a part of
23 it, but from the very beginning I've had concerns, not
24 about their capacity to do this, but that the potential
25 conflict of interest if they have to defend their own

1 actions. I just have -- and I'm not a lawyer, so maybe
2 this is a routine thing. But I, again, know that based on
3 human nature if you have to defend yourself, here's some
4 problems there.

5 So, again, it doesn't speak to their capacity, or
6 their willingness, or their enthusiasm, it just simply
7 speaks to my uncomfortableness with an organization having
8 to defend themselves.

9 So, if that's the case to some extent I feel like
10 we tied our hands with only two options.

11 And I'm wondering, again with our time tight
12 deadline, if we've backed ourselves into a corner if we've
13 only invited two to come address this Commission.

14 CHAIRPERSON ONTAI: Okay, let me hold that
15 concern. We have an opposing position as well, so let me
16 go back to Commissioner Filkins Webber.

17 COMMISSIONER FILKINS WEBBER: Can, I guess,
18 someone refresh my memory, again, based on the caliber of
19 firms that have responded to us, and this question was
20 posed earlier, but what would be the purpose of having two
21 firms when the magnitude of these firms clearly could
22 address both the concerns at the federal level to the
23 extent there is any challenge in federal court, and they
24 certainly have the capacity, and teams, and the number of
25 lawyers to also defend us at a State level. So, what

1 would be the purpose in having two firms?

2 COMMISSIONER FORBES: The reason you have one is
3 to preserve the institutional memory and that's absolutely
4 a factor. It's one firm knows everything we've done here
5 for six months.

6 COMMISSIONER FILKINS WEBBER: I'm sorry,
7 institutional memory, what's institutional memory?

8 COMMISSIONER FORBES: Well, they've been here,
9 they've done it, they know the explanations, they know the
10 questions we've asked, they know the issues that we've
11 raised.

12 COMMISSIONER FILKINS WEBBER: I'm sorry, you're
13 speaking of Gibson Dunn?

14 COMMISSIONER FORBES: That's correct.

15 COMMISSIONER FILKINS WEBBER: Okay, so you're
16 saying based on institutional memory --

17 COMMISSIONER FORBES: That's right.

18 COMMISSIONER FILKINS WEBBER: -- you want Gibson
19 Dunn with another law firm?

20 COMMISSIONER FORBES: With the VRA stuff, in
21 particular.

22 COMMISSIONER FILKINS WEBBER: Okay. Well, let me
23 ask you this, did you actually -- Commissioner Blanco had
24 mentioned that this was an entirely different team but, in
25 fact, the RFI response included Mr. Scolnick, I think that

1 was his name, Mr. Kahn, and Mr. Brown in addition to the
2 other lead lawyer on this. So, did you ask Mr. Brown what
3 his response would be to the California Rules of
4 Professional Responsibility 5-212, given the circumstances
5 a member, an advocate member, as our potential litigation
6 firm is being a potential witness and what was his
7 response to that?

8 CHAIRPERSON ONTAI: Commissioner Blanco or
9 Commissioner Forbes?

10 COMMISSIONER BLANCO: Yeah, we asked that question
11 of all the people we interviewed; we've asked them of
12 Gibson Dunn and of every firm that appeared in front of us
13 for the interviews.

14 And in fact two of the -- in two of the different
15 teams two people were experts on this issue, which was
16 really great. And in fact one of the Gibson, Mr. McRae at
17 Gibson Dunn, who's the former U.S. Attorney, had a
18 tremendous amount of experience on this issue and they
19 gave us a pretty lengthy explanation, as did all the other
20 firms.

21 They all said it was not a problem, they said
22 there is a -- I don't necessarily -- you know, I'll give
23 you the shorthand which is that, first of all, they all
24 said they had worked in situations where one of their co-
25 counsel firms actually had appeared where the lawyers may

1 be witnesses. That's the issue that Commissioner Filkins
2 Webber's referring to.

3 And they explained what the law is on this issue
4 and cited us all the cases about that the witness has to
5 actually -- where there's a conflict and a professional
6 ethics problem is where the witness's testimony is adverse
7 to the interests of the Commission, or the body, or the
8 party that's being represented.

9 Every person we asked this question of in the
10 interview said that they did not see a problem with this.
11 So, I mean I really -- we could go more into the legal
12 discussion, I actually took a lot of notes and I think
13 Commissioner Forbes did as well on this issue.

14 But we did pose it of everybody, including Gibson
15 Dunn and all the other firms, and there was a unanimous
16 sense that this does not present an issue.

17 COMMISSIONER FILKINS WEBBER: I don't see how's
18 that --

19 CHAIRPERSON ONTAI: Commissioner Forbes, do you
20 want to add onto that? Excuse me. Commissioner Forbes,
21 do you want to add onto that?

22 COMMISSIONER FORBES: No, I think that's
23 completely correct, they were unanimous in their views
24 that this was not going to be an issue.

25 COMMISSIONER FILKINS WEBBER: Well, it sounds as

1 if they were unanimous in their understanding and
2 interpretation of the law, which also the California Rules
3 of Responsibility would require this Commission to
4 actually provide a written consent waiver after full
5 disclosure.

6 What I find interesting is that based on their
7 interpretation they're already assuming that Mr. Brown
8 would not have an interest that's adverse to this
9 Commission, even though we haven't even voted on any maps.

10 So, to the extent in which Mr. Brown has any
11 difference of opinion regarding any district that we may
12 vote, he certainly could have an interest that would be
13 adverse to this Commission to the extent in which we don't
14 accept his advice on a particular district.

15 So, just on -- you know, their contention that
16 this doesn't appear to be a problem is a little premature,
17 I would contend. So, but at least they've addressed that
18 issue, I appreciate that.

19 The only other question that I have --

20 COMMISSIONER BLANCO: And I think we can ask them
21 that tomorrow.

22 COMMISSIONER FILKINS WEBBER: Sure. The only
23 other question that I have is what VRA experience does
24 Morrison & Foerster have? Because in their list of cases,
25 one that I found interesting, which I didn't think had

1 anything to do with the Voting Rights Act, was their
2 defense of John Walker Lindh.

3 COMMISSIONER BLANCO: We asked him that question
4 and Mr. Brosnahan's only done one Voting Rights case. We
5 asked him about the Walker case and he pointed us to
6 about -- and if you look at his resume, to about a variety
7 of other cases that sort of swing completely opposite.

8 Mr. Brosnahan is basically a very skilled lawyer,
9 who takes very difficult cases, successfully. And as he
10 said, you know, you could look at his -- he said, you
11 know, he'd be really glad to answer all of -- we've sort
12 of told him these are the questions that are going to come
13 up and he said he'd be more than glad to talk about them
14 tomorrow.

15 He had one -- we did not recommend him on the
16 basis of his Voting Rights Act experience. As a question,
17 he had a case, he was familiar with some other issues, but
18 that was not the main criteria, you know, that we
19 interviewed him upon.

20 COMMISSIONER FILKINS WEBBER: Okay. Well, in that
21 regard we had very minimal experience of Gibson Dunn &
22 Crutcher when it comes to VRA and we got charged for quite
23 a bit of getting up to speed. Is that going to be
24 anticipated from a firm like this, given that they are the
25 most expensive firm out of those that responded to our

1 RFI?

2 COMMISSIONER BLANCO: I think you can ask them
3 that tomorrow. We're just presenting to you the best
4 qualified firms.

5 COMMISSIONER FILKINS WEBBER: Well, I thought
6 these were questions that were posed in the interview,
7 especially VRA experience but --

8 CHAIRPERSON ONTAI: Okay, let me go back to the
9 issue of whether we should have -- I guess Commissioner
10 DiGuilio's concern, having all five -- express to me,
11 again, what is it that you're --

12 COMMISSIONER DI GIULIO: Yeah, thank you, I
13 appreciate you bringing this question. It was just
14 whether or not if we needed to have more than two. I'm
15 not sure five serves our purposes, but I was thinking at
16 least maybe three.

17 If we're -- if the suggestion is that we'll have a
18 co-counsel, too, then it's already been set for us the two
19 that have been put forward, I'd like to at least have a
20 third option.

21 CHAIRPERSON ONTAI: Could you consider a third
22 option, Commissioner Forbes or Blanco?

23 COMMISSIONER FORBES: Well, again, I think that we
24 looked at the five we had and just if I can just give a
25 shorthand, one was the one in Washington DC, which has the

1 most experience, but we weren't going to get, you know,
2 the frontline players here except at great experience, if
3 that -- if then.

4 COMMISSIONER BLANCO: Yeah.

5 COMMISSIONER FORBES: And the second firm was,
6 frankly, to be brutal, not prepared, much to our surprise,
7 to tell you the truth.

8 And the third firm was they did not -- they were
9 not receptive to a co-counsel arrangement. That may be
10 slight overstatement, but I'll let Commissioner Blanco,
11 see if she would agree with that. But as a, if you had to
12 come up with a short reason, so -- so you had -- those
13 were the negatives, if you will, on the other three.

14 And these two were such stellar terms in what we
15 have to do and so that's why we recommended two and not
16 three.

17 CHAIRPERSON ONTAI: Well, that's helpful.

18 Commissioner Galambos Malloy?

19 VICE-CHAIRPERSON GALAMBOS MALLOY: I appreciate
20 that bottom line summary. The only piece that I felt like
21 wasn't necessarily is addressed is with the third firm you
22 mentioned, the one that was not receptive to the concept
23 of co-counsel, what would be your perspectives on their
24 qualifications overall for the task, apart from the issue
25 of co-counsel? In other words, would they be a viable

1 candidate if we were considering only hiring one firm?

2 COMMISSIONER FORBES: My concern with them would
3 be -- and I'll give a direct -- in my mind, I've not
4 considered this, I did not discuss this with the other two
5 people during the interview, was that they would have to
6 learn everything from scratch and that is an expensive
7 proposition and they may have gaps because they're
8 learning from somebody else.

9 The thing that -- one thing that impressed me
10 about being sure that Gibson Dunn was there, particularly
11 for the Voting Rights Act material, was that they -- in
12 the last three years they have been before the United
13 States Supreme Court 15 times and won 11 of those cases.
14 That is a staggering number to be in front of the Supreme
15 Court by one firm and I consider to be a very good win
16 ratio, if you will.

17 And so that mattered to me.

18 CHAIRPERSON ONTAI: Commissioner Blanco, did you
19 have your hand up?

20 COMMISSIONER BLANCO: Yeah, I mean I was going to
21 go, I have my notes on why -- on each one. The third, I
22 agree, one firm was completely unprepared. The other firm
23 that had the senior lawyers in DC, but had all the junior
24 lawyers here, just was not going to work.

25 And so the other firm that came would be the third

1 option. And again, my concern there is mainly the co-
2 counsel issue, but they came with a large team and of the
3 team it seemed like two people were experienced and then
4 the other people were really a lot -- a lot more junior.

5 One of the things that was very impressive about
6 the Morrison & Foerster team is that they were three
7 senior partners and who all would be the three senior
8 partners working on the case. And I -- as compared to a
9 team that was larger, with two experienced people and sort
10 of junior people.

11 So, I think we could bring the third firm. That's
12 the firm that also, like I said, when we asked them about
13 comfortable working with another firm they -- it didn't
14 feel as comfortable to them.

15 And like I said, going back to the beginning, they
16 all did note that this is a fact-intensive case. So, we
17 do have a third firm that if you wanted to see three firms
18 that --

19 CHAIRPERSON ONTAI: That could be a favor.

20 COMMISSIONER BLANCO: But I would say that if we
21 wanted to keep Gibson Dunn, I would have concerns about
22 the third firm just because they're not a firm that seems
23 that comfortable with co-counseling as the other firm.

24 CHAIRPERSON ONTAI: Okay, thank you.

25 Commissioner Ancheta?

1 COMMISSIONER ANCHETA: Thank you. Well, I have no
2 questions about the qualifications of these firms, I mean
3 they're top notch firms, Mr. Brosnahan is known
4 nationally, globally, actually, in terms of his past work.

5 I did have a question just about, you know,
6 billing and costs and, obviously, when you have two firms
7 and the need for coordination is additional billable time.

8 I know that in the Morrison & Foerster proposal
9 there's at least a cap that's suggested for a one-year
10 contract. It would appear to be a one-year contract
11 through August 15th of 2012, so that it wouldn't exceed
12 500,000.

13 I wasn't quite clear from the Gibson Dunn proposal
14 if billables were mentioned somewhere, I didn't see them.

15 You know, we have a certain budget that we're
16 trying to work with and it may have to be exceeded, of
17 course, as needed. But I'm just wondering, in terms of
18 looking at the two-firm proposal, how we're looking at the
19 costs particular since, again, I didn't see any Gibson
20 Dunn figures.

21 CHIEF LEGAL COUNSEL MILLER: I'll start this and
22 Mr. Claypool may want to supplement my response.

23 We chose a number that was as a starting place, if
24 you will, the \$500,000 number is our number. And it's
25 important to understand that this is not the same

1 situation as we have had with VRA advice. The Gibson Dunn
2 contract, which concludes August 15th, is a fixed-price
3 contract for a package of advice through that time.

4 That will not be the case with litigation. It is
5 necessary for State contracting purposes to plug in a
6 number, but that really is a plug number. And if we're
7 fortunate and either there's no litigation, or simple
8 litigation, we'd come in under that number.

9 But it's equally as probable that we'd have more
10 cases and complex cases, and just the way it works in the
11 system you have to go back and adjust that number as bills
12 approach that number. And that would be true of any law
13 firm.

14 Mr. Claypool, did you wish to add to that answer?

15 COMMISSIONER FORBES: We did bring up, with all
16 the firms, the cost issue and I think that it
17 was -- and we were aware of that and that's one of the
18 reasons why we, you know, thought about Gibson Dunn is
19 because they already have the knowledge, they don't have
20 to learn it again.

21 They were all willing to work with us on that. I
22 don't want to overstate that. And they were aware of our
23 desire to keep costs down and our efficiencies, but that
24 is one reason why I -- at the beginning, when I made the
25 presentation, I commented that Arizona had spent \$6

1 million, because we need to be prepared for a number that
2 we are, as ordinary people, aren't used to because
3 corporate litigation or this kind of high-skilled
4 litigation is not cheap.

5 And personally, and I'm speaking just for me, I
6 don't want a headline that says Commission saves \$500,000
7 or \$300,000 and loses case. That's the wrong answer. So,
8 yes, they're aware of our concern and have indicated a
9 willingness to work with us, but that was -- but we
10 understood that this is what they do and they do it very
11 well.

12 CHAIRPERSON ONTAI: Okay, for the record, Mr.
13 Miller, I think you addressed Commissioner Forbes as Mr.
14 Claypool; is that correct?

15 No, if it is we'll correct the records.

16 Okay, Commissioner DiGuilio?

17 COMMISSIONER FORBES: I wouldn't want to insult
18 Mr. Claypool.

19 (Laughter)

20 COMMISSIONER DI GIULIO: I'm just going back to my
21 original query of I would like to see that we have at
22 least three firms because I think there's two things that
23 we haven't decided on. One is I think we all are
24 receptive to the idea of having co-counsel, but we haven't
25 decided on that. We may find that one will do the job,

1 maybe not. And then we can take a look at all the
2 candidates in light of that decision, whether we want to
3 do co-counsel or just an individual one.

4 Again, I also like keeping our options open. And
5 I do understand Commissioner Forbes' point about
6 institutional knowledge being important, but that
7 certainly is -- doesn't outweigh any conflicts of
8 interests or, you know, the effectiveness of any counsel
9 to be able to do the job.

10 So, I certainly don't want to think that any
11 organization that comes into this has a lock in the bag, I
12 think that's just unfair to this process and we all need
13 to look at these candidates individually and I'll say
14 candidates for lack -- firms individually. So, I'd like
15 to see, I'd like to propose that we have at least three
16 firms.

17 CHAIRPERSON ONTAI: All right, let me ask Mr.
18 Miller. Oh, I'm sorry, Commissioner Raya.

19 COMMISSIONER RAYA: Thank you. With respect to
20 that question, the remaining three are not prepared,
21 Washington DC, junior players, and learn from scratch.

22 COMMISSIONER DI GIULIO: Well, I think the third
23 one wasn't so much -- my point, I heard, wasn't that it
24 was learn from scratch, it was they weren't able to
25 work -- they weren't able to play nice in the sandbox.

1 COMMISSIONER RAYA: Okay, doesn't play well with
2 others.

3 COMMISSIONER DI GIULIO: But that goes to my point
4 where we're not sure if we're having co-counsel or not.

5 COMMISSIONER RAYA: Well, and that's fine. Given
6 that they were characterized in that way, my question
7 would be to Commissioners Forbes and Blanco, which of the
8 three would be the one?

9 CHAIRPERSON ONTAI: Commissioner Blanco?

10 COMMISSIONER BLANCO: This won't solve this
11 because, obviously, this is a very important decision, but
12 it strikes me that we -- we could go around in a loop here
13 for a while if we don't separate the two discussions. And
14 that we should have a discussion about whether people want
15 the co-counsel agreement or not, because they believe that
16 we should keep a firm that's been working on this.

17 Because if that -- if we make that decision, then
18 the third firm does become an issue because I think we
19 felt very strongly that that would be problematic, you
20 know.

21 So, maybe we need to untangle the two
22 conversations and have a discussion about whether people
23 really want to put aside, you know, our -- would consider
24 a team that does not include Gibson Dunn, let me put it
25 that way.

1 And maybe that's what we need to have, first,
2 because then the other conversations flow and they're
3 getting -- the two are getting mixed up and it doesn't
4 help.

5 CHAIRPERSON ONTAI: No, I agree. Let me have
6 Commissioner Galambos Malloy.

7 VICE-CHAIRPERSON GALAMBOS MALLOY: I think this
8 has been a useful first conversation, but I think the
9 reason that we have unfinished business agendized on
10 Friday and Saturday is because I think this conversation
11 will need to continue probably on both days.

12 And I think that, you know, I know as one
13 Commissioner, and I imagine from some of the nature of the
14 conversation of other Commissioners, it would really help
15 us to better be able to have that conversation about
16 whether we would entertain a co-counsel arrangement to
17 have a bit more fleshed out vision for what the co-counsel
18 arrangement could conceivably look like. Specifically,
19 with the two firms that you have in mind that would play
20 well together.

21 And then with that, I think the third firm becomes
22 an alternative configuration where we may have one firm
23 that you provide some analysis of their ability to do that
24 or not.

25 But it feels like we do need a bit more

1 information to review before we go into the questions with
2 the potential candidates. So, one of my questions would
3 be, in just thinking through the agendas for the next
4 couple of days, clearly we have the two firms already on
5 notice to join us tomorrow.

6 Secondly, if the Commission, based on the analysis
7 that Commissioners Blanco and Forbes provide, is
8 interested in retaining this third firm, potentially, as a
9 separate configuration, would they be available to join us
10 at any point during either Friday's business meeting or --
11 or line-drawing session, or Saturday's?

12 Do you know the answer to that or could you find
13 that out in short order?

14 CHAIRPERSON ONTAI: Commissioner Barabba?

15 COMMISSIONER BARABBA: (Off-microphone)

16 CHAIRPERSON ONTAI: All right, so an answer? I
17 don't know who's going to answer that?

18 CHIEF LEGAL COUNSEL MILLER: I do not -- I do not
19 believe that the senior lawyer is available from the third
20 firm on Friday, but I'll undertake to confirm.

21 CHAIRPERSON ONTAI: Commissioner Barabba?

22 COMMISSIONER BARABBA: It occurred to me, and when
23 we hear the presentation from the two firms tomorrow, we
24 could make a much better judgment of whether we need two
25 firms or one.

1 If we decide we need one, it sounds to me like the
2 best one would be here tomorrow and we could just choose
3 that firm and decide not to go with the other. So, I
4 don't see the need for bringing in the third firm. I
5 think we can make a choice tomorrow, based on what we
6 hear, whether we need two, whether we want two. And then
7 if we don't, it sounds like one of those firms would be
8 the first choice.

9 CHAIRPERSON ONTAI: Commissioner Raya?

10 COMMISSIONER RAYA: Well, I think there is
11 sufficient concern and interest on the part of some
12 Commissioners that if it's not unreasonable to bring in
13 the third firm, I think it's better -- considering we're
14 in this for the long haul, once it starts, and we all are
15 going to have to work closely with our counsel, you know,
16 I don't want us to dismiss the idea of having a third
17 candidate too quickly.

18 VICE-CHAIRPERSON GALAMBOS MALLOY: I agree. I
19 think that earlier on in this process, as we were making
20 some of our key consultant hires, there were moments when
21 we had many options on the table and there were others
22 where we had, you know, two candidates to pick from.

23 And if we're in a position that there are
24 potentially three viable candidates, in different
25 configurations, you know, my request would be to see them.

1 Although I am inclined, based on the expertise and
2 the exposure that Commissioner Forbes and Blanco have had
3 in the interview process, to really learn more about this
4 co-counsel agreement, but I would like to just -- just
5 have the, you know, Cliff Notes version of what that other
6 firm said so they can be in the back of our minds if, for
7 some reason, we don't feel like the two firms tomorrow, or
8 one of them is the best candidate for the job.

9 CHAIRPERSON ONTAI: Commissioner Dai?

10 COMMISSIONER DAI: And then I'm hoping
11 Commissioners Blanco and Forbes would be willing to
12 complete the matrix for the third firm.

13 COMMISSIONER BLANCO: We can do the matrix for the
14 third firm. What I don't know is that what we want to do
15 about timing, frankly, because I don't think that they can
16 be here tomorrow. And so we will have to have them
17 come -- the third firm, we'll have to schedule them for
18 the week for -- I don't think they can come. I mean this
19 is not --

20 CHAIRPERSON ONTAI: WE might have to pull it back
21 to next week.

22 COMMISSIONER BLANCO: Right. So, I'm just saying
23 this might all have to go, push over to next week, so if
24 you want to get this other firm in front of us.

25 CHAIRPERSON ONTAI: I don't want this issue to tie

1 us down in the map-drawing that we have to do in the next
2 two days.

3 So, to the extent we can have these answers --
4 questions answered by two or three by tomorrow, we might
5 have to pull it over to next week.

6 COMMISSIONER BLANCO: Yeah, I would recommend that
7 we go ahead with the two tomorrow, they're ready to go,
8 and then we can schedule the third and the Chair and the
9 Vice-Chair can figure out the timing of interviewing the
10 third one and what the timing would be, so that we would
11 have a decision by the time we vote on the maps. Because
12 everybody seemed to agree, that we interviewed, that it's
13 very possible that the minute we vote, we will get sued.

14 So, we need to have somebody by the 28th.

15 VICE-CHAIRPERSON GALAMBOS MALLOY: The only thing
16 I would just add to that is that I would like to reserve
17 the right, based on what you provide to us in the matrix,
18 if we read the matrix and it's very clear that that firm,
19 third firm is not the best use of our time when compared
20 to some of the competitors, we may decide that we don't
21 actually need to bring the third firm in.

22 So, you know, again, unfinished business tomorrow,
23 we can revisit after we've had the opportunity with the
24 two firms who will be before us.

25 CHAIRPERSON ONTAI: Okay, Commissioner DiGuilio

1 and then we'll go back to Commissioner Filkins Webber.

2 COMMISSIONER DI GIULIO: And one just last thing,
3 too, I think it would be helpful, as Commissioner Barabba
4 had mentioned, is maybe to have something from
5 Commissioner Forbes and Blanco beforehand about the -- you
6 know, the advantages or disadvantages of having co-
7 counsel, one firm represent us versus two because I think
8 that would help particularly non-lawyers to see, when
9 we're interviewing these firms to -- in light of, you
10 know, we have to still answer that question whether we
11 have one firm or two.

12 And, you know, their strengths and weaknesses in
13 light of both of those would be helpful if we had that set
14 up in terms of what we, as a Commission, would need for
15 either co-counsel or just one firm.

16 CHAIRPERSON ONTAI: That would be helpful.

17 COMMISSIONER BLANCO: Okay, we'll do that tonight.

18 CHAIRPERSON ONTAI: Okay, Commissioner Filkins
19 Webber?

20 COMMISSIONER FILKINS WEBBER: I just had one other
21 question, maybe the matrix could probably help us, and so
22 we'll shorten this conversation, because neither firm
23 adequately responded to the conflict of interest request
24 in the RFI, from my perspective.

25 So, I don't know if that was fleshed out.

1 COMMISSIONER BLANCO: We did.

2 COMMISSIONER FILKINS WEBBER: The Morrison &
3 Foerster just simply said that --

4 COMMISSIONER BLANCO: Morrison & Foerster does not
5 have a pack at all, then we discussed -- they don't have
6 any lobbying practice, so we discussed that.

7 We discussed the individual contributions of the
8 team of three people and that --

9 COMMISSIONER FILKINS WEBBER: That's what was
10 missing from the RFI.

11 COMMISSIONER BLANCO: Yeah, and they had not made
12 donations to State, any State races.

13 COMMISSIONER FILKINS WEBBER: But I mean is that
14 the matrix? You don't have to -- I mean are you going to
15 put that in the matrix tonight?

16 COMMISSIONER BLANCO: I'll put it in the matrix.

17 COMMISSIONER FILKINS WEBBER: Okay.

18 COMMISSIONER BLANCO: But we did ask all these
19 questions.

20 COMMISSIONER FILKINS WEBBER: Great.

21 CHAIRPERSON ONTAI: Okay, please put that in the
22 matrix. Anything else?

23 COMMISSIONER FILKINS WEBBER: Only on -- not from
24 me, personally, on this issue. The fifth item on Legal
25 is --

1 CHAIRPERSON ONTAI: Let's go to that.

2 COMMISSIONER FILKINS WEBBER: Okay. This is an
3 update on the Commissioners' responses to PRA. Again,
4 this is just a rolling item because it is going on. And
5 we did receive a recent request for PRA that would not
6 likely be responded to by any particular Commission
7 member.

8 But we did hear from other Commissioners regarding
9 some delay in providing responses to the PRA.

10 Ms. Johnston, do you have an update for us?

11 STAFF COUNSEL JOHNSTON: Just in case everyone's
12 not aware of it, yet, we now have two links under the
13 website, one under "what you're saying" and the other
14 under "press" so that you can see what's been completed
15 and what's been -- what's still in the process.

16 The reason we decided to do it that way
17 particularly had to do with the Maviglio number three
18 request, where he requested all prior Public Record Act
19 requests and the responses thereto, which got into an
20 enormous copying situation, and we anticipated that we
21 would receive more similar requests for everything we've
22 given everybody else. So, it was simply easier on staff
23 to post it, rather than have to copy it, and copy it, and
24 copy it again.

25 On the ones that are just things that staff can

1 provide, for instance the Associated Press one that we'll
2 be taking care of.

3 The only ones that we are waiting on, I understand
4 from several of the Commissioners and I completely
5 understand why that you cannot review your records until
6 after you vote on the maps, so those will just be pending.

7 And as we get closer to the end of this process,
8 I'll send you all reminders of the ones I've no heard
9 from.

10 COMMISSIONER FILKINS WEBBER: Great, thank you.

11 CHAIRPERSON ONTAI: Anything else?

12 COMMISSIONER FILKINS WEBBER: Nothing further from
13 Legal Advisory.

14 CHAIRPERSON ONTAI: Okay, let's take a 15-minute
15 break, and you need to get back promptly at 3:45, and
16 we'll start right into the Technical/Outreach Committee
17 with Commissioner DiGuilio and then we have a report, as
18 part of that report, by Q2.

19 (Off the record at 3:34 p.m.)

20 (Reconvene at 3:48 p.m.)

21 CHAIRPERSON ONTAI: All right, let's continue with
22 our Business meeting, Commissioners.

23 Okay, our second advisory committee is the
24 Technical/Outreach Committee, so I'm going to hand this
25 over to Commissioner DiGuilio.

1 COMMISSIONER DI GIULIO: Okay. Well, okay, the
2 first issue is the narrative report and I'm looking at
3 Commissioner Dai, if you'd like to go into more detail
4 than we did in Legal, this is your chance.

5 COMMISSIONER DAI: Okay. Again, this is something
6 we've discussed at the previous meeting and so it's just
7 really a reminder to everyone. You did receive part one
8 of the report that Mr. Claypool drafted for us, which is
9 really a background section about the history of
10 redistricting in California, you know, background on
11 Props. 11 and 20, how the Commission was actually chosen,
12 et cetera, all information we're all very familiar with.

13 So, you received that over a week ago, so if you
14 have not already reviewed it, please do so post haste and
15 get any comments to Mr. Claypool.

16 And then the second section of the report, which
17 was really the legal basis of our decision and how we
18 complied with each of the criteria that is, I understand
19 from Mr. Miller, forthcoming very shortly. It was
20 supposed to be to us yesterday, but Gibson Dunn is still
21 drafting that and so I'm expecting that will be to us in
22 the next day or two.

23 So, again, that will be another major section of
24 the report for your review and comment, and please send
25 any feedback on that to Mr. Miller.

1 The only thing that we'll be missing are the final
2 statistics and the data that support it because,
3 obviously, we're not completely done with the maps, yet.

4 And the third, most important section, which is
5 what every Commissioner will be involved in, is completing
6 the draft narratives for the districts in the regions that
7 you were responsible for. And again, I'm happy to remind
8 people if they're not sure what they're responsible for.

9 But please provide draft narratives in the formal,
10 the examples that were distributed last week, for your
11 region, for all districts in your region at the Assembly,
12 Senate and Congressional level.

13 Vince and I will take care of the Board of
14 Equalization.

15 And like I said, feel free to negotiate. If you
16 have a district that overlaps with another region, either
17 you can both write something and merge it or you can agree
18 to trade. And just let's make sure we have all the
19 districts covered.

20 And again, that will be due July 30th, we need
21 that back from you. So, please, do not try to reinvent
22 the wheel. We spent a lot of time during Commissioner
23 Ancheta's meeting to make sure we talked through each of
24 the districts and our rationale. So, as you probably saw,
25 Ms. Kubas has provided very detailed and helpful notes on

1 every district, reflecting our discussion as a group. So,
2 feel free to steal from that, it is part of the record.

3 And you can see from the samples that it's really
4 not very long, we're talking, you know, a paragraph for
5 each district and for districts that are Section 2 or
6 Section 5 two paragraphs. So, hopefully, this will not
7 take you very long, we have been looking at these
8 districts for quite a while.

9 Are there any questions about the timeline and the
10 deadlines for this? I will continue to remind you of
11 this.

12 So, and again, we don't have numbers yet but go
13 ahead and, if you haven't already started, please get
14 going on that because, you know, we are going to be in
15 session for the few days before the 30th. So, unless you
16 want to spend the night of the 29th doing it, I suggest
17 that you go ahead and do that to the extent that you can.

18 We have most of the districts are fairly stable
19 right now. There are obviously some districts that we
20 will be going through in the next couple of days, but we
21 will need that draft from you by the 30th.

22 COMMISSIONER DI GIULIO: Okay, with that any other
23 questions for Commissioner Dai on the narrative report?
24 Okay, and you have your assignments.

25 I think the next issue we're going to go into is

1 the district numbering and that includes, of course, the
2 district numbering for the Senate districts, as well as,
3 of course, we still have to number the Assembly and
4 Congressional.

5 And Ms. MacDonald has prepared a memo for us all,
6 I hope you've had a chance to read it.

7 I would only say that let's give her a chance to
8 describe it, first. I found that when I was first going
9 through this her description was very helpful, and then
10 following the memo added -- added additional clarification
11 to that.

12 I think, as she will say, that there's really an
13 issue when it comes to at least with deferrals for the
14 Senate districts there is a legal way that it has to be
15 done, it's not a subjective numbering. It comes up with
16 20 odds and 20 evens, and then it's up to us to apply
17 those actual odds to the odds and -- the actually numbers
18 to the odds and the actual numbers to the evens.

19 So, with that I'll turn it over to Ms. MacDonald
20 and she can give us more details.

21 MS. MAC DONALD: Thank you. Hello, Commissioners.
22 Okay, so I will try to go through this memo. I prepared a
23 half a Power Point because the tables, unfortunately,
24 didn't paste in very well.

25 So, I'm going to -- okay, this is not working.

1 Okay, so let me just go through this general topic of
2 deferral because technology, Power Point's not my friend,
3 never has been and definitely not today.

4 So, deferral is a -- is, of course, the process by
5 which people that are switched from an odd to an even
6 district -- basically, people that are switched from an
7 odd to an even district have to be -- have to be minimized
8 in the Senate numbered.

9 And in order to do this there is a pretty straight
10 forward, actually, statistical process by which we looked
11 at the old Senate districts and then looked at our current
12 visualizations to get an idea of where we are at this
13 point and then essentially figured out how many people
14 would be switched from an odd to an even district.

15 In the end we need to come up with 20 odd and 20
16 even districts, because we have 40 total Senate districts.

17 I'd like Ms. Boyle to show you the map that she
18 prepared, that actually shows what this looks like to
19 actually assess deferral.

20 And I have some statistical reports, some that are
21 abbreviated and some that are in great detail, so if the
22 Commission would like to see those, then we can send those
23 on.

24 CHAIRPERSON ONTAI: Well, before you do that, I
25 think for the viewing audience we need some background on

1 why we're addressing this issue.

2 BACKGROUND SPEAKER: The memo was online.

3 CHAIRPERSON ONTAI: I know, but I'd like a brief
4 verbal background on why we're doing this.

5 MS. MAC DONALD: Okay. Well, we -- because at
6 this point we have basically written -- is that what you
7 mean, we have written names for the Senate districts.
8 And, of course, the current Senate districts are numbered,
9 so they're numbered 1 through 40.

10 And, essentially, we're -- and once we -- once we
11 get away, essentially, from the written description, the
12 descriptive name of the Senate district, we have to
13 move -- we have to move to numbers. So, this is an
14 attempt to figure out which number each district should
15 get. There's something in the Constitution that says you
16 have to start numbering up north and you have to go down
17 south.

18 And you essentially have to figure out what the
19 overlap of the different districts are and I think where
20 you go in is that in the Senate there -- there are
21 staggered elections. Is that what you were referring to?

22 Okay. So, basically, every two years people
23 are -- people are voting and they're either -- either the
24 people in the odd districts are voting or the people in
25 the even districts are voting. And in redistricting you,

1 of course, want to minimize the people that don't get to
2 vote, you know, every two years. So, that's essentially
3 what deferral is all about. So, that's why we have to
4 figure out how to minimize the people that are going from
5 one district to the other.

6 CHAIRPERSON ONTAI: Excellent.

7 MS. MAC DONALD: And what we care about this time
8 around is the people in the odd districts, essentially.

9 CHAIRPERSON ONTAI: Thank you.

10 MS. MAC DONALD: Did that make more sense? Okay.
11 So, the first step is to assign people to an odd and an
12 even pool. So, when I say people, I mean the total
13 population. So, just like when we're drawing lines we're
14 looking at the total population when we're assigning
15 people.

16 So, what we did here and I think maybe -- well, do
17 you want to explain it?

18 MS. BOYLE: Sure. These colored areas that you're
19 looking at on the map are basically the pieces of the 2001
20 Senate districts that constitute the visualization
21 districts.

22 So, this area up here MTCAP-04, this is the
23 portion of the MTCAP Senate district that originates from
24 Senate district 4. This red area here and this area also
25 is an overlap with Senate district, the 2001 4th Senate

1 district.

2 So, you can see that the MTCAP district is
3 composed -- the current population of it is 54 percent
4 originating from what used to be the 2001 1st Senate
5 district, or what currently is still the 1st Senate
6 district.

7 MS. MAC DONALD: So, the blue lines,
8 essentially -- can you trace the blue line? So, the blue
9 lines show our current visualization of the Senate
10 district and what you see underneath are basically the
11 pieces that are coming from the old Senate districts.

12 Does that make sense to everybody?

13 CHAIRPERSON ONTAI: Commissioners, questions?
14 Okay.

15 COMMISSIONER FILKINS WEBBER: I'm sorry, you said
16 the pieces underneath are coming from the old district.
17 So, is there a reason why they're discolored or --

18 MS. BOYLE: The colors are arbitrary, but the
19 colors correspond to single areas of overlap. So, this is
20 an overlap between the visualization and the 4th Senate
21 district, and this area is different because it's an
22 overlap between the visualization and the 1st Senate
23 district.

24 COMMISSIONER FILKINS WEBBER: In other words,
25 those individual citizens were in -- they're in the same

1 district, so whatever number is assigned --

2 MS. BOYLE: These numbers here are the current
3 2001 Senate district numbers, it's not the assigned
4 numbers.

5 COMMISSIONER FILKINS WEBBER: Okay, I'll just let
6 you finish and maybe -- I'll catch up, I'm sure. Maybe I
7 won't, I don't know.

8 MS. BOYLE: Okay. So, you can kind of see, you
9 see this ending digit here, 04, this area used to be
10 the -- is the 4th 2001 Senate district, this area also is
11 the fourth 2001 Senate district, as is this, and possibly
12 an area, small area down here. But can you see that?
13 That's where it used to exist and now part of the former
14 4th district is in NORCO Senate district, visualization
15 Senate district, part of it is in the MTCAP district and
16 part is in the Yuba district.

17 But the percentage is representative of how it
18 constitutes the visualization district.

19 So, the MTCAP is 46 percent 4th district, 54
20 percent 1st district.

21 MS. MAC DONALD: And we need those pieces because
22 it doesn't really matter which odd district they're coming
23 from, it only matters that they are coming from an odd
24 district because then you're adding all the odd district
25 pieces together and you're adding all the even district

1 pieces together to figure out into which pool the
2 particular district should go.

3 And I would really encourage you to ask questions
4 because I want to make sure we're all on the same page.

5 CHAIRPERSON ONTAI: Okay, please proceed.

6 MS. MAC DONALD: So, this is basically how we
7 ended up with an odd and an even pool, right? So, I have
8 a -- we have a pretty extensive spread sheet that actually
9 shows how all these pieces fit together.

10 So, let me just go through the steps just
11 verbally, now that you have the visual in front of you.
12 So, first, the percentage of the total population for each
13 Senate district visualization that is currently in an even
14 or an odd district was calculated, so that's what we did
15 first.

16 Then we -- step two was the current visualizations
17 that had a majority so, basically, above 50 percent of the
18 total population in an even district would go into the
19 even pool. And if they had more than 50 percent in the
20 odd -- in an odd -- in an odd district, then they would go
21 into the odd pool. Right? Pretty straight forward.

22 Okay, it was pretty straight forward until we
23 looked at the results, because the results came back with
24 19 odd districts and 21 even districts.

25 And so, yeah, surprise number one. So, we looked

1 at it and it actually made sense once we looked at the
2 statistics, because it turned out that the even districts,
3 the population is just more evenly distributed.

4 We have some odd districts that have an overlap of
5 a hundred percent, basically.

6 But with the even districts we just have much less
7 of an overlap.

8 So, essentially, there was a modification that we
9 had to do to be able to get 20 districts. So, we looked
10 at -- you know, because otherwise it would get really
11 interesting here.

12 And so what we did -- we're going to try to pull
13 up this first table out of my memo, so we can just take a
14 look at it.

15 Okay, I hope you can see this. So, essentially,
16 this is the odd and the even pool and I've just kind of
17 numbered them right in the middle, 1 through 20. So, we
18 have the district name and then we have the percentage of
19 the origin that's basically in -- can everybody see this?
20 In the old district.

21 So, district -- the district with the name IRVTST
22 has basically a hundred percent overlap. So, you can say
23 there already that we have four districts that are odd,
24 that have a hundred percent overlap. But when you look on
25 the even side you see that there's many -- that the

1 numbers are just much lower.

2 So, what we essentially did is we looked at the
3 highest percentage of overlap with the odd districts and
4 that got us to -- and then took those first 20.

5 So, then those first 20 essentially puts the SF
6 district with 48.5 percent into the odd pool because
7 that's the next highest percentage of odd.

8 So, that will be our odd and even pool and that's
9 the first big magic of deferral.

10 And then the second piece of this is the
11 numbering. So, if we're all on the same page then we have
12 our odd and our even pool. And if nobody has questions,
13 then we can move on to the numbering options.

14 COMMISSIONER FILKINS WEBBER: Is this chart posted
15 or did it come to us?

16 MS. MAC DONALD: I sent it -- I actually worked on
17 this last night, so I sent it to the Tech Committee and
18 I'm not sure if it's been -- if it's been sent out, but we
19 can send it out very quickly.

20 COMMISSIONER FILKINS WEBBER: I see the Tech
21 Committee lead looking at it.

22 COMMISSIONER DI GIULIO: Yeah.

23 CHAIRPERSON ONTAI: Commissioner Dai?

24 COMMISSIONER DAI: Of course this is subject to
25 finalization of any of the Senate districts, which we

1 might still be tweaking slightly.

2 MS. MAC DONALD: Yes. Oh, absolutely. I'm sorry,
3 I should have said that, yeah. So this is current, these
4 are the current visualizations so this doesn't mean --
5 we're going to have to re-run this once we're done.

6 CHAIRPERSON ONTAI: Commissioner Ancheta?

7 COMMISSIONER ANCHETA: Okay, because I just made
8 some suggestions to a draft that Ms. MacDonald had put
9 together, so I didn't circulate it because you had the
10 draft, you were revising the draft so I thought you would
11 use the --

12 MS. MAC DONALD: Oh, I actually did revise the
13 draft and I sent it to you right before I left.

14 COMMISSIONER ANCHETA: Oh, you did.

15 COMMISSIONER DI GIULIO: I think what happened was
16 there was back and forth between the Technical and Karin
17 up to the last few hours, so we weren't sure where it
18 landed, so that's why we didn't send it until we knew for
19 sure it was -- so I just sent what I'm assuming is where
20 we landed up until --

21 MS. MAC DONALD: Yeah, so the most recent, I think
22 I sent it out at 12:50 or so today.

23 VICE-CHAIRPERSON GALAMBOS MALLOY: So, we'll work
24 with staff to try and get this posted ASAP.

25 CHAIRPERSON ONTAI: Yeah. Any other questions?

1 Commissioner Yao?

2 COMMISSIONER YAO: Karin, would you have enough
3 details with you such that you can pick any one of those
4 districts and walk through all the calculations so that we
5 understand what's happening?

6 MS. MAC DONALD: Yeah, we can do that.

7 COMMISSIONER YAO: Just one, just one of them; the
8 one in the middle so that it's not a hundred percent.

9 MS. MAC DONALD: We'll put the master spread sheet
10 up. So, just one second.

11 Okay, so this was the master spread sheet, this
12 was the one where -- we have an abbreviated memo, too, but
13 you may want this because it's actually -- it actually is
14 kind of fun once you've looked at it for a while.

15 So, would you like to pick a district or just
16 start with the top one?

17 Let's start with the one on the top, which is
18 CCHTM, and I'm going to give this to Nicole, since she put
19 this together.

20 MS. BOYLE: Okay, in this spread sheet you can see
21 that CCHTM overlapped with four of the 2001 Senate
22 districts, District 31, 36, 37 and District 40. And this
23 is the population of the overlapping area.

24 So, District 31, 9,000 residents in the CCHTM
25 visualization Senate district originate from the 31st

1 Senate District.

2 302,327 people in the CCHTM district are
3 originating from the 36th Senate District. And here we
4 have 374,441 individuals originating from the 37th Senate
5 District.

6 This is the percent of the Senate district in the
7 2001 Senate district that's overlapping with the CCHTM.
8 So, this number here is reflective of the 2010 population
9 in the 2001 district piece divided by the 2010 population
10 of the 2001 Senate district.

11 Questions?

12 MS. MAC DONALD: There will be a quiz.

13 COMMISSIONER DI GIULIO: And just as a note, this
14 is not something we have, this is something we can post.
15 You can post it on the website later. This is the first
16 time we've seen this.

17 MS. MAC DONALD: Actually, you have this, too. I
18 sent this a little bit before the other memo, yeah.

19 COMMISSIONER DI GIULIO: Okay, so that one we did
20 have.

21 MS. MAC DONALD: I'm sorry you have a cut down
22 version of this and then you have the long version of
23 this.

24 But, Commissioner Yao, I should explain that this
25 is basically the spread sheet that was used to make the

1 map that we just looked at. So, the pieces that you're
2 looking at here for each district are the pieces that you
3 saw on the map.

4 Would you like to go through another district?

5 MS. BOYLE: So, the pieces on the map, the
6 percentages you were looking at is this number over this
7 number here.

8 COMMISSIONER BARABBA: Okay, help me out on the
9 column H?

10 MS. BOYLE: The column H. This is the population
11 of the 2001 Senate district, the current population, so
12 they're going to vary by Senate district, right; the
13 districts are out of balance.

14 COMMISSIONER BARABBA: Ah, so the million 18 is --
15 represents --

16 MS. BOYLE: The current population of the 36th
17 Senate District.

18 COMMISSIONER BARABBA: Okay.

19 COMMISSIONER YAO: The question I have is instead
20 of working with percentages why couldn't you just work
21 with total heads?

22 MS. BOYLE: That's where we started and that's in
23 column C and column H. Column C is the total heads in the
24 pieces. So, if you total column C, it totals the current
25 State population.

1 COMMISSIONER YAO: Right. In other words --

2 COMMISSIONER DAI: It accounts for population
3 growth and shifts.

4 COMMISSIONER YAO: In other words, going back to
5 your previous chart when you -- when you identified so
6 many percentage came from the even district and so on,
7 instead of working with percentages couldn't you have just
8 counted the number of heads and just leave it at that, and
9 not worry about the percentage?

10 MS. MAC DONALD: Yeah, we could have done that,
11 too. If you'd like to see a chart that way, we could do
12 it.

13 COMMISSIONER YAO: Yeah, the part I don't
14 understand is the percentage is a percentage of what?

15 MS. BOYLE: So, the percentage in that chart is a
16 percentage of the even and the odd population. So, it's
17 the odd pieces added up and put over the total population
18 of the visualization district.

19 So, in this case you can see that District 31 is
20 an odd piece and District 37. So, I added the population
21 from District 31 and 37, which is reflected here as
22 383,515 --

23 COMMISSIONER YAO: Uh-hum.

24 MS. BOYLE: -- and I divided it by the total
25 population of the visualization --

1 COMMISSIONER YAO: Okay.

2 MS. BOYLE: -- to determine that 41.23 percent of
3 the population in the visualization district originated
4 from an odd 2001 Senate district.

5 COMMISSIONER YAO: No, thank you. This is more
6 than adequate, thank you.

7 COMMISSIONER BLANCO: And then just continuing on
8 the walking through just what the process would be, so now
9 we know that 41.23 percent of our CCHTM district came from
10 an odd-numbered district, what would be the -- what would
11 we do next just following the process, just to walk us
12 through it, now that we know that?

13 MS. MAC DONALD: Well, then we assign them all,
14 remember, to the odd and the even pools, essentially. So,
15 first, we looked at everybody who was above 50 percent in
16 the odd pool and that's how we ended up with 19 in the odd
17 and 21 in the even.

18 COMMISSIONER BLANCO: So, this one wouldn't be in
19 the odd because it's under 50. Just as an example.

20 MS. MAC DONALD: We're going back. So, this one
21 here would be in the even pool because the 58 -- right.

22 COMMISSIONER BLANCO: Uh-huh.

23 MS. MAC DONALD: Yeah, so this one would be 58.77
24 percent in the even pool.

25 COMMISSIONER BLANCO: So, it's in the even pool?

1 MS. MAC DONALD: Exactly.

2 COMMISSIONER BLANCO: Okay.

3 MS. MAC DONALD: And if you look at this chart for
4 quite some time it makes a lot more sense, because it
5 really is straight forward. I know it's a little
6 overwhelming when you first look at it.

7 CHAIRPERSON ONTAI: Commissioner Yao?

8 COMMISSIONER YAO: So, based on your comment, you
9 only had two districts that the data couldn't decide as to
10 whether it's odd or even, correct? Because you had 19
11 odds and 21 even.

12 COMMISSIONER BARABBA: That's only one.

13 MS. MAC DONALD: Well, actually, really if you --
14 I mean we have 19 odds if we looked at everybody, every
15 odd district that was above 50 percent.

16 COMMISSIONER YAO: Right.

17 MS. MAC DONALD: Right, then we have 19. So, we
18 just took the highest one that was below 50 percent.

19 COMMISSIONER YAO: Okay.

20 MS. MAC DONALD: And then that one switched sides.

21 COMMISSIONER YAO: Okay. When it's over 50
22 percent, it's difficult to argue as to which way it should
23 go.

24 MS. MAC DONALD: Correct.

25 COMMISSIONER YAO: Now, if you look at the even

1 districts that you picked the top 20 that are over 50
2 percent?

3 COMMISSIONER DAI: May I?

4 MS. MAC DONALD: Yeah.

5 COMMISSIONER DAI: What you did -- what they did
6 was they rank ordered by percentage of odd.

7 COMMISSIONER YAO: I understand.

8 COMMISSIONER DAI: So, they took the top 20 that
9 were the most odd, which meant that by default --

10 COMMISSIONER YAO: I need to think through not so
11 much the first 19, but I have to think through the number
12 20 because they had less than 50 percent --

13 COMMISSIONER DAI: Right. Correct, so they
14 were --

15 COMMISSIONER YAO: -- of the people that came from
16 an odd district, okay.

17 COMMISSIONER DAI: However, they were still the
18 most odd compared to the remaining ones which, by default,
19 were more even.

20 COMMISSIONER YAO: Well, as I said, I need to
21 think through as to whether that's the right logic or not.

22 So, if we go to the even districts and I pick out
23 the top whatever, 20, that are over 50 percent, or 21 that
24 are over 50 percent, then I can perhaps justify the top 20
25 should be even, okay.

1 But what I need to think through is the 20th odd
2 district and the 21st even district as to whether that
3 rationale totally applies.

4 COMMISSIONER DAI: Yeah.

5 COMMISSIONER YAO: That's really where I am. I
6 haven't thought about this outside of this particular
7 meeting.

8 COMMISSIONER DAI: Right. So, I think what Q2 did
9 is very logical, which they took the next most odd
10 district, which is actually slightly even, but it is more
11 odd than all the other even districts.

12 COMMISSIONER BARABBA: In many ways.

13 (Laughter)

14 COMMISSIONER ANCHETA: It's fairly statistical.

15 COMMISSIONER DI GUILIO: Maybe to answer
16 Commissioner Yao's, I see what he's trying to say is
17 let's -- maybe we should look at all the --

18 CHAIRPERSON ONTAI: Compose yourselves.

19 COMMISSIONER DI GUILIO: -- maybe we should look
20 at all the events and maybe start kind of reassessing them
21 based on just the even numbers. But I don't think that
22 matters, I think if we're using the same criteria you
23 would still have -- if we just looked at the top 21 even,
24 you would still come out in this order, which is the least
25 even would be the --

1 COMMISSIONER DAI: The most odd.

2 COMMISSIONER DI GIULIO: The most odd. So, again,
3 it's just two sides of a coin.

4 CHAIRPERSON ONTAI: You know, in respect to each
5 other raise your hand if you want to comment.

6 Commissioner Parvenu?

7 COMMISSIONER PARVENU: For the sake of extreme
8 comparison can you pull that chart down just a little, I
9 want to see the top one that says 100, I think it's SI
10 something. Okay, a little bit more, please, down?

11 Okay, for the sake of extreme comparison can you
12 give me an example on the other chart of one of those 100
13 percent ones and then, similarly, go down to the zero one
14 at the other end, at the other extreme, so I can see how
15 those numbers play out on those charts? Just to show
16 those, is that quick? Can you find that quickly?

17 MS. MAC DONALD: Yes, yes, just one second.

18 COMMISSIONER PARVENU: Okay. All right.

19 MS. MAC DONALD: Okay, so let's start with the
20 Kings district because that was one that had zero. So, if
21 you look at -- can you see it on the chart?

22 COMMISSIONER PARVENU: Yes, I can see it.

23 MS. MAC DONALD: We're trying to make it bigger,
24 one second. We can do numbers, but spelling is not our
25 thing. No, I'm kidding.

1 Okay, so row 59 there, this is Kings. And what
2 you see there is that Kings, basically, the population
3 came from Districts 14, 16 and 18. So, you had 34,205
4 people from District 14, so that's an even district,
5 783,194 from District 16, also an even district, and
6 117,624 from District 18, which is also an even district.
7 So, essentially, you have zero percent from an odd
8 district, 100 percent from an even district, so that will
9 be the bottom.

10 And now, would you like to see the 100 percent on
11 the other end?

12 COMMISSIONER PARVENU: Yes.

13 MS. MAC DONALD: Okay. Okay, so in row 47 you see
14 IRVTST, so that was the first district that was listed on
15 my chart, and you see that we have 373,490 people coming
16 from District 33, zero people from District 34, so that's
17 probably a zero population piece. We know those all very
18 well by now. And from District 35 you have 556,548
19 people.

20 So, you have basically Districts 33 and Districts
21 35, both odd districts contributing to the population and
22 that gets you to 100 percent of the population, which
23 means that there is zero population in the even pool.

24 COMMISSIONER PARVENU: Thank you.

25 CHAIRPERSON ONTAI: Commissioner DiGuilio, you

1 want to continue? Okay, any other comments?

2 All right, let's move on.

3 MS. MAC DONALD: Okay, now we can go to numbering.

4 This is where the real excitement is.

5 STAFF COUNSEL JOHNSTON: Chair, before you begin,
6 can you just call -- I just wanted to remind the
7 Commission that they're limited to some extent by what the
8 Constitution provides. It says that "Districts shall be
9 numbered consecutively, commencing at the northern border
10 of the State and ending at the southern border."

11 MS. MAC DONALD: Okay.

12 COMMISSIONER DI GIULIO: I think that's the --

13 CHAIRPERSON ONTAI: Okay, Commissioner DiGuilio.

14 COMMISSIONER DI GIULIO: I think that's the point,
15 but what we're trying to do first is just establish
16 what -- which ones are odd and which ones are even and
17 that's based on this running of the overlap report. And
18 then how we go about assigning those numbers is what Ms.
19 Johnston was saying in terms of starting north and going
20 south.

21 So that will be the next point of discussion as we
22 move forward is what numbers we'll actually give to each
23 of these districts based on the numbers that are already
24 established as odd and even.

25 MS. MAC DONALD: Okay, so shall we go on with the

1 numbering?

2 CHAIRPERSON ONTAI: Yes, please.

3 MS. MAC DONALD: Okay, just one second. Sorry,
4 we're switching between Excel spread sheets, Power Points,
5 and maps, so just one second.

6 Okay, so there's basically -- what I've outlined
7 and have been working with, with the Tech Committee, are
8 essentially three methods for your consideration. And two
9 of them, essentially, came straight from the
10 Commissioners.

11 So, one was not looking at the underlying
12 districts, so it was basically not caring at all about
13 whether at all about whether or not there is what I called
14 continuity with the old districts at all.

15 So, essentially, when you have an overlap piece,
16 let's just say you have a 50 percent overlap piece, the
17 question is do you look at their former numbering or do
18 you just disregard that? So, if you disregard it
19 altogether, that's the most straight forward process
20 because then you're really just looking at the odd and
21 even pool and you're just starting to number.
22 Essentially, you start at the Oregon border and then you
23 just make your way down to the south.

24 And that's straight forward and pretty easy.

25 So, with the geographic method, essentially, as

1 you can see there are the odd districts were numbered from
2 north to south, starting at the Oregon border and
3 continuing with the most northern point of each district
4 until all the odd numbers have been assigned, and then we
5 did the same thing with the even districts. So, we kind
6 of just played this out on our current visualization, just
7 so you can kind of see what this looked like.

8 And this is essentially the number, but I think --
9 if Nicole pulls up that table you can see it -- you can
10 see it better.

11 So, what you see here in table 2 is that the
12 Mountain CAP district would get, you know, the number 1,
13 then the NORCO district would get number 2, and you just
14 kind of go up and down the map that way. That's
15 essentially it.

16 So, then the next method was one that was also
17 brought up by one of the Commissioners. Never mind.
18 Okay, so that didn't make it into the Power Point.

19 So, I'm going to just read this off now. I'm
20 sorry about that. So, the next one is when you're
21 essentially looking at the current numbering, so that will
22 be assigning individual district numbers under what I call
23 the consistency/overlap with the current districts method.

24 So, you want to look at the underlying district
25 and then, you know, basically number based on the

1 proportion that you have.

2 So, the steps that we took for that was, first, we
3 assigned the odd districts the number of the odd district
4 with the biggest overlap and then the even districts were
5 assigned the number of the even district with the biggest
6 overlap. And then we performed a check to make sure that
7 no districts or numbers had been double-counted, because
8 that can actually happen because we have all these
9 different, you know, district pieces.

10 So, what we had here is -- okay. So, under step
11 three, I don't know if you can see this, so we performed
12 the check to make sure that no districts or numbers had
13 been double counted.

14 What we had, for example here, was that 19,
15 District 19 had the biggest overlap with the EVENT
16 district. However, the SBWVE district had an even bigger
17 overlap with number 19, so it was 523,727 versus 360,000.
18 So, because of that the EVENT district, the E-V-E-N-T
19 district was assigned the number of the next biggest
20 overlap, which was 23.

21 So, and then going down this memo CCHTM is an
22 anomaly in that ever number that CCHTM overlaps with is
23 already assigned to another district because the other
24 district has a bigger overlap with it than the CCHTM does.
25 Okay, start letting me know when I'm losing you and then

1 we can go back to the spread sheet, because it's actually
2 easier once you look at the spread sheet.

3 And because of that we had to figure out what the
4 only available, currently unassigned even number from the
5 even pool would be, because it had to get an even number,
6 but all the other numbers were already assigned. So, this
7 particular one ended up getting the number 08.

8 COMMISSIONER DAI: Chair?

9 CHAIRPERSON ONTAI: Commissioner Dai?

10 COMMISSIONER DAI: Maybe I'm asking a stupid
11 question but what -- what advantage is there to -- this
12 seems much more complicated than the first method and it
13 seems like you would get very random numbers that don't
14 really make a lot of sense at the end, given how different
15 some of our districts are from the 2001 districts.

16 I'm just wondering what the advantage of having
17 consistency is, since it doesn't make any difference in
18 deferral?

19 MS. MAC DONALD: Well, if you're asking me, I mean
20 I prepared this because it was brought up here that, you
21 know, the Commission wanted to take a look and see what
22 this would look like, and it actually does look very funny
23 because you have some anomalies in there and the outcome
24 is a little strange.

25 We have a third method that we came up with that

1 basically is an overlap between those two methods, the
2 geographic and this one, that we call the hybrid. But
3 that where you could perhaps even out some of the
4 anomalies but, most certainly, the geographic method is
5 the one that's much more straight forward and I,
6 personally, don't know what --

7 COMMISSIONER DAI: Any advantage is?

8 MS. MAC DONALD: -- the advantage is from if
9 you --

10 COMMISSIONER DAI: Okay, yeah, because I
11 understand there are lots of different ways of doing this.
12 But it seems to me if part of our purpose is to, you know,
13 make this easier for voters, it might make sense to have
14 something that's consecutive.

15 CHAIRPERSON ONTAI: Commissioner DiGuilio,
16 followed by Commissioner Blanco, followed by Commissioner
17 Raya.

18 COMMISSIONER DI GUILIO: And just to fill out that
19 question it was simply that we, as a Commission, had asked
20 to look at these different models. I think we started in
21 Fresno, maybe, and there was even a Yao method, and things
22 like that.

23 So, this was -- the reason that Ms. MacDonald went
24 through all these is that we, as a Commission, had asked
25 to see what's geographic, and then what is it if we

1 started with what currently exists, kind of the discussion
2 we'd had with do we start redistricting based on current
3 maps or start from scratch.

4 So, we kind of did this to ourselves. So, but I
5 think now that we know those implications we can have a
6 better idea of what our options are and what's maybe the
7 easiest and straight forward.

8 CHAIRPERSON ONTAI: Commissioner Blanco?

9 COMMISSIONER BLANCO: I'm probably jumping the gun
10 then, but it seems to me that there's been so much -- even
11 though one morning I think it's simple and the next
12 morning I think it's extremely complicated, I think
13 overall there's confusion about this in the general
14 public, and there's a lot of sort of like what are they
15 doing and my district's going to miss an election. This
16 is just an area that makes everybody very nervous if
17 they're in an odd-numbered Senate district right now, you
18 know.

19 So, I guess my instinct is that the less moving
20 parts we have to how we do it, the less there can be
21 concerns that why did they do this and why 51 and not --
22 you know, and all the -- once you get into options two and
23 three, even though they're not discretionary, they're all
24 still numerical absolute ways of doing it, you've
25 increased the various in a sense of how you're doing it.

1 And I think given that this is such a sensitive
2 area, I think the less, the fewer variables and the more
3 straight forwardness in a sense, the better for us on this
4 is my sense of it.

5 CHAIRPERSON ONTAI: Commissioner Raya, followed by
6 Commissioner Filkins Webber.

7 COMMISSIONER RAYA: Okay. I would like to ask and
8 I don't know if it's Karin, or someone else on the
9 Commission, to just walk through, briefly, the impact when
10 you -- I'm the Senator in District 1 and now I'm in
11 district -- now, I live in District 2? You know, that
12 little scenario. I just want to be sure that I have all
13 of that clear in my mind, too, as we're talking about how
14 this works.

15 COMMISSIONER ANCHETA: Oh, you want me to answer
16 it? Oh, well, actually, I've sent a note to Ms. MacDonald
17 that this question would come up, even though it wasn't
18 necessarily dealing with deferrals, per se. But it does
19 have to do with who, actually, is serving in the Senate,
20 right.

21 So, for example, let's say that I'm currently
22 serving in an even-numbered district, right, it's District
23 Number 2, so I ran for office in 2010, I'm not up for
24 reelection until 2014, right? New lines are drawn, all of
25 the sudden I now live in an odd-numbered districts because

1 of how the Commission decided to do it that way. Now, do
2 I still serve out my term? I think the answer is yes.

3 Can I run for that seat, I think the answer is
4 yes.

5 What happens when everybody gets sworn in, do I
6 have to give up one of my seats? I believe the answer is
7 yes, I think you have to give up your even-numbered seat.
8 Who fills it, I'm not sure who fills that or how that gets
9 filled, if that's done by appointment or not is -- it's a
10 special election. Does that get -- that's not what you're
11 addressing?

12 COMMISSIONER RAYA: Yeah. No, that is what I'm
13 addressing, but I thought I remember something about the
14 Rules Committee appointing seat fillers, or place fillers,
15 or whatever that.

16 COMMISSIONER ANCHETA: Is that right?

17 COMMISSIONER RAYA: So, not a special election.

18 COMMISSIONER ANCHETA: Yeah, it's that last part,
19 I'm not really sure about that.

20 COMMISSIONER RAYA: Okay, well that -- I think
21 that's -- I mean I don't think that's essential,
22 necessarily, to deciding which system we want to use or
23 what we think of these, but I think it's an important part
24 of public understanding of, you know -- and I think as
25 Commissioner Blanco suggests, the fewer moving parts, the

1 easier it is to get an idea of what process took place and
2 what happens to my representative. I think that's a big
3 concern.

4 COMMISSIONER ANCHETA: And I did bring this up
5 with Mr. Miller and he wasn't quite sure exactly about the
6 answer to that last part of that, and we can just kind of
7 confirm that I think just to make sure.

8 MS. MAC DONALD: Could I -- may I add to this so
9 very -- is that okay?

10 CHAIRPERSON ONTAI: Please, go ahead.

11 MS. MAC DONALD: I just want to make sure that
12 it's clear that it doesn't matter how we number it, we
13 already have an odd and an even pool. So, there's not
14 going -- the deferral is the same, it's just how we number
15 is the question, now.

16 So, people are going to be in the odd or the even
17 pool; that does not change.

18 CHAIRPERSON ONTAI: Commissioner Filkins Webber,
19 followed by Commissioner DiGuilio.

20 COMMISSIONER FILKINS WEBBER: I just had a
21 question for Commissioner Blanco, just so I can
22 understand. You had made a comment about some people are
23 nervous about being in an odd district?

24 COMMISSIONER BLANCO: Yeah.

25 COMMISSIONER FILKINS WEBBER: And so I was under

1 the impression that they -- why would they be nervous if
2 the election's coming up next year?

3 COMMISSIONER BLANCO: I think the -- I think the
4 folks in the odd-numbered districts are the ones that
5 won't have an election until 14.

6 COMMISSIONER FILKINS WEBBER: Oh, I got it
7 backwards then.

8 COMMISSIONER BLANCO: Yeah.

9 COMMISSIONER FILKINS WEBBER: So that's --

10 COMMISSIONER BLANCO: Yeah, so --

11 COMMISSIONER FILKINS WEBBER: Okay, so then I'm
12 concerned. No, I understand. Okay, so the -- if you're
13 placed in an odd district -- this is where I've been going
14 back and forth. So, if you're in an odd district, then
15 your election doesn't come up until 2014. Okay, thank
16 you.

17 So, you're correct, then rightfully so, people
18 would be nervous then. Okay.

19 CHAIRPERSON ONTAI: Commissioner DiGuilio?

20 COMMISSIONER DI GUILIO: And I think, again, it's
21 important, as Ms. MacDonald has said is what -- what is
22 assigned an odd and an even is not our choice as a
23 Commission. We had -- it was our choice when we drew
24 districts and those districts -- we drew certain districts
25 based on all the COI and without consideration to whether

1 this would be an odd or an even, whether there would be a
2 certain overlay or what percentage it would end up.

3 We drew districts based on all the criteria that
4 we had. Once those districts were drawn, the computer
5 generated the overlay report and the deferrals, the
6 numbers were based simply on the percentages that we saw.

7 So, if someone comes to us from the public and
8 says you should have given us an odd, we've always been
9 odd and now we're even, we didn't assign those numbers.
10 They were assigned after the computer ran the program,
11 based on the maps that we drew.

12 COMMISSIONER FILKINS WEBBER: Right.

13 COMMISSIONER DI GIULIO: Now, how that affects
14 individuals is very significant and very important and I
15 think it would help us, as a Commission, to -- it would
16 help the public if we helped them to understand. But I
17 think there's a very important distinction; the public has
18 to understand that we weren't the ones that assigned the
19 odd or even.

20 Which odd, if you're number 1, or you're number 3,
21 or you're number 5, we have some choices.

22 CHAIRPERSON ONTAI: Yes.

23 COMMISSIONER DI GIULIO: But not if you're a one
24 or a two. So, that's important for us and the public to
25 understand.

1 CHAIRPERSON ONTAI: That's very helpful. Let me
2 get Commissioner Aguirre, followed by Commissioner
3 Ancheta, followed by Commissioner Dai.

4 COMMISSIONER AGUIRRE: Yeah, I think some of the
5 testimony that we've received and concern from the public
6 was that if they were in a particular district, odd or
7 even, that their election was not going to be coming up
8 for another, you know, until 2014. And the concern was
9 that they were not going to be represented in the interim.

10 And that seemed to be, you know, the basis of the
11 anxiety of the public.

12 What I gather and I'm not sure if I'm correct on
13 this, is that actually, if -- in one scenario then you get
14 to finish out, as a Senator, your term and in the other
15 scenario then if you -- then somebody's appointed to
16 represent you; is that correct?

17 COMMISSIONER DAI: Yes.

18 CHAIRPERSON ONTAI: Yeah.

19 COMMISSIONER AGUIRRE: So, in that sense, then,
20 they do have somebody from their area representing their
21 area in the Senate, although that person might not be the
22 one that they chose through an electoral process.

23 CHAIRPERSON ONTAI: That's correct. Commissioner
24 Ancheta?

25 COMMISSIONER ANCHETA: Yeah, that was the point I

1 was going to emphasize. And I believe it's, again, the
2 odds are coming up in 2012.

3 COMMISSIONER DAI: No.

4 COMMISSIONER FILKINS WEBBER: That's what I
5 thought, too.

6 COMMISSIONER ANCHETA: Well, I think the odds
7 are -- well, it doesn't really matter because -- well, it
8 matters if testimony is coming in, in a certain way, then
9 it does matter, but I believe the odds are 2012.

10 CHAIRPERSON ONTAI: I think the public wants to
11 know.

12 COMMISSIONER ANCHETA: And the evens are 2014.

13 COMMISSIONER FILKINS WEBBER: I want to know.

14 CHAIRPERSON ONTAI: It is important; the public
15 wants to know as well.

16 COMMISSIONER ANCHETA: And I think Ms. MacDonald's
17 been operating under that assumption that 2012 was odd and
18 2014 was even, for this explanation.

19 COMMISSIONER BARABBA: That's why San Francisco
20 wanted to be odd was because they had the two Senators, as
21 I recall.

22 COMMISSIONER ANCHETA: Right, so hence --

23 MS. MAC DONALD: Well, I was -- we're looking at
24 it, but I was under the impression that that's why we're
25 caring about the odd districts is because it's their turn

1 to vote next, which will be in 12.

2 COMMISSIONER ANCHETA: Right, and if they turned
3 even, they don't get to vote until 2014.

4 MS. MAC DONALD: And that's why people were
5 talking about --

6 COMMISSIONER DAI: Staying odd.

7 MS. MAC DONALD: -- being concerned with stating
8 in the odd district.

9 CHAIRPERSON ONTAI: All right. Do you want to go
10 on, Ancheta?

11 COMMISSIONER ANCHETA: I'm not sure what I'm doing
12 anymore, so who knows.

13 CHAIRPERSON ONTAI: All right, we'll come back to
14 you if you have a question.

15 Commissioner Dai?

16 COMMISSIONER DAI: Yeah, I just wanted to clarify
17 for the public is that this is not a new problem, this
18 happens every ten years with redistricting. We did not
19 create this problem with the creation of the Citizens
20 Redistricting Commission; we are just dealing with it
21 instead of the Legislature.

22 And Commissioner DiGuilio said that we didn't have
23 a choice, but we did. We actually made a conscious choice
24 to minimize deferral. We could have chosen not to do that
25 and we chose to minimize deferral and then directed our

1 consultant, Q2, to then run the computer report that would
2 minimize deferral, and that is what we looked at.

3 CHAIRPERSON ONTAI: Commissioner Ancheta.

4 COMMISSIONER ANCHETA: And that right because we
5 could, simply -- if we didn't really care about deferrals,
6 we could just go west to east across the State, which
7 would be a nice numbering system, but that would be
8 basically disregarding the impact of deferrals and we've
9 made that decision a few weeks ago to try and minimize
10 them.

11 CHAIRPERSON ONTAI: Commissioner Raya?

12 COMMISSIONER RAYA: I think that it's important
13 since in this entire process we have said over and over
14 again that we did not look at existing districts, we don't
15 know who's in them, what the impact was. You know, I
16 would personally not want us to use the overlay just
17 because I think it has that suggestion that we're somehow
18 taking that into account when from day one we have not.
19 And I think you could poll us right now and most of us
20 would not know who's where.

21 CHAIRPERSON ONTAI: Commissioner Barabba?

22 COMMISSIONER BARABBA: Yeah, I think in this case
23 we're doing the overlay after we drew the district, so the
24 overlay is only to determine the extent of the deferral.

25 CHAIRPERSON ONTAI: Ms. Johnston?

1 STAFF COUNSEL JOHNSTON: The even Senate districts
2 were elected in 2010, so it will be odd districts in 2012.

3 COMMISSIONER RAYA: And I just want to say I'm
4 looking at it from the point of view of the information
5 and the perception that the public has. I understand
6 that, you know, we're doing it after we drew the
7 districts, we didn't take it into account.

8 But, you know, we've seen many times that little
9 pieces of information can be, you know, read in different
10 ways. And that's the only reason that I would, you know,
11 opt for a cleaner approach.

12 CHAIRPERSON ONTAI: Any other comments? Okay,
13 let's move on.

14 MS. MAC DONALD: Would you like to see, perhaps,
15 the map where we looked at the three different methods,
16 which the first one was the geographic method and looked
17 at what the numbering would look like? The second one is
18 the continuity, i.e., overlap with the current districts
19 method and the third one is the hybrid. So, the hybrid
20 would be the one, and I haven't really explained this, so
21 essentially those anomalies that I was talking about in
22 the overlap in the existing districts, that we just talked
23 about one anomaly with the even district, we actually have
24 another one with an odd district.

25 And you can see this here, just one second, I'm

1 going to read this off to you. Just one second. Sorry, I
2 just lost it, just one second. Oh, yeah, here we go.

3 So, the W-I-N-E district, the WINE district is
4 another anomaly in that every number that the WINE
5 district overlaps with is already assigned to another
6 district that has a bigger overlap, so this is basically,
7 exactly the same thing that happened with the district I
8 just talked about right before, which was the CCHTM.

9 And but the WINE district is an odd district. And
10 I don't know if you can see this, the WINE district is
11 actually right there in the center and you see that there
12 is a number 33 in there. So, under the consistency,
13 actually, method because there is no sufficient overlap
14 and there was only one odd number that had not been
15 assigned, this is part of what happens when you're doing
16 this because this was the only available number, right?

17 So, essentially what you can do with this hybrid
18 method -- and, again, I went through this because I was
19 directed to go through it, this was not out of my own free
20 will, I assure you.

21 (Laughter)

22 MS. MAC DONALD: So, essentially, the hybrid
23 method basically looks at how you could make sense of, you
24 know, using the geographic method and then also looking at
25 the consistency method and blending them so it just makes

1 a little bit more sense.

2 So, what we did here is we looked at our current
3 visualizations. Like, for example, NORCO, that's a pretty
4 straight forward one, you see that it's in the even pool.
5 And the first number is the continuity/consistency number,
6 the second one is geographic and the third one is what
7 would happen under the hybrid.

8 So, remember, the one in the middle is going to be
9 the one if we don't look at the existing numbers and we
10 basically just start numbering, you know, up at the Oregon
11 border. And then the other two that are on each side are
12 essentially the hybrid and then also the
13 consistency/continuity one. So, for NORCO they would
14 all -- NORCO would get the same number in any case. But
15 then, again, here you have the WINE district that would
16 get a 33.

17 We would, essentially with the hybrid method, we
18 would only look at districts that have more than 50
19 percent, now it's getting complicated again, that only
20 have more than 50 percent of an overlap and then those
21 districts would essentially be assigned the previous
22 district's number.

23 All the districts that are below 50 percent, they
24 go into a pool and then that pool can be used as it makes
25 the most sense, essentially. And what I mean by that is

1 we would go up to the north and, you know, use the smaller
2 numbers for the north and then use them to go down south
3 and that would even things out just a little bit.

4 COMMISSIONER DAI: Chair?

5 CHAIRPERSON ONTAI: Commissioner Dai?

6 COMMISSIONER DAI: I am completely convinced by
7 this presentation that we should just go with simple
8 geographic numbering. And I'm wondering if everyone else
9 has that same sense?

10 You know, I feel like we didn't start with the
11 original districts when we started drawing our maps so,
12 you know, I don't understand what the advantage would be
13 to have consistency. It might, I don't know, save some
14 reprinting costs for a few incumbents. But some of these
15 districts, as you saw, are composed of four or five of the
16 old districts, so it would save a very small percentage of
17 costs.

18 So, I -- I mean I'm ready to move that we just go
19 with the simple geographic numbering method, although I
20 certainly appreciate Ms. MacDonald's extensive research
21 into alternatives for the Commission.

22 CHAIRPERSON ONTAI: Commissioner Ancheta?

23 COMMISSIONER ANCHETA: Yeah, I would support that,
24 although I do have a question, and this is just a matter
25 of Constitutional interpretation. Because it says, you

1 know, numbered consecutively commencing at the Northern
2 boundary and then they get the Southern boundary.

3 Does that preclude this kind of numbering under
4 any of these scenarios because is it numbering
5 consecutive? In other words, if you're doing -- Ms.
6 MacDonald, could you pull down the -- just go to the top
7 so we can see the assigned numbers.

8 So, for example, 2 comes after 1, normally, that's
9 not consecutive given how we normally order things. Four
10 is next, that's not -- that comes before 3.

11 Does the Constitution mandate something different
12 is the question?

13 STAFF COUNSEL JOHNSTON: I believe that's the only
14 possible interpretation to give to consecutive, if you
15 number 1, 2, 33 that's not consecutive in any stretch of
16 the imagination. I think you have to go 1, 2 -- I think
17 you could start at the right top corner and go 1, 2,
18 because it just says you have to start at the top of the
19 State. But after that you have to go consecutively, the
20 Constitution requires it.

21 CHAIRPERSON ONTAI: Hold on. Commissioner
22 Barabba, did you have your hand up?

23 Okay, Commissioner DiGuilio, followed by
24 Commissioner Dai?

25 COMMISSIONER DI GUILIO: Is it consecutive within

1 like consecutive odds and then consecutive evens?

2 STAFF COUNSEL JOHNSTON: It just says
3 consecutively.

4 COMMISSIONER DI GIULIO: Because if you say
5 consecutively, then you're not trying to minimize
6 deferrals, you're --

7 STAFF COUNSEL JOHNSTON: Exactly.

8 COMMISSIONER DAI: No, I think --

9 CHAIRPERSON ONTAI: Commissioner Dai?

10 COMMISSIONER DAI: Yeah, I mean I think Ms.
11 MacDonald pointed out that they paid attention to
12 contiguity, so if you go consecutively 1, 2, and then 2 is
13 connected to 3, and 3 is connected to 4.

14 I think that that's within --

15 STAFF COUNSEL JOHNSTON: Right, but giving WINE
16 country 33 would not be consecutive.

17 COMMISSIONER DI GIULIO: Okay. Well, yeah.

18 COMMISSIONER DAI: I'm sorry was that -- am I
19 misunderstanding that, Ms. MacDonald, that if you do it
20 geographically WINE would still get 33? I thought you
21 said the first one was --

22 MS. MAC DONALD: No, but YUBA would still get a 4
23 and it would still be between 1 and 2.

24 COMMISSIONER DAI: No, but if you -- you said you
25 went geographically from north to south, so how did WINE

1 get 33?

2 MS. MAC DONALD: The first number is the -- is the
3 consistency number.

4 COMMISSIONER DAI: Oh, I'm sorry.

5 MS. MAC DONALD: But that was the one where we had
6 an odd, no pun intended, event.

7 COMMISSIONER DAI: So, which one was the
8 geographic one?

9 MS. MAC DONALD: It's the one in the middle.

10 COMMISSIONER DAI: The one in the middle, so that
11 one is 3, Ms. Johnston, WINE is number 3.

12 STAFF COUNSEL JOHNSTON: Could you pull further
13 down in the State to see how it goes?

14 COMMISSIONER DAI: Because the whole point of the
15 geographic method is to make sure we do it consecutively.

16 COMMISSIONER RAYA: Okay, Chair, I have a
17 question?

18 CHAIRPERSON ONTAI: Oh, Commissioner Raya.

19 COMMISSIONER RAYA: Okay, and I don't know if I'm
20 just thoroughly confused now, but is counsel saying that
21 basically all of this deferral means nothing, so too bad,
22 so sad, we just start at the top and move on?

23 CHIEF LEGAL COUNSEL MILLER: The Constitution give
24 us precious little guidance, but what it does say is
25 simply number north to south consecutively. It doesn't

1 make reference to deferrals, accommodating what was there
2 before. So, while I thought there were some very useful
3 ideas presented that might permit both what I'll call
4 ordinary consecutive numbering and minimized deferrals,
5 when put to the test it appears those ideas just didn't
6 work out as well as one might have hoped. So, our view is
7 the best result is to be consistent in numbering
8 consecutively, starting from the north and ending in the
9 south.

10 COMMISSIONER RAYA: So, with --

11 CHIEF LEGAL COUNSEL MILLER: Without regard to
12 deferrals, that's correct.

13 COMMISSIONER RAYA: Okay. So, even the
14 geographic, in your opinion then, is not -- we cannot use
15 the geographic, either, just starting at the top and
16 taking the -- going according to the pool, we couldn't go
17 1,3, 5, 7,9, we have to go 1, 2, 3, 4, 5.

18 STAFF COUNSEL JOHNSTON: Correct.

19 CHAIRPERSON ONTAI: Commissioner DiGuilio,
20 followed by Commissioner Dai, followed by Commissioner
21 Filkins Webber.

22 COMMISSIONER DI GUILIO: I'm looking at the last
23 Senate maps and it starts with 1 on the east, it goes to 4
24 in the middle, and 2 on the end, and that doesn't look any
25 different than what we're doing.

1 STAFF COUNSEL JOHNSTON: The problem is that at
2 that time the Constitution didn't have a requirement of
3 consecutive numbering. With Proposition 11, it puts in a
4 requirement of consecutive numbering.

5 CHAIRPERSON ONTAI: Commissioner Dai?

6 COMMISSIONER DAI: Yeah, I mean, then my question
7 is we are numbering consecutively from north to south, so
8 it doesn't speak to whether we're going east to west as
9 we're going down, or whatever, it just says going north to
10 south. And we are, the top one is 1, and the two
11 districts along the top are 1 and 2, and then we're
12 starting to
13 go -- you know, and like I said, 3 is connected to 2.

14 COMMISSIONER FILKINS WEBBER: But 4 is not
15 connected.

16 COMMISSIONER DAI: Yes it is, I think it is. Is
17 it not?

18 STAFF COUNSEL JOHNSTON: Well, 4 is not connected
19 to 5, as I see it.

20 COMMISSIONER DAI: Okay.

21 CHAIRPERSON ONTAI: Commissioner Filkins Webber?

22 COMMISSIONER FILKINS WEBBER: Given that this is
23 new language that -- and counsel can -- you can confirm,
24 this hasn't -- the word "consecutive" has not been
25 interpreted, yet, correct? And because it was in

1 Proposition 11, correct?

2 Okay. So, I would think if we look at the
3 legislative intent of Proposition 11, this Commission's
4 desire to minimize deferral over a random interpretation
5 of consecutive numbering down the State, I would just be
6 flabbergasted if we were challenged on our a numbering
7 basis when our intent is to follow consecutive as best as
8 we can, while at the same time performing this incredible
9 study and looking at minimizing the impact that, you know,
10 someone's rights could be violated in deferring their
11 vote.

12 So, I understand the strict construction of the
13 word "consecutive" and, certainly, that would be one
14 interpretation. But do you have an opinion as to what the
15 legislative intent or, you know, what the drafters' intent
16 could be under Prop. 11 given this historical Commission?

17 STAFF COUNSEL JOHNSTON: In propositions what you
18 look to is the ballot arguments, because that's what was
19 before the voters and I do not recall anything about this
20 in the ballot arguments. It's certainly up to the
21 Commission it's a matter of first impression.

22 But it would be a terrible ground to get your maps
23 thrown out because you numbered them wrong.

24 COMMISSIONER FILKINS WEBBER: Well, they're going
25 to add everything in there. But would you support this

1 Commission's determination that deferral is the best
2 manner and then doing it geographically as close to
3 consecutively as we can from the top of the State to the
4 southern border?

5 I think it would be odd -- you know, it would be
6 terrible to throw number 33 in WINE, or whatever that
7 might be or, you know, or 54, or I mean 40 or something,
8 that doesn't seem to make sense to me.

9 But if we could get as close from the Oregon
10 border down in numbering them and recognizing the
11 minimizing deferral, to me that seems justified. Do you
12 have a comment on that?

13 STAFF COUNSEL JOHNSTON: Well, we're your staff
14 and we'll support whatever you decide to do.

15 COMMISSIONER FILKINS WEBBER: Well --

16 STAFF COUNSEL JOHNSTON: But my best
17 recommendation is that you do it 1, 2, 3, 4, 5, 6, 7, 8, 9
18 on down.

19 COMMISSIONER FILKINS WEBBER: Even in light of
20 this deferral argument?

21 CHIEF LEGAL COUNSEL MILLER: Yeah, I'd like to say
22 the same thing slightly differently.

23 I reminds me of many other decisions the
24 Commission has had to make and arguably you can look to
25 the totality of the circumstance.

1 If challenged, obviously, the case would be made
2 that this was done in the best interests and the spirit of
3 the proposition.

4 But keep in mind the proposition doesn't make
5 reference to deferrals or minimizing deferrals in the same
6 way it does make reference to avoiding community splits,
7 or avoiding city and county splits, or preserving
8 community of interest.

9 So, you don't have quite the same basis from which
10 to make that argument as you do with other decisions the
11 Commission has made.

12 VICE-CHAIRPERSON GALAMBOS MALLOY: I have
13 Commissioners DiGuilio, Dai, Raya, then Ancheta.

14 COMMISSIONER DI GIULIO: And I'd be interested in
15 kind of seeing some more aspects on the legal side of
16 this. But, again, not being the lawyer I would venture to
17 guess that with all the thought and consideration that
18 went into Proposition 11 to try and seat this Commission,
19 who would be as fair and, you know, responsive to the
20 public, and create a system that's open and transparent,
21 and would do things, again, in the most fair way possible,
22 that deferrals, that minimizing deferrals is the fairest
23 way that we could do to assign numbers.

24 And I would love to hear from those who did this,
25 who wrote this proposition, but I would venture to guess

1 it wouldn't be going out on a limb to think that they
2 would support something that was -- you know, took into
3 consideration the thing that was the most fair, not some
4 legalistic interpretation of just randomly numbering 1
5 through 40. But maybe that's just what the stay-at-home
6 mom thinks.

7 VICE-CHAIRPERSON GALAMBOS MALLOY: Commissioner
8 Dai?

9 COMMISSIONER DAI: I completely agree with you,
10 Commissioner DiGuilio. I think that the mission of this
11 Commission from the start has been about fair and
12 effective representation. And, obviously, you know, we
13 pro -- we very, as I said before, consciously chose, by
14 passing a resolution, to minimize deferrals. We got a lot
15 of public testimony, a lot of people who are concerned
16 about it.

17 And I also think that, you know, the reason all of
18 us signed up for this task, I mean it's about civic
19 engagement, it's about getting voters to care again. And
20 I think, you know, coming up, trying to have a very strict
21 interpretation of the law here that will just
22 disenfranchise a whole bunch of voters will completely
23 undo the good that we've done.

24 VICE-CHAIRPERSON GALAMBOS MALLOY: Commissioners
25 Raya, then Ancheta, and I think we're moving close to a

1 point where I would entertain any suggestion action on the
2 issue of deferral and numbering.

3 COMMISSIONER RAYA: I guess another question
4 occurred to me for counsel, and that is by taking a look
5 at the underlying existing districts are we giving
6 attention to something that we have not and should not?
7 Is that a potential liability?

8 CHIEF LEGAL COUNSEL MILLER: I think it opens the
9 door to an argument that is otherwise not there. The
10 Commission has been steadfast in not using incumbency as
11 an advantage.

12 I don't think you've done that here. But to the
13 extent that the argument can be made that you chose a
14 number, now, out of sequence, and if either by intent or
15 happenstance it helps an incumbent, I think that creates
16 an avenue that is not -- that has to date not been
17 present.

18 There is very little law on this. I'm only aware
19 of one case where the Supreme Court discussed this issue.
20 That was in the Reinecke case, where special masters ended
21 up drawing the districts.

22 And my recollection of that case is that they
23 ended up putting four incumbents in one district after
24 their maps were drawn and the Supreme Court simply said
25 that's the way the process works when districts are drawn

1 against objective criteria, and didn't make any other
2 legal distinction around that result.

3 CHAIRPERSON ONTAI: Commissioner Ancheta, followed
4 by Commissioner Barabba, followed by Commissioner Blanco.

5 COMMISSIONER ANCHETA: Yeah, I'm a little confused
6 because I'm looking at the -- well, let me ask counsel.
7 Prior to the Voters First Act being enacted, is it the
8 1980 criteria that would have been the basis for the
9 language about numbering?

10 Because I'm looking at the 1991 case and it seems
11 to be referencing the 1980 Constitutional criteria and
12 they do mention consecutive numbering in that opinion.
13 And I don't have the language in front of me so I'm not
14 sure if there's some intervening language that needs to be
15 referenced. So, if you can clarify --

16 STAFF COUNSEL JOHNSTON: I can do that by
17 tomorrow. I can't do that from this computer, at this
18 time.

19 COMMISSIONER ANCHETA: Okay, so, because that's
20 important, right? I think counsel has based her -- has
21 said that it's new language. I'm proposing that I think
22 it's not new language, that the prior criteria had
23 consecutive numbering built into it and if that was the
24 case that both the '91 and the 2001 redistricting
25 numbering may be illustrative of what could be compliant

1 with that kind of language.

2 So, I'd rather defer that, no pun intended, until
3 we can get that clarified, because that's important, I
4 think.

5 CHAIRPERSON ONTAI: All right, Commissioner
6 Barabba?

7 COMMISSIONER BARABBA: The point I would make is
8 that when we superimpose these maps, we're not looking at
9 anybody's address, we're looking -- any incumbent's
10 address. We're not in any way being influenced by the
11 existing districts relative to an individual. The only
12 reason we used it is to find a percentage of people who
13 fall in one district or the other, and I don't think that
14 would be perceived as being political in that sense.

15 The other thing I thought it might be worth asking
16 some of the organizations who actually drafted the
17 initiative, what their interpretation of what consecutive
18 means.

19 CHAIRPERSON ONTAI: Yeah. Commissioner Blanco,
20 back there.

21 COMMISSIONER BLANCO: Well, I hardly ever disagree
22 with Commissioner Barabba but --

23 COMMISSIONER BARABBA: It's allowed.

24 COMMISSIONER BLANCO: I know that we haven't
25 considered where incumbents live, but there is something

1 that gives me pause about anything in our process that
2 would say let's keep a part of a old district because the
3 majority of people had this other number.

4 It may not say anything about where the incumbent
5 lives, but it does have a feel of protecting an old
6 district and, who knows, I can only imagine the arguments
7 that say and that is a -- that is a sort of a de facto way
8 of protecting an incumbent, or giving advantage to an
9 incumbent because you've measured how much of the old
10 district is in the new district.

11 So, that does give me pause and I see -- like we
12 said before, this is not up to -- we're not inventing
13 this. Every time there's redistricting the districts get
14 renumbered and the people that are odd or even -- you
15 know, the odds are worried that they're going to turn even
16 and they're going to lose a cycle, and that's just the way
17 it is.

18 And the less we have to do with that process of
19 trying to interfere with what is really just a matter of
20 redistricting, the better.

21 CHAIRPERSON ONTAI: Commissioner Dai, followed by
22 Commissioner Barabba?

23 COMMISSIONER DAI: Yeah, I mean I think that's
24 certainly one interpretation, but I don't think it's so
25 much about the incumbents as it is about the voters in

1 those districts. That's what it's about, it's about --
2 like I said, it's about civic engagement. And I don't
3 want to keep beating a dead horse here, but it really is
4 about fair and effective representation for those voters.
5 You know, it might be a side benefit that, you know, it
6 might also help an incumbent, but that's not the reason
7 that we're doing it. We're minimizing deferrals because
8 voters are concerned about being disenfranchised.

9 CHAIRPERSON ONTAI: Commissioner Barabba?

10 COMMISSIONER BARABBA: Commissioner Dai made the
11 point and I do think we do want to hear from the people
12 who drafted the Act and see what their interpretation
13 might be.

14 CHAIRPERSON ONTAI: Commissioner DiGuilio?

15 COMMISSIONER DI GUILIO: Yeah, I agree with
16 Commissioner Barabba. And again, I think it's just that
17 the deferral report, it measures the people, not the
18 incumbents, so when we got that report it was simply about
19 minimizing the harm to the people that we're trying to do
20 this process for.

21 CHAIRPERSON ONTAI: So, maybe at this point we
22 should ask staff to -- Marian and Mr. Miller to review
23 these issues and come back and give us a report either
24 tomorrow or Saturday. Is that what would be appropriate
25 at this time?

1 Commissioner Yao?

2 COMMISSIONER YAO: I'd like to understand as to at
3 what date must we make this decision before us because I
4 think we want to understand as much as possible, but at
5 the same time I don't want to make a -- I don't want to
6 jeopardize whatever we need to do, because at the end of
7 the day getting a set of maps with compromises, and it's a
8 plural, is necessary and that is our objective. And I
9 care not to incur more risk than otherwise. The deferral
10 problem is a single -- is a one-time event, whereas the
11 map lasts for the next ten years.

12 So, I want to put everything in the proper
13 perspective. I was one that was concerned about the
14 deferral and tried to minimize that impact. But if the
15 language is clear, based on our in-house attorney, and if
16 that's the way we're advised to do it, perhaps, and
17 clearly on the -- on the Act, itself, it does not task us
18 with addressing the issue of deferral. And there are a
19 lot of things we can do to quote/unquote to be fair but,
20 again, we have limited time to do the task.

21 Our assignment is very specific and I'm willing to
22 just go with exactly the way the instruction tells us to
23 number the district without worrying about the,
24 quote/unquote, deferral problem at this point in time.

25 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

1 VICE-CHAIRPERSON GALAMBOS MALLOY: When we take
2 this issue in context of the time line and in consultation
3 with Ms. MacDonald, our goal is that the Commission would
4 be making a decision on this issue this week, meaning by
5 the time we go home on Saturday evening.

6 So, with that in mind I'd like to request that our
7 staff give this a second review this evening and come
8 prepared to share other perspectives.

9 We're also using this as an opportunity to invite
10 members of the public, particularly those who have been
11 involved in the process and the initial -- I'm eyeing Ms.
12 Schaffer in the corner. Not to stack the deck but,
13 please, those interested parties to weigh in on this issue
14 with some haste.

15 The reason for that is that we want next week any
16 draft maps that we're considering for a vote, we would
17 like the public to actually have an opportunity to respond
18 to draft maps that have a numbering system attached them
19 because, again, that is one of the things that we have not
20 provided in previous drafts or visualizations. So, this
21 would really be the first opportunity for them to absorb
22 it, react to it, and for us to view that information as a
23 Commission.

24 CHAIRPERSON ONTAI: I think that's an excellent
25 idea.

1 Commissioner Raya?

2 COMMISSIONER RAYA: Could I suggest that if we're
3 inviting comment from the drafters, that it be sent to our
4 counsel so that it could be incorporated into their
5 report, rather than our getting a lot -- I'm concerned,
6 we've been getting a lot of mail directly, now, from the
7 public. It's just it's overwhelming and I think it would
8 be more useful if it went to our counsel and that they
9 could include it.

10 COMMISSIONER DI GIULIO: Though could we get a
11 copy?

12 CHAIRPERSON ONTAI: Commissioner DiGuilio?

13 COMMISSIONER DI GIULIO: Though maybe we could be
14 sent a copy as well, so we could read it, too. A copy to
15 us and counsel, both, would that be --

16 CHAIRPERSON ONTAI: Sure.

17 COMMISSIONER RAYA: You know, they could -- if
18 counsel could forward it or something, I'm just -- you
19 know, I just feel better when -- this is something that I
20 think should go to them and then be passed on to us, if we
21 could do it that way.

22 CHAIRPERSON ONTAI: Okay, so I want to move on.
23 So, staff, is that clear? We're going to have you do some
24 research, take some public testimony through the e-mails,
25 and put something together and give us a recommendation

1 either tomorrow or Saturday.

2 VICE-CHAIRPERSON GALAMBOS MALLOY: I think the
3 request is to the extent that we're able to get staff to
4 weigh in tomorrow, even if it's the end of business day
5 tomorrow that would be better because, again, we need to
6 make a decision by close of business Saturday. So, we
7 want to allow the Commission enough of a time to absorb
8 and review any new information that may come to light.

9 CHAIRPERSON ONTAI: Okay, is that acceptable? All
10 right, let's move on.

11 Is there anything else? Okay.

12 Commissioner DiGuilio, did we wrap up your
13 section?

14 COMMISSIONER DI GIULIO: I think of in terms of
15 for deferral that's -- yeah. The only other thing was
16 kind of a calendar discussion in case we needed to make
17 any adjustments.

18 So far we're still going on track as we had with
19 these next three days, and then I think Commissioner
20 Galambos Malloy's working on her schedule for next week
21 and that's a Wednesday/Thursday/Friday, the 27th, 28th, and
22 29th.

23 The only other thing I'd say is one aspect that
24 we're still working on in regards to kind of the technical
25 expectations has to do with public comments and how long

1 we'll be taking public comments, and how long Q2 will be
2 incorporating them.

3 We are continuing to keep public comments open and
4 the idea is that we will continue to put them in our
5 system in terms of our staff and posting them, but the
6 reality is, is after the Saturday, after the 23rd, our
7 ability as Commissioners to give direction to Q2 will no
8 longer exist, so we won't be giving them any more
9 direction. At least that's the calendar way I'm putting
10 it. After our live line-drawing sessions, then that will
11 just simply be running those reports.

12 And, therefore, if we aren't giving them any more
13 public -- we aren't giving them any more direction, then
14 any public comments that come after that in terms of their
15 database, since we've made it clear from the beginning Q2
16 does not direct the process, any of those comments could
17 not be taken into consideration in terms of the COI that
18 goes into their database because it would, therefore, say
19 that here's the comments. But if the Commissioners
20 haven't been able to respond to them, then they're kind of
21 caught in between there.

22 So, we're trying to work on the Legal side of it,
23 as well as the Public Information side, as well as the
24 Technical side in how to deal with this issue of still
25 keeping it open for public comments but at some points

1 even -- that's why we, as Commissioners, on the calendar
2 says to continually monitor the public comments so we can
3 take those into account for the next two days. But at
4 some point there they'll no longer be -- they just won't
5 be taken into consideration in the maps anymore.

6 So, the question on the technical side is how much
7 longer do we ask Q2 to put them into a database if that
8 data will no longer be included in our directions to the
9 line drawers?

10 But there's also the issue of how much longer does
11 our staff take them and post them, and also the Public
12 Information aspect of it.

13 CHAIRPERSON ONTAI: That's a very important
14 question.

15 Commissioner Galambos Malloy?

16 VICE-CHAIRPERSON GALAMBOS MALLOY: Two points.
17 One is that this seems like a topic that would be of much
18 concern to Public Information because it's also connected
19 to how we communicate about the public about different
20 points in the process.

21 And I'm wondering at this point, do you feel like
22 from Technical you would have, necessarily, a
23 recommendation about those time lines or when do you think
24 you might, you know, propose something to us?

25 COMMISSIONER DI GIULIO: Well, I think this was

1 something that Commissioner Ancheta and I were talking
2 about as well and I, unfortunately, just hadn't had a
3 chance to talk to Commissioner Raya a little bit today.

4 I think this is the discussion point, there's kind
5 of one aspect in terms of the decisions we have to make
6 and then how do we roll that out for public information.

7 And I think the reality, when we look at how the
8 system is set up, is that if we are the ones directing Q2,
9 then after our last contact with them and the last
10 directions that we have, the public comments that come in
11 after that we can decide what we want to do with them, but
12 I would say technically they won't be incorporated into
13 the maps and, therefore, do they need to be incorporated
14 into the database?

15 Because, again, there's some integrity issues, if
16 there's a ton of e-mails that come after our last line
17 drawing and they get entered into the database and then
18 someone can point to them and say, but here are all these
19 public comments. But the reality is, is it's not Q2's
20 responsibility to incorporate that, they only incorporate
21 what directions we give, and that will end on Saturday.

22 CHAIRPERSON ONTAI: Commissioner Barabba?

23 COMMISSIONER BARABBA: Then I guess the question I
24 would have, then, is what's the purpose of the 14-day
25 notice?

1 COMMISSIONER DI GIULIO: Well, I think originally
2 we had a 14-day notice from if we were going to have a
3 second draft map, but we never had a second draft map, so
4 we've had 14 days -- I mean this is this moving target
5 between visualizations versus maps.

6 We can still take the public comments. I think
7 part of this is also being up front with the public and
8 saying if there's this expectation that we can continue to
9 take public comments, which we can, but we can't give
10 direction to change anything, are we setting the public up
11 for false expectations if our last day of line drawing is
12 the 23rd.

13 COMMISSIONER BARABBA: Yeah, I guess the question
14 I'm asking is if we're not going to do that, why are we
15 having a 14-day notice? Because if you give a 14-day
16 notice, that means you're expecting a response.

17 Now, I guess we could take the response and look
18 at it, and decide if there's something dramatic in there
19 that would cause us to change our practice, but if that's
20 what it's about, then we should make it clear that's what
21 it is.

22 But I want to make sure we're not violating any
23 Bagley-Keene Act or anything about having 14-day notice on
24 something, or whatever else the State of California might
25 come up with regarding notices.

1 CHAIRPERSON ONTAI: Commissioner Dai?

2 COMMISSIONER DAI: Yeah, I think Mr. Miller
3 addressed this before that, you know, there are other
4 reasons for the 14-day notice, it still goes as part of
5 the permanent record.

6 I don't know that Q2 needs to be involved in the
7 process anymore, we could still, you know, post comments
8 that are received in the last 14-day period on our
9 website. So, it's still -- it's part of the whole record
10 of this process.

11 But as Commissioner DiGuilio pointed out, we're
12 not going to be able to give further direction to Q2, so
13 it doesn't seem to make sense to keep them involved in
14 that because the database that they're maintaining is the
15 record of public testimony that we received, that we used
16 to direct the line drawers.

17 CHAIRPERSON ONTAI: Commissioner Yao, followed by
18 Commissioner Galambos Malloy?

19 COMMISSIONER YAO: To answer Mr. Barabba --
20 Commissioner Barabba's question, you can be receiving the
21 public comment and you may have one person that says that
22 the maps aren't any good, and you can take that and vote
23 against approval of the map. So, these are the ways that
24 you can use the direction, whereas these -- these inputs
25 would not be given to the mapper as our direction to

1 influence the map. It's an absurd example, but that's one
2 way that Commissioners can use the information without
3 having the information impacting the map.

4 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

5 VICE-CHAIRPERSON GALAMBOS MALLOY: Well, at this
6 stage of the process one of the ways that I look at the
7 public comment is not that it's going to influence the
8 map, if we look past the 23rd, but that it is one of the
9 best ways that we, as a Commission, are able to sort of
10 hear the echo chamber around the State of the public's
11 reaction to the work that we've collectively done.

12 Clearly, we're also watching the media, but that's really
13 a very different type of voice than the individual in the
14 local community, who's looking at their local district.

15 So, you know, I am interested in us still having a
16 mechanism where Commissioners are able to receive the
17 public comment. Clearly, there are some staffing
18 considerations on our end in terms of just the posting
19 online, but I would personally like to continue just being
20 exposed to what the public is saying about the districts.

21 And then the second thing I would say is in terms
22 of Commissioner Barabba's observation about the 14-day
23 noticing period, I know there are times at the local level
24 where I have seen, you know, a local plan or policy that
25 has effectively already been put in place and there is a

1 noticing period, which is essentially so that the public
2 is aware of what's going on and it's not necessarily that
3 there would be the opportunity for a different action to
4 be taken on it.

5 So, clearly, we're operating at the State level so
6 that may, you know, have different implications. But it's
7 not something that's so far afield that I haven't seen it
8 before.

9 CHAIRPERSON ONTAI: Commissioner Barabba?

10 COMMISSIONER BARABBA: The reason I raised the
11 question the way I did was not to say let's not do it.
12 The reason, I wanted to make sure that when we identify in
13 our press release that we make it very clear as to what
14 we're going to do with that information.

15 CHAIRPERSON ONTAI: Commissioner DiGuilio?

16 COMMISSIONER DI GUILIO: And I should clarify,
17 too, that I certainly don't think we should stop public
18 comments. There's a difference between continuing to
19 accept public comments, I think it's for very valid
20 reasons, as Commissioner Galambos Malloy said, versus when
21 we stop Q2 entering them into the database. Those are two
22 separate questions.

23 And so, coming from the Technical side, it was
24 simply at some point I think we -- we can make a decision
25 that if there's no way for us to give direction for Q2,

1 then maybe it's not necessary for them to continue to add
2 it into their database, and it also would cut down on time
3 and expense to them while they're focusing on the maps.

4 But continuing to accept public comments for just
5 the reasons that have been mentioned, in terms of it's
6 important for us to take the pulse of the community and we
7 will be responsible for reviewing those. So, it's just
8 that distinction that I wanted to raise with the
9 Commission, how they felt about after Saturday giving that
10 permission to no longer having to be entered into Q2's
11 database.

12 CHAIRPERSON ONTAI: Let me ask counsel your
13 opinion on the Bagley-Keene requirements on this point?

14 CHIEF LEGAL COUNSEL MILLER: Well, I don't think
15 it's a Bagley-Keene requirement so much as the Voters
16 First Act that it contemplates comment on the maps, as
17 long as the maps are before the Commission.

18 So, I think it would be in the Commission's best
19 interest to continue to accept and catalogue public
20 comment in a consistent way through the end of the
21 process.

22 I don't think it's too hard to explain to a
23 reviewing court that at some point you have to stop giving
24 directions to change the districts because there is a
25 point, which is actually specified in the law, when this

1 stops, and that's August 15th.

2 But to maintain a consistent procedure through the
3 end I think is in the best interests of the Commission.

4 CHAIRPERSON ONTAI: All right, we need to move on.
5 I'm not sure we got a sense of direction on how we want to
6 address this.

7 VICE-CHAIRPERSON GALAMBOS MALLOY: It sounded like
8 we had a -- forgive me if I'm misreading, but we had
9 essentially a recommendation coming from Technical
10 Committee that based on the inability to really impact the
11 maps after the 23rd, the suggestion is that we release Q2
12 from the duty to have to input public comments past that
13 date, with the knowledge that we will receive them and we
14 will still post them through CRC. And we can revisit at a
15 future date if we want to even release our staff from that
16 responsibility.

17 So, it feels like if there is not any opposition
18 to this suggestion, then we should just say so it is.

19 CHAIRPERSON ONTAI: Okay, so you all feel the same
20 way? Commissioner Filkins Webber?

21 COMMISSIONER FILKINS WEBBER: I was going to say
22 so it is, then.

23 CHAIRPERSON ONTAI: All right. So, I just want to
24 make sure the viewing public understands where we're going
25 with this.

1 All right, so let's move on. Are we done?

2 COMMISSIONER DI GIULIO: That's it. So, just to
3 clarify, that will be after the 23rd, when we're no longer
4 giving direction to Q2, that will be the cutoff for them
5 to enter into their database; is that correct?

6 CHAIRPERSON ONTAI: Yes.

7 COMMISSIONER DI GIULIO: Okay.

8 CHAIRPERSON ONTAI: All right, thank you. Let's
9 go on to the Finance and Administration Advisory
10 Committee. Who would that be? Commissioner Dai?

11 COMMISSIONER DAI: Thank you, Chair. So, the
12 first item is an update on our budget and financials, and
13 we have a couple of budgeting items to talk about. One is
14 where we are to date, which Ms. Davis will be taking us
15 through.

16 And then we will also be talking about our
17 resources for the future. I'm hoping that all of the --
18 all of the Commissioners received the memo from Mr.
19 Claypool, because we will be discussing some of the
20 questions that he raised about what will be budget
21 assumptions for our post-August operations.

22 But let's start with Ms. Davis.

23 BUDGET OFFICER DAVIS: Basically, the packet that
24 you've received are the five documents that we typically
25 present. The only two documents that have been changed

1 from our last meeting are the first two, displaying the
2 per diem and the travel dollars expended.

3 We're presenting, at this time, information that
4 we've received through July 15th. However, at the next
5 business meeting we plan to provide an update of all five
6 of the pages that are presented.

7 The year-end financial statements are due to the
8 State Controller's Office on August 1st, so we're in the
9 final throes of finishing the financial statement, so
10 we'll have final numbers to input into our data.

11 Let's see, if there's any questions on the first
12 two pages or even the last three --

13 COMMISSIONER DAI: I'll just make a few comments.
14 As typical, we're behind on our -- behind, which is a good
15 thing, we're, you know, way below what we had budgeted for
16 travel, which is probably going to help us with per diem
17 at some point, because as you can see we are approaching
18 our budget there and have exceeded it in some cases,
19 because we clearly didn't plan on as many business
20 meetings as we've actually had to have.

21 But you can see in the summary that we are still
22 within budget.

23 BUDGET OFFICER DAVIS: Yes.

24 COMMISSIONER DAI: So, are there any questions on
25 these and I'll just let Mr. Claypool comment.

1 EXECUTIVE DIRECTOR CLAYPOOL: Okay. If there are
2 no questions, I'd also like to elaborate that we have, as
3 a Commission, done a very good job of conserving the funds
4 and, yes, the travel budget's going to help us.

5 This money that is going -- that is in excess is
6 generally in the three-year money and will be used
7 primarily to help us bridge across as we go forward with
8 any litigation that we might have.

9 In a discussion with the Department of Finance, we
10 discussed whether we would have money left over when this
11 was over to help us fund our operation until the
12 provisional language for the 1.5 million that is in our
13 current year budget could be released to us.

14 So, yes, there is going to be a windfall in these
15 funds, but we're going to need it to move across so that
16 you can keep operating until those other funds kick in.

17 Are there any questions about that?

18 COMMISSIONER FORBES: I just have one question.
19 Is there some point it makes sense to transfer money from
20 the travel budget into the per diem budget because,
21 otherwise, we're going to keep having this significant sum
22 of money left over in travel and be in the red, more or
23 less, in the per diem and it's just a bookkeeping issue.

24 EXECUTIVE DIRECTOR CLAYPOOL: It's in the same
25 pool of funds and, as usual, Deborah keeps nagging at me

1 to move funds across and we talk about it.

2 We've left it there until we hit the top, just to
3 give you a sense of where you hit the top. It was fairly
4 tightly budgeted everywhere but travel and so we just --
5 we haven't moved it. If this Commission wants it moved
6 around, they should move it to Commissioner Dai and we'd
7 be happy to start transferring money across.

8 COMMISSIONER DAI: Not to me, personally.

9 EXECUTIVE DIRECTOR CLAYPOOL: Ms. Davis will.

10 VICE-CHAIRPERSON GALAMBOS MALLOY: Commissioner
11 Dai, I do have a question. We had been in ongoing
12 discussions around potential considerations related to
13 Q2's contract and work outside of scope. At what point --
14 we essentially have this business meeting and then we have
15 the mid-August business meeting. Do you have a sense at
16 which point we'll be able to look at that in more detail
17 or can you give us a status update on staff's part?

18 COMMISSIONER DAI: Yes, I have spoken to Ms.
19 MacDonald about it and she has promised to get invoices to
20 staff by tomorrow. So, I don't -- I told her I don't know
21 that -- I mean we need to give staff some time to go
22 through it, so I don't know that we'll be able to take it
23 up at this meeting. But I would expect for certain that
24 we'll be able to look at some of the obvious overruns in
25 terms of the numbers of public input hearings, et cetera,

1 that we will be able to take it up at next week's meeting.
2 And then, probably, there will be some more that will come
3 up for Commissioner Barabba's meeting on the August 13th
4 through 15th. So, there will be just two more
5 opportunities before we're going to take a bit of a break.
6 But, yes, I do expect that to come up.

7 There was, I see that in-line process reviewer
8 somehow made it back on the agenda but that, again, was
9 just a reminder that we didn't spend that money so that's,
10 you know, part of the windfall that Mr. Claypool talked
11 about. But we're going to need some of that extra money
12 because, if you'll recall, we put forth a budget change
13 proposal for 1.9 million, of which only 400,000 was
14 approved by the Legislature. The other was provisional
15 based on litigation which, as you can tell by our
16 preparations, we're fairly certain is going to be a
17 trigger.

18 But, meanwhile, we need to plan within our means.
19 So, that is the story on the budget moving forward.

20 So, before I leave it, were there any other
21 questions about Ms. Davis's kind of year-to-date summary?
22 We are still operating well within budget and doing a good
23 job of managing expenses and minimizing the expense to
24 California taxpayers.

25 So, I would like to turn your attention to the

1 memo that, hopefully, you've had a chance to review.

2 The purpose of this discussion and I'm pretty sure
3 this will continue on into next week, but I think we can
4 answer some basic questions about what our plan is moving
5 forward. And the purpose of this is, you know, we just
6 entered a new fiscal year, the 2011-2012 fiscal year,
7 which ends June 2012. But, already, Ms. Davis will be
8 preparing a proposed budget for 2012-2013.

9 In order to put that budget forward, there needs
10 to be some assumptions that are reasonable. So, I thought
11 it would be helpful to think about, you know, at least for
12 the period that we're going to operate post-August, and
13 you can see there are a number of questions here about
14 what this Commission will be doing. And that, of course,
15 will relate to how many times we need to meet, what our
16 staff structure should look like to support the
17 Commission. You know, questions here about where we hold
18 our meetings, whether they need to be live-streamed
19 anymore.

20 You know, there's been a lot of attention on us
21 while we've been map-drawing, we become a pretty boring
22 group after that is done. So, there are a number of
23 decisions that we need to make here.

24 So, I'm trying to think, maybe we should start
25 with some easy questions, first. Let's start from the

1 end, there's a -- let's start from the end, these are the
2 easy decisions.

3 We have a recommendation from staff to eliminate
4 live-streaming and stenography. These are among our most
5 expensive expenses ongoing and fairly large contracts.
6 This was, you know, we thought very vital and important
7 for transparency while we were -- especially now as we're
8 making, you know, live map-drawing decisions, et cetera.

9 Once the maps are out and it's in the courts, the
10 question is does anyone feel like our meetings would need
11 to be live-streamed after this point or just simply
12 videotaped and archived for the future?

13 CHAIRPERSON ONTAI: Commissioner Barabba?

14 COMMISSIONER BARABBA: Videotaped and archived.

15 COMMISSIONER DAI: Okay. Is there anyone who
16 feels differently?

17 CHAIRPERSON ONTAI: Commissioner Yao, followed by
18 Commissioner Galambos Malloy.

19 COMMISSIONER YAO: I think we need to think in
20 terms of savings. What I mean by that is if what we do
21 doesn't save the future Commission's expenditure, then we
22 shouldn't be doing it. Now, obviously, that carries the
23 implication that process improvement and all these type of
24 things is built into this saving equation. But I don't
25 think we should be doing anything at this -- beyond

1 release of the map, that doesn't result in some kind of
2 net saving to the taxpayer when it comes to why is it that
3 we're doing it.

4 So, I think that should be our guiding principle
5 in terms of evaluating as to whether we should or
6 shouldn't do things.

7 Up to this point in time we've been guided by the
8 Prop. 11, but the Prop. 11 I believe -- Prop. 11 and Prop.
9 20. But I believe Prop. 11 and Prop. 20 is pretty much
10 silent on what we do beyond the August 15th, so we need to
11 perhaps agree upon a certain set of principles to follow
12 as compared to just continue doing what we've been doing.

13 COMMISSIONER DAI: So, I take it that's support
14 for Commissioner Barabba's proposal?

15 COMMISSIONER YAO: Negative.

16 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

17 VICE-CHAIRPERSON GALAMBOS MALLOY: My question
18 would be, you know, speaking from the perspective of a
19 member of the public who might be looking for information
20 about what we're doing, I have found that videos are of
21 limited utility in terms of actually being able to find
22 what you're looking for. I mean having to go through a
23 whole video and, you know, if you're not able to bookmark
24 it or search for specific things.

25 So, I would be interested, are there cheap options

1 for us to have a written transcript that then, you know,
2 people can search very quickly for what they're looking
3 for? I know that the transcription has been an enormous
4 piece of our budget, so I want to be conscious of that,
5 but maybe there's some sort of hybrid in between. Because
6 if we post the video, I think that's making it a little
7 difficult for the member of the public to find what they
8 need.

9 CHAIRPERSON ONTAI: Commissioner Filkins Webber?

10 COMMISSIONER FILKINS WEBBER: I would just like to
11 clarify the time frame that you're speaking of are you --
12 because I think we should continue in our current course
13 of conduct through at least in August, or at least the
14 suggestions that we might be making regarding proposed
15 amendments, because I think the public can definitely --
16 would be interested in weighing in on those discussions.

17 I certainly would not consider favoring, you know,
18 live-stream in December, if we have to make some decision,
19 or if we're just going on the record to go into closed
20 session to discuss litigation.

21 So, I would want to, at least on the immediate
22 issues, just maintain our current course of conduct. So,
23 if that means there might be a few meetings after August
24 15th to clean up some residual issues, I think that we
25 should still stay the course. After that, then I would

1 say that it would be more cost-effective to reconsider the
2 necessity for a transcriptionist.

3 CHAIRPERSON ONTAI: Okay, the suggestion is you
4 set a date on where we're going to cut off certain
5 activities.

6 Any other comments?

7 Okay, Commissioner Dai?

8 COMMISSIONER DAI: Yeah, so I sounds like
9 eliminating live-streaming, there seems to be general
10 consensus on that, that that's probably not necessary
11 after --

12 COMMISSIONER FILKINS WEBBER: After what date?

13 COMMISSIONER DAI: After a certain point.

14 COMMISSIONER FILKINS WEBBER: After a certain
15 point.

16 COMMISSIONER DAI: Right, and so we can establish
17 that, because I think we need to discuss the activities
18 and then we can establish what a reasonable date is.

19 And there's some question about whether we can
20 just find some, you know, cheaper source for getting
21 transcriptions. I mean I would tend to agree with
22 Commissioner Galambos Malloy, it's very hard, sometimes,
23 to search through a 12-hour meeting on video. It's much
24 faster to search through a document.

25 Another recommendation from staff is that we've

1 been very fortunate, through the generosity of many city
2 councils, and institutions, including McGeorge, to get
3 free meeting space, and also the Legislature, at the
4 Capitol.

5 But past August 15th, we may not be extended that
6 generosity. So, the staff recommendation is to use our
7 current office space, which is actually quite spacious for
8 all public meetings. Because the only requirement is
9 actually that we have an open meeting, so and that would
10 be something we could post and if people want to come,
11 they can. But that would be, of course, at no cost to the
12 taxpayers, at no incremental cost. Any thoughts on that?

13 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

14 VICE-CHAIRPERSON GALAMBOS MALLOY: My only
15 question is whether we have had any interactions with the
16 Governor's Office regarding projections on how long we
17 actually have access to the space we have, currently?

18 EXECUTIVE DIRECTOR CLAYPOOL: We haven't and when
19 we originally took over our space, the space manager for
20 the Department of General Services indicated that we would
21 have it for approximately a year, until the Department of
22 Energy needed that space, and at which time if there was
23 still a need, they could consolidate us down.

24 Just given the way things are running, I wouldn't
25 anticipate that it would happen in this fiscal year. It

1 may, they can make that decision.

2 But the cost, the incremental cost of putting us
3 in to doing our own meetings is so small that we could
4 take that and just the savings, along, in the first
5 meeting would be worth having them there. And after that,
6 every other meeting is just a savings.

7 CHAIRPERSON ONTAI: Commissioner DiGuilio,
8 followed by Commissioner Parvenu.

9 COMMISSIONER DI GUILIO: I'd say similar to the
10 first issue that we're just -- I think we need to respond
11 to the demand, I mean and I have a feeling that the demand
12 will be much lower after a certain point, to be determined
13 probably after the maps are in and maybe some litigation.

14 So, I would support doing something that, again,
15 saves money and works for the Commission, works for the
16 public. If we find that the public demands more space or
17 more services, then we can respond accordingly.

18 But I think it's safe to say that if we respond to
19 that demand, then we would be okay if we were using staff
20 offices.

21 CHAIRPERSON ONTAI: Commissioner Parvenu?

22 COMMISSIONER PARVENU: Yes, I certainly agree and I
23 support that, the idea of using our own space for the cost
24 savings and also, I think it's appropriate for what
25 remains to be done after August 15th.

1 And I'm just curious how -- what's the seating --
2 how many people or what is the seating capacity? And
3 perhaps, Mr. Claypool, you could -- if we arranged to have
4 some chairs there, around that open space area where the
5 table is, what would you say is the occupancy, maximum?

6 EXECUTIVE DIRECTOR CLAYPOOL: Well, I would say,
7 first of all, that it would hold everybody in this room
8 with no problem and with available seating left over.

9 So, you know, just thinking about it and putting
10 the chairs together, and I'm going to kind of lean on the
11 rest of the staff here, but I would say that we could
12 easily accommodate the Commission where we want to, the
13 videographer is not problem.

14 Staff, to this degree, at a table to the side, and
15 then at least 30 to 50 people, depending -- I'd say 30 is
16 the safe bet.

17 COMMISSIONER PARVENU: More than enough, thank
18 you.

19 CHAIRPERSON ONTAI: Commissioner Galambos Malloy?

20 VICE-CHAIRPERSON GALAMBOS MALLOY: The other
21 thought I had on this matter is that as we move forward
22 past August 15th, is that we'll clearly need to have
23 periodic meetings for different decision points, you know,
24 to interface with staff, et cetera.

25 But that because we will no longer be on this

1 compressed time line towards creating the maps that we'll
2 potentially be more flexible about when we meet.

3 And so if there does come a point in time where
4 our office space won't work for us and we need a larger
5 facility, you know, we can have staff work to identify
6 potential venues that we could use at a lower, no-cost
7 basis, but we won't be so driven that we have to meet
8 exactly on a certain date.

9 Although, this is dependent, of course, I think on
10 some of the preparation for litigation and ongoing
11 activities related to litigation.

12 As we get later into the discussion of, I don't
13 know, I think how we govern ourselves during this post-map
14 time, I might visualize that some of the work that would
15 be happening is actually happening in smaller groups,
16 where there may be advisory committees meeting. It might
17 be that the Legal Advisory Committee needs to meet for a
18 specific purpose. But that we might not all convene as a
19 full Commission at that time or that Finance and
20 Administration might need to deal with some budget issues,
21 et cetera.

22 So, I think the types of configurations and timing
23 of meetings that we'll need to have is changing
24 significantly and will be more flexible.

25 CHAIRPERSON ONTAI: Commissioner Dai?

1 COMMISSIONER DAI: Yeah, actually, and that's
2 probably a very good segue because we probably, actually,
3 do need to talk about our activities, and how many
4 meetings we need to have, and what the nature of these
5 meetings are. And so part of this is, you know -- and I
6 don't know that we'll continue to -- I don't know that
7 we'll be able to come to a final decision today, but I at
8 least wanted to start the discussion of how we're going to
9 govern ourselves.

10 There are a number of items that we know we're
11 going to have to deal with in the coming months.
12 Obviously, litigation is one.

13 And, for example, we could choose to delegate
14 authority to the Legal Advisory Committee and they could
15 have public meetings and meet as a group and, you know,
16 with other Commissioners, if they want to attend, they can
17 attend, but it wouldn't necessarily require a full
18 Commission meeting because there will probably be some
19 items, you know, that need kind of fleshing out, first,
20 before they're presented to the full Commission.

21 Likewise, it may make sense for the Finance and
22 Administration Committee, you know, to work more closely
23 with Mr. Claypool and Ms. Davis on, you know, budget
24 assumptions for the next fiscal year and to really flesh
25 that out before a full Commission meeting is called.

1 So, some of the things that -- you know, there are
2 a lot of things that we, as individuals, may be called
3 upon to do. We can, you know, certainly imagine
4 continuing to respond to Public Records Act requests, you
5 know, with litigation it may involve deposition of
6 individual Commissioners, et cetera, but none of these
7 would necessarily require a full Commission meeting.

8 So, the question is how many full Commission
9 meetings do we expect and need, you know, even just
10 looking through the end of the calendar year?

11 And I can tell you we're going to need one in the
12 September time frame to probably approve that budget for
13 2012-13 for sure, because we will have to take action on
14 that. And I can certainly imagine that there might be,
15 you know, some decisions that would need to be, you know,
16 presented to the full Commission that, should we choose to
17 delegate authority to the Legal Advisory Committee to
18 flesh out some issues with our litigation firms, that that
19 would also need to be on the agenda.

20 So, any thoughts about activities?

21 CHAIRPERSON ONTAI: Commissioner Raya?

22 COMMISSIONER RAYA: I have a question about going
23 forward regarding activities that are not directly related
24 to redistricting and drawing maps, how strictly Bagley-
25 Keene would continue to apply to conversations, you know,

1 pre-meeting planning. Are we going to have a little more
2 leeway as to how -- she's already shaking her head no.

3 CHAIRPERSON ONTAI: Turn your mic on.

4 CHIEF LEGAL COUNSEL MILLER: The Act applies in a
5 consistent way, it's even more straight forward than the
6 definition of consecutive.

7 COMMISSIONER DAI: And so part of this is also we
8 would like to -- I just noticed it isn't quite up on our
9 website, yet, but I have the August schedule on the
10 agenda, too, and I sent a note out to all the
11 Commissioners that we are planning to agendize August 13th
12 through 15th as the business meeting in August.

13 We're all going to be up here, anyway, for the
14 15th to certify the maps and that's on a Monday, so in
15 deference to those of us who are still trying to hang on
16 to our day jobs, we are going to try to do most of our
17 work over a long weekend and then be here on the Monday
18 for the certification.

19 After that we don't anticipate needing another
20 full Commission meeting until September, when we will have
21 to approve a budget. But, you know, meanwhile there may
22 be lots of activity going on that our Legal Advisory
23 Committee might be called upon to act on.

24 CHAIRPERSON ONTAI: Okay. So, Commissioner Dai,
25 where do you want to go with this piece?

1 COMMISSIONER DAI: Basically, I'm trying to get
2 everyone to start thinking about this, so I would like
3 to -- I would propose that we probably, you know, agendize
4 a meeting a month with giving the chair an option to
5 cancel it, because I would imagine we would probably need
6 to meet at least every other month as a full Commission.

7 And the thought may be that some of the advisory
8 committees, should we agree to that kind of delegated
9 authority structure, may be meeting in between and that
10 way when we come together as a group a lot of these items
11 have been fleshed out and recommendations are ready to
12 move forward.

13 VICE-CHAIRPERSON GALAMBOS MALLOY: And under this
14 configuration our rotating chair structure could still
15 apply, it just means that the chairs would then have a
16 longer term of service, so they might be serving for a
17 month or two months.

18 COMMISSIONER DAI: Or two.

19 VICE-CHAIRPERSON GALAMBOS MALLOY: But the level
20 of activity is likely to be dramatically less than we've
21 often had to manage between one week or two weeks' time.

22 COMMISSIONER DAI: Correct.

23 VICE-CHAIRPERSON GALAMBOS MALLOY: Commissioner
24 Yao?

25 EXECUTIVE DIRECTOR CLAYPOOL: And you're

1 absolutely right on the moving forward with the agenda.
2 We probably need to agendize more days than that just
3 because the Bagley-Keene doesn't give us that flexibility.
4 And as we start into the first 60 days past this, you need
5 to be able to make some pretty big decisions fairly
6 quickly, that's the only thing I would say.

7 COMMISSIONER DAI: Right, so it might be -- we'll
8 probably need to come up with a new standing agenda that's
9 more reflective of our post-August type of activities, but
10 we may be agendizing a lot of dates and then cancelling
11 them. But, you know, like I said a lot of the items may
12 not require the full Commission, but I agree with Mr.
13 Claypool that we should be better safe, than sorry.

14 CHAIRPERSON ONTAI: Okay, is there anything else
15 on your committee list?

16 COMMISSIONER DAI: Any response to the suggestion
17 about a structure that is -- that moves to delegated
18 authority to certain committees?

19 Like I said, I can -- I thought of two examples,
20 already, that it would make sense it doesn't need to
21 involve the whole Commission in terms of the budget, as
22 well as oversight for our litigation strategy.

23 VICE-CHAIRPERSON GALAMBOS MALLOY: I think along
24 the lines of -- it seemed across the Commission there's
25 definitely a concern and a focus around cost savings, and

1 so if we look at it in this context, the idea of delegated
2 authority in areas where Commissioners have demonstrated
3 expertise and where, really, the heavy lifts are going to
4 be I think really make sense from a financial perspective,
5 because we will have limited resources. And I think
6 across the board we want to be able to save those travel
7 and per diem costs that are incurred when the full
8 Commission convenes for when we really need to convene and
9 make a key decision. Not as much for the mundane day-to-
10 day operations that still need to go forward.

11 CHAIRPERSON ONTAI: All right, it sounds like
12 we've got at least two committees, post-committees.

13 Commissioner Filkins Webber?

14 COMMISSIONER FILKINS WEBBER: I did have a little
15 concern with, you know, the magnitude of potential
16 delegated authority, for instance, to Legal Advisory,
17 during a time in which there might be pending litigation.

18 I can't foresee at this point what type of
19 decision that would have to be made even on a prompt -- or
20 on a prompt basis. But I don't want it, I don't want the
21 delegated authority, let's just say, or Legal Advisory may
22 not.

23 And I think at this crucial stage, for maybe the
24 next six months, I think we might want to consider
25 revisiting, for post-litigation purposes, quite possibly.

1 But I think that our counsel may very well want to
2 hear from the full Commission on litigation matters. So,
3 maybe we can ponder the idea about how much or what type
4 of delegated authority might be given to Legal during the
5 pendency of litigation.

6 CHAIRPERSON ONTAI: Good point. All right,
7 anything else?

8 We'll move on to the next advisory committee --

9 COMMISSIONER DAI: Well, I want to make sure Mr.
10 Claypool has something to work with here.

11 CHAIRPERSON ONTAI: All right.

12 COMMISSIONER DAI: Because I'm not sure that we
13 actually answered any of these questions with any
14 definitiveness. So, you know, I think that it's
15 reasonable in terms of activities, obviously litigation,
16 Public Record Act requests.

17 There has been discussion moving forward of the
18 Commission looking at, you know, items. For example, I
19 know there's a bill in the Legislature right now that
20 would look at prisoners and where they're home is, so that
21 that's something that might change for the future.

22 We've talked about an evaluation of this
23 Commission and its process. And we know the Irvine
24 Foundation is funding one and, you know, there might be
25 some interest in supplementing that. And, you know, and

1 we've also talked about potential Constitutional
2 amendments that we, as a Commission, would like to
3 recommend given that we've tried it out and we have many
4 suggestions.

5 So, there are a number of other kinds of
6 activities that we, as a Commission, may be interested in.

7 CHAIRPERSON ONTAI: Commissioner DiGuilio, then
8 Commissioner Filkins Webber.

9 COMMISSIONER DI GUILIO: I think what Commissioner
10 Dai was just saying, I find my -- maybe it might be
11 helpful if we actually put a list together of activities
12 that we see ourselves engaging in and we can start putting
13 them in short-term, long-term put some time frames with
14 them. I think that would help us determine what types of
15 meetings and how many we'll need in the immediate and how
16 many will be ongoing. I think if we kind of take it on an
17 activities-basis, it might help us to formulate what we
18 need to do and, correspondingly, what we'll need in terms
19 of staff, and meetings, and everything like that.

20 CHAIRPERSON ONTAI: That would make sense.

21 Commissioner Filkins Webber?

22 COMMISSIONER FILKINS WEBBER: Just in looking at
23 this memo, I think that we have highlighted, you know, the
24 issue. I don't know how much more we needed to get into
25 it.

1 But I did have a question. Commissioner Dai, did
2 you want us to do something as Commissioner DiGuilio
3 suggested, so that then we could -- because I don't know
4 so much about the prison issue, I don't know what our role
5 really could be in that regard, given the legislation that
6 might be pending.

7 But I think that what Mr. Claypool points out
8 here, I mean we are, you know, active participants, we
9 know the pros and cons of the manner in which the
10 Proposition had led us down a particular path.

11 So, I see that one of our highest goals, aside
12 from litigation issues, would be to improve the operations
13 for the next Commission. So, I see that as certainly
14 being one activity.

15 So, is there something more that you wanted from
16 us, just giving a list and --

17 COMMISSIONER DAI: Yeah, I mean if there are any
18 other ideas. You might actually recall that I sent a memo
19 about this, about two months ago, and I basically got zero
20 response. So, I mean I understand everyone's very focused
21 on the maps right now but we actually do have to, you
22 know, put some shape to this.

23 So, I've been trying to throw out these ideas. If
24 you have additional thoughts, if you want to go ahead and
25 send them to me, with some idea of time frame, and maybe I

1 can provide a consolidated list for the next meeting and
2 see if it changes any of our assumptions.

3 But we do expect, you know, for the next several
4 months it's probably going to be, you know, PRA requests,
5 archival, litigation, you know, evaluation and
6 potentially, in the longer term, working on specific
7 recommendations for Constitutional amendments.

8 COMMISSIONER FILKINS WEBBER: So, you're just
9 looking at maybe a list of four things and then, based on
10 that, you have identified --

11 COMMISSIONER DAI: If you have additional ones,
12 did I leave something out, you know, let me know.

13 COMMISSIONER FILKINS WEBBER: Okay, so let's say
14 it's seven things and then from there you have to make
15 a -- the Commission has to make a decision regarding the
16 staff recommendations for those seven things over the
17 course of whatever we're looking at.

18 So, that's -- I'm just trying to figure out what
19 specific response that you need for Dan, from the
20 Commission today, that Dan can take away from this
21 discussion.

22 COMMISSIONER DAI: Mr. Claypool, do you want to
23 indicate? Because we're going to make a set of
24 assumptions about -- I mean it's very tied to how many
25 Commission meetings, you know, we think we're going to

1 have, and on what kind of frequency, and what level of
2 activity this Commission's going to take on to make a set
3 of assumptions about what kind of staff structure will be
4 needed to support us.

5 EXECUTIVE DIRECTOR CLAYPOOL: Many months ago, it
6 seems like years ago, in Claremont, we discussed the issue
7 of just closing down, kind of just closing down at the end
8 of this process and going home.

9 So, you can start by looking at the PRA requests
10 and, also, the discovery requests that I'm assuming will
11 start coming in with any litigation and know that at least
12 for that duration you have a very primary function as a
13 Commission.

14 As you move past that, you may or may not,
15 depending on how you decide to structure yourself, have
16 other functions that you want to take on, and that's what
17 we're looking for here.

18 I will tell you that in the short term, between
19 now and the end of this fiscal year, you really -- you're
20 really kind of locked into your activities. So, this is
21 really a discussion for 2012-13, as Commissioner Dai
22 pointed out.

23 And what we can propose and what will be accepted
24 by both the Department of Finance and the Joint
25 Legislative Budget Committee.

1 So, it is, just as Commissioner Dai's pointed out,
2 the list is helpful to have an idea of how we can serve
3 you as staff in what you believe you could be useful in
4 and move forward with.

5 And like I said, the short term is pretty much --
6 is pretty much a done deal. Is that helpful?

7 COMMISSIONER FILKINS WEBBER: Yes, so then we can
8 defer some of the other issues to, what, May 2012?

9 COMMISSIONER DAI: No, we have to do the budget in
10 September for 2012-2013, which is why I'm saying we need
11 to think now because the budget is going to be put
12 together.

13 EXECUTIVE DIRECTOR CLAYPOOL: You can defer it for
14 another week beyond this week, but for the things beyond
15 there but, yes, budgets are already starting to be put
16 together and there's already a call for them to be
17 forwarded and move forward.

18 COMMISSIONER FILKINS WEBBER: Then, I'm sorry, I
19 have one other question. In your memo you had put in
20 here -- I apologize, I thought there was a statement in
21 here, I think it was in reference to the prison issue,
22 that there may have been a possibility that we may not be
23 provided funding for those types of activities because,
24 obviously, the propositions do not allow for, you know,
25 those types of activities.

1 So, I thought I saw that in here. So, I mean, I
2 can see us potentially putting down some activities that
3 might be of interest to us, as I think about it and ponder
4 it, other than the maps for the next week -- but, anyway,
5 I'm just joking.

6 Can you help me out there, you know, is there a
7 possibility that we could be exceeding the scope of our
8 authority or jurisdiction in some manner by some of the
9 activities we might suggest?

10 COMMISSIONER DAI: Do you want me to answer? I
11 mean it hasn't been prohibited. I mean we were appointed
12 to ten-year terms and we are the first Commission so I
13 think, you know, to a large degree we have an opportunity
14 here to determine, you know, what this Commission should
15 do for the other nine years. And it could be, you know,
16 we're done with the litigation and we go home. I mean,
17 that could be -- that could be what we decide.

18 But the point is if we don't put the budget
19 request in, there won't be any money available to support
20 it.

21 EXECUTIVE DIRECTOR CLAYPOOL: So, if I might, you
22 did see that statement in there and it is in our
23 recommendation where I not that the closer it's tied to
24 your requirements as a Commission, clearly, the more
25 argument you have for having this move forward. And that

1 would also apply for things that are statutorily required,
2 like archiving.

3 The fact that you put it into your budget change
4 proposal does not mean that you will receive approval for
5 it, but it does mean that it -- but, certainly, as
6 Commissioner Dai said, if you don't put it in there, you
7 won't receive approval for it.

8 COMMISSIONER DAI: Is that helpful? So --

9 CHAIRPERSON ONTAI: Next.

10 COMMISSIONER DAI: -- wildest imaginations,
11 please, send me notes and I'll try to put something
12 together.

13 CHAIRPERSON ONTAI: All right, that's good. Next?

14 VICE-CHAIRPERSON GALAMBOS MALLOY: So, can I
15 just -- you're going to clarify the process. So, what
16 happens from now, you give your suggestions to
17 Commissioner Dai, she works with staff, staff comes back,
18 Mr. Claypool provides us with a draft staffing proposal
19 that would meet the functions that then we, as a
20 Commission, have indicated that we are interested in. He
21 will present that to us at next week's business meeting.

22 Now, there may be some personnel considerations
23 that come up if we don't need as robust of a staff as we
24 have historically had, and so we are allowing on next
25 week's agenda the flexibility to have some closed session

1 time, if we need to start thinking of some of those
2 considerations. So, that's the next step here.

3 COMMISSIONER DAI: Yes. And I've made comments in
4 previous sessions about this, that out of fairness to our
5 staff that we need to be clear about, you know, who's
6 going to stay on as part of the core staff. And, you
7 know, there are many people that we've added over the
8 course of the time that we've had here as a Commissioner
9 and there are functions that we're certainly not going to
10 need, anymore, because we're not going to have the volume
11 of activities.

12 CHAIRPERSON ONTAI: Commissioner DiGuilio?

13 COMMISSIONER DI GUILIO: I'm just wondering, is
14 it -- are we allowed to have like a shared Google Doc,
15 where we would all put our activities that we see
16 happening, or something where we could build off of
17 everybody's ideas?

18 CHAIRPERSON ONTAI: We could do that.

19 COMMISSIONER DI GUILIO: Is that --

20 CHAIRPERSON ONTAI: Any objection?

21 CHIEF LEGAL COUNSEL MILLER: Yes. That, again, is
22 similar to a serial meeting where the Commissioners are
23 conducting their business outside of the public, so it
24 would be best to have the discussion here, in the public
25 forum.

1 CHAIRPERSON ONTAI: So, give us the drop dead
2 date, when do you want these comments?

3 COMMISSIONER DAI: Before we leave Sacramento.

4 CHAIRPERSON ONTAI: Saturday?

5 COMMISSIONER DAI: Yes. Think about it for, you
6 know, 15 minutes tonight, send me your ideas and then I'll
7 compile it and put together a document and work with staff
8 to come up with proposals.

9 CHAIRPERSON ONTAI: Okay, any other questions?
10 Can we go on? Are you done?

11 COMMISSIONER DAI: Yeah. And like I said, also
12 considering we'll probably need to finish this discussion
13 next time about the structure for moving forward,
14 delegated authority and how do we keep things moving
15 forward.

16 CHAIRPERSON ONTAI: All right. So, then I'm
17 assuming you're done with your list, let's go on to the
18 Public Information discussion, Commissioner Raya.

19 Or do you want to take a quick break? All right,
20 let's take a five-minute, quick potty break and be back.

21 (Off the record at 5:57 p.m.)

22 (Reconvene at 6:11 p.m.)

23 CHAIRPERSON ONTAI: All right, Commissioners,
24 let's reconvene, we've got a quorum.

25 Okay, so let's restate our business. We're going

1 to start with Commissioner Raya's report on public
2 information.

3 COMMISSIONER RAYA: Okay. And I was packing up
4 here. Okay. Well, as usual, whoever comes last has
5 pretty much had everything said by the time it gets to
6 you. But there are a couple of -- a couple of things that
7 we wanted to talk about just to give kudos to everyone
8 involved, Q2 and Mr. -- is it Mr. or Ms. Lee? Mr. Lee for
9 all the work that was done to get our visualizations up,
10 categorized, so that it's clear to the public what
11 versions we're looking at, at this point.

12 We, of course, are continuing to receive lots of
13 public comment and I guess one thing we would strongly
14 suggest to people who are sending messages, individually,
15 to the Commissioners that it would be preferable to send
16 them to Voters First Act to insure that all Commissioners
17 get the same messages, and that they are posted and
18 handled in accordance with our usual practices, and make
19 sure that it's all part of the record.

20 We've already discussed, in Technical, the public
21 comment for the period between now and August 15th, so I
22 think that's been pretty much covered.

23 And I will turn it over to Mr. Wilcox about our
24 upcoming events.

25 COMMUNICATIONS DIRECTOR WILCOX: Thank you. On

1 Friday, July 29th, the release of the preliminary final
2 maps, there will be a meeting at McGeorge, following the
3 meeting, a 1:00 p.m. press conference at the State
4 Capitol.

5 I'm working with Commissioner Raya and the
6 incoming Chair on the products on a narrative for the
7 public and press, frequently asked questions Q&A, talking
8 points, and those will be delivered to the full Commission
9 early next week.

10 On August 15th there will be a meeting to adopt
11 the maps at the State Capitol. That will be followed by a
12 press conference and then the Commission will present maps
13 to the Secretary of State's Office.

14 COMMISSIONER RAYA: Does anyone have any questions
15 of Public Information?

16 CHAIRPERSON ONTAI: You know, just a comment, it
17 just seems so surrealistic now.

18 COMMISSIONER RAYA: Yeah. Well, it's time to
19 break out those good clothes again, so a tie.

20 COMMISSIONER FORBES: Was that directed at anyone
21 in particular?

22 (Laughter)

23 CHAIRPERSON ONTAI: Commissioner Raya, is that it?

24 COMMISSIONER RAYA: That's it.

25 CHAIRPERSON ONTAI: Oh, okay.

1 COMMUNICATIONS DIRECTOR WILCOX: Thank you.

2 CHAIRPERSON ONTAI: All right, so let me go
3 straight to public comments. Do we have anyone here,
4 then? If you have spoken already, and you would like to
5 make a follow-up point in your discussions, please try to
6 make it as brief as possible.

7 How many speakers have we got? All right, so it
8 looks like we have ten. Ten or eleven. What's that?

9 UNIDENTIFIED SPEAKER: We have a list up here
10 that's been sitting here all day.

11 CHAIRPERSON ONTAI: Okay. So, the list looks like
12 about ten people, right? So, I think what we're going to
13 do is limit it to two minutes each, if you could, please.
14 All right, up to two minutes, the less is better. We
15 won't think of you any less if you made it short.

16 (Laughter)

17 MS. FUENTES: Hello, Commissioners, I'm Suzanne
18 Fuentes, a Council member from the City of El Segundo, in
19 Los Angeles County. And I am here to hand-deliver the
20 second resolution that our City Council passed this
21 Tuesday, it's Resolution 4726, restating our
22 recommendation that the Commission treat the South Bay
23 cities of Los Angeles County as a community of interest
24 and make every effort to keep the South Bay cities
25 together in the same district for drawing State Assembly,

1 State Senate, and Congressional district boundaries.

2 The citizens of the South Bay have had their
3 voices weakened by having their representation be split
4 among them and much larger cities in geographic areas with
5 often contradictory concerns and interests, and have been
6 denied the right to have representatives of all parties
7 truly compete for their vote.

8 The South Bay Beach cities constitute a community
9 of interest that has traditionally been committed to
10 working effectively on common coastal, economic and
11 environmental issues.

12 Having the South Bay community of interest
13 represented as much as possible by a single Congressional,
14 Assembly, or a State Senate district in the 2011
15 reapportionment would be in the best interest of voters
16 and would enable the best alignment of government with
17 regional interests.

18 I provided a copy of this resolution earlier, as
19 well as a copy of a letter from the El Segundo Chamber of
20 Commerce, stating its strong belief that the South Bay
21 business districts, residential neighborhoods,
22 unincorporated communities and cities should not be
23 divided into separate legislative districts because,
24 historically, the South Bay cities have always included
25 and support a cohesive business and residential district

1 that's supported our business communities, residential
2 diversity, and a lifestyle of work and play in one
3 community. Thank you.

4 ADMINISTRATIVE ASSISTANT SARGIS: Rosalinda
5 Martinez? And if Frances Stiglisch could be ready,
6 please?

7 MS. MARTINEZ: Hello, I want to say once again,
8 Rosalinda Martinez, a resident of Hawthorne for 23 years.
9 And I just want to emphasize how important the City of
10 Hawthorne is to be included into the South Bay cities, the
11 Congressional, Assembly and the Senate district. And I
12 just want to thank you for giving us the opportunity to
13 come out here and to let you know that we're all here with
14 the South Bay cities, together with their support. Thank
15 you.

16 ADMINISTRATIVE ASSISTANT SARGIS: And if Darlene
17 Love could be prepared, please?

18 MS. STIGLISCH: My name is Frances Stiglisch. And
19 as I said before, I'm 93 years old and I've lived in
20 Hawthorne for 65 years, and my concern is all us going to
21 the cities, Hermosa, and Manhattan Beach, and El Segundo,
22 and all that, so I don't want to be separated from them.
23 And I hope that you would get us in there because I've
24 lived there and I saw many things happening in my 65
25 years, and I have a few more years to go, I guess.

1 My boys are saying that I'm going to hit a
2 hundred, so I still have seven years to go, and I'd like
3 to enjoy it going to the cities, the South Bay cities.
4 And because we shop there, we go to the restaurants there,
5 we go to swim, to play ball, volleyball, and everything
6 else we've done on there and we just enjoy that are very,
7 very much. And I hope you consider this when you're
8 taking this into consideration. Thank you very, very
9 much.

10 ADMINISTRATIVE ASSISTANT SARGIS: Darlene Love and
11 then Kyle Orlemann.

12 MS. LOVE: Again, my name is Darlene Love and I've
13 lived in Hawthorne 47 years. I'm a Civil Service
14 Commissioner. And again, I want to thank you that you all
15 were able to let us speak a second time and make these
16 appeals.

17 And I do feel within my hear that with your
18 consideration and the things that need to be done, that we
19 will be able to be left in that area of the South Bay,
20 where there's some things that we could do.

21 And like I said, after living in other cities in
22 that other area, I think South Bay is one of your better
23 cities and we bring a lot to the cities of South Bay.

24 So, if there's any way possible that we can still
25 add to this, please remember Hawthorne because we do enjoy

1 being -- living there in the City of Hawthorne, there near
2 the airport, we're very near the 105, we're very near the
3 405, and the L.A. Air Force Base.

4 So, these are very good things, and when you get
5 to be 75, you just kind of live so you can at least catch
6 the bus, you don't have to worry. So, whatever you can
7 keep us there, or the representation that we will get from
8 South Bay, we will thank you a lot for it.

9 And again, thank you, Commissioners for listening.
10 Thanks again.

11 ADMINISTRATIVE ASSISTANT SARGIS: Okay, and Alex
12 Vargas will be next.

13 MS. HAMILTON ORLEMANN: Good evening and thanks,
14 again, for the opportunity. My name is Kyle Hamilton
15 Orlemann, I gave you my written comments earlier and in an
16 earlier e-mail, and so I don't want to really spend my
17 time addressing the technical reasons why Hawthorne
18 belongs in the South Bay.

19 What I would like to share with you a little bit
20 is the process that's happened within Hawthorne as it
21 relates to what you're doing. Most of us have never known
22 anything about this kind of process before, we're
23 citizens, we go to work. My husband's a disabled veteran,
24 I take care of him, we're at the VA Hospital a lot and my
25 day is taken up with those kinds of mundane chores.

1 About a month ago, a friend from another city,
2 who's involved in animal rescue, sent me an e-mail and she
3 told me about this process and suggested that it might be
4 interesting for me to look into it. And I'm a civilian,
5 I've never dealt with anything like this before, it's
6 completely out of my frame of reference.

7 So, I started trying to read up on it and the more
8 I read, the more I thought, wait a minute, this is
9 something really important, this is something that we
10 cannot ignore and that we can't let other people make
11 decisions for us without hearing how we feel, and what's
12 important to us.

13 So, I started talking to my neighbors, and I went
14 to my city council, I started sending out e-mails. I
15 started out with ten people on my e-mail list and I asked
16 them to send my e-mails, and forward them to the people on
17 their lists, and forward them to the people on their
18 lists, et cetera.

19 It finally got to the point where by the time the
20 daisy chain happened it went from two of us being present
21 at your Commission hearing in Culver City, and this past
22 weekend an e-mail went out and our city council decided to
23 have a special meeting.

24 I got notified about that special meeting at 12:00
25 o'clock on Tuesday afternoon, two days ago.

1 By the time I walked into our council chamber,
2 less than six hours later, our council chamber was packed,
3 every seat was filled. The people were there from every
4 single section of Hawthorne, the people were there from
5 some of the other surrounding cities, as well.

6 And these are people who still -- you know, some
7 of them think that you're Congress that's doing this to
8 us, some of them thought --

9 ADMINISTRATIVE ASSISTANT SARGIS: Time.

10 MS. HAMILTON ORLEMANN: Twenty seconds, may I,
11 please? No, okay. But the thing is everybody spoke with
12 the same voice and what every single person said at that
13 meeting is we don't know what the rest of this stuff is
14 about, but the thing we do know is that we are the South
15 Bay. Please recognize that. Thank you.

16 ADMINISTRATIVE ASSISTANT SARGIS: After Mr.
17 Vargas, Susan Nissman.

18 MR. VARGAS: Of course, thank you very much for
19 the opportunity for our residents to speak and express
20 themselves. And when the residents of our community come
21 and ask their city leaders to be their voice, that's we
22 do, that's what we're there for.

23 So, you know, when Kyle Orlemann and a lot of the
24 residents came to us, that's what we did. They were not
25 sure, they needed explanations.

1 This originated from the residents and we have to
2 act on their behalf. But they're here now, so that you'll
3 see that it's really them, and all their testimonies and
4 all the -- you'll probably remember which envelopes are
5 ours, it's those large Manila envelopes, so those are
6 ours. We have as much information, every single
7 neighborhood association of the City of Hawthorne has
8 written letters, resolutions. We sent a letter,
9 ourselves, the chamber of commerce, the police chief, the
10 whole gamut, the whole community, the whole panorama.

11 You know, all ethnicities, everyone -- everyone in
12 our community is being represented there.

13 Okay, and we're also here in solidarity with
14 cities like El Segundo, Torrance, I submitted something on
15 their behalf. Redondo Beach might be -- is probably
16 sending something as well.

17 We've contacted the people in Lawndale, they've
18 contacted us, it's a unanimous thing, this is originated
19 from the residents. And so we're just really hoping that
20 since it's a Citizens Redistricting Committee that you
21 really do listen to the residents.

22 So, I want to appreciate the last three days'
23 worth of opportunities that I've had. And like I said, I
24 don't envy you, it's hard decisions you have to make. But
25 the residents are speaking in this case so what else, I

1 mean these are the people who live there, so if you could
2 take them into consideration, we really appreciate it.
3 Thank you very much.

4 COMMISSIONER BARABBA: Sir, may I have a question?

5 CHAIRPERSON ONTAI: Commissioner Barabba?

6 COMMISSIONER BARABBA: I was -- you said you
7 wanted to be kept to the South Bay or you wanted to be
8 moved to the South Bay, because you're currently in a
9 different district?

10 MR. VARGAS: Okay. Placed in the South Bay
11 cities, as it's identified in our resolution. I don't
12 want to veer off and give my own personal explanation
13 because that would be -- am I still speaking? But we gave
14 you a map that all the residents, who were in attendance
15 at that meeting, and was connected with our resolution,
16 that's what we're asking for.

17 And that the other, the State Assembly and the
18 State Senate districts represent than and include
19 Hawthorne in those -- within those major boundaries.

20 COMMISSIONER BARABBA: You're currently not in a
21 Congressional district that ties with the South Bay
22 cities?

23 MR. VARGAS: Based on what the residents were
24 seeing at the special meeting, they were not content with
25 what they were seeing up there.

1 COMMISSIONER BARABBA: No, I mean currently, like
2 today?

3 MR. VARGAS: Currently, as of today, some of our
4 portions are extended outside, so this is an opportunity
5 to maybe correct what a lot of the residents are seeing.
6 Correction, I guess that's the key word.

7 COMMISSIONER BARABBA: Thank you.

8 MR. VARGAS: That's what they're saying.

9 ADMINISTRATIVE ASSISTANT SARGIS: After Ms.
10 Nissman it will be Kim Lamorie.

11 MS. NISSMAN: Good evening, again. I submitted
12 several letters this morning that echo wishes of
13 constituents living in Supervisor Zev Yaroslavsky's
14 district, which encompasses two million people.

15 I would like to read the following from the Las
16 Virgenes Malibu COG, as it relates to Senate district
17 EVENT.

18 "Dear Commissioners, the most recent Senate
19 District proposed by the Commission is
20 completely unacceptable. The boundaries do
21 not make sense as they combine two distinct
22 and completely unrelated areas, the north
23 inland quarter, Simi Valley, Moorpark and
24 Santa Clarita, and the Santa Monica Mountains
25 Coastal area, Westlake Village, Agoura Hills,

1 Calabajas, Hidden Hills and Malibu. Therefore,
2 the COG respectfully requests that the
3 Commission remove Simi Valley, Moorpark,
4 and Santa Clarita, and replace those
5 cities with Malibu, our member city, and the
6 other coastal communities of Pacific Palisades,
7 Brentwood, Sherman Oaks and Santa Monica. The
8 Senate district would include all five COG
9 cities, along with the other Coastal Santa Monica
10 Mountains communities that meet the threshold
11 required by the 2010 Census. The Las
12 Virgenes/Malibu COG hopes you understand how
13 important it is for our five cities to be in the
14 same Legislative district. Respectfully yours,
15 the Las Virgenes/Malibu COG."

16 Thank you.

17 MS. LAMORIE: Hi, my name's Kim Lamorie and I
18 thank you very much for the opportunity to speak again
19 this evening.

20 I'm the President of the Federation, the Las
21 Virgenes Federation, and for 44 years we have been the
22 voice of the Santa Monica Mountains.

23 We thought it might be helpful to put it in
24 perspective. Here is a partial list of the citizen
25 organization and entities who support returning Malibu,

1 Santa Monica, Sherman Oaks and the Palisades to the Senate
2 EVENT Coastal Mountain map we presented to you this
3 morning, and here's a copy of it. I think, remember, and
4 that would be removing the areas north of the 118 because
5 we do not share any communities of interest or
6 transportation corridors.

7 So, here's a list, a partial list. The Las
8 Virgenes/Malibu COG cities, which Susan just relayed, of
9 Agoura Hills, Calabasas, Hidden Hills, Malibu, and
10 Westlake Village. Currently, Malibu's been yanked
11 completely out of our district, entirely.

12 The Coalition for Protection of the Santa Monica
13 Mountains, the City of Santa Monica, and the Council, and
14 the Mayor, the Pacific Palisades Community Counsel. Of
15 course, the Las Virgenes Federation and our 6,000 citizen
16 homeowners.

17 Members of the Pacific Palisades Residents
18 Association, West Hills Homeowners Association, Topanga
19 Town Council, L.A. County Supervisor, Zev Yaroslavsky, the
20 Resource Conservation District of the Santa Monica
21 Mountains, three former Agoura Hills mayors, Heal the Bay.

22 Several hundred individuals, San Fernando Valley,
23 Malibu, Brentwood, Topanga, Santa Monica and Las Virgenes
24 residents.

25 Former Santa Monica mayor, the PCH Task Force,

1 Old Topanga, Topanga Association for a Scenic Community,
2 the Calabasas Highlands, State Park Board Members, two
3 members of the L.A. Regional Water Quality Control Board,
4 Malibu Canyon Community Association, Bel Air, Skycrest,
5 Encino and Brentwood Homeowners.

6 The Mandeville Canyon Association, Brentwood
7 Hills, Topanga Fire Safe Alliance, the Pepperdine
8 University and on it goes.

9 And here's a list of entities in L.A. County that
10 do not support it.

11 ADMINISTRATIVE ASSISTANT SARGIS: Time.

12 MS. LAMORIE: Thank you very much, I really
13 appreciate it.

14 ADMINISTRATIVE ASSISTANT SARGIS: Madeline
15 Glickfeld, and Mr. Schaller, and then Mr. Salaverry.

16 MR. SCHALLER: Okay, Glen Schaller, from the City
17 of Santa Cruz. You have the letter from the mayor; I'm
18 not going to read more from there. What I did want to say
19 is that Santa Cruz is the smallest county in California,
20 after San Francisco.

21 We've spent the last ten years with two
22 Congressional districts, to Senate districts and two
23 Assembly districts. We're used to being divided, but
24 dividing our County seat is a step too far.

25 We have proposed and we've sent to you maps that

1 unify the cities of Santa Clara, Sunnyvale, and Santa
2 Cruz. We've increased the Latino CVAP in the MONT
3 Congressional district, and the API CVAP in the SANJO
4 district.

5 So, we've proposed Congressional districts that
6 unify divided cities, and increase Section 5 requirements.
7 We really look forward to your serious consideration of
8 these maps and thank you very much for all your hard work.

9 MR. SALAVERY: Good afternoon, Commissioners.
10 Morrison & Foerster is a poor choice of litigation
11 attorneys. The firm has a reputation for partisanship, it
12 is not politically balanced.

13 If you check the contributions by staff and
14 partners, you will find a high percentage of donations to
15 Democrats.

16 One prominent attorney, from MOFO, Mr. Tony West,
17 was active as a fundraiser for Barack Obama and was
18 earlier connected to Ron Dellums.

19 He then moved to the Department of Justice Civil
20 Division where he heads up 750 lawyers and is married to
21 the sister of Camilla Harris, according to newspaper
22 reports.

23 Two attorney options is not enough, nor is a two-
24 Commissioner team tasked to cull the firms and make a
25 strong recommendation that the rest of you rely on.

1 In the course of the public hearings and line-
2 drawing process, it has become obvious that Gibson Dunn
3 and Mr. Brown was not a good choice.

4 A letter from the AARC cited chapter and verse as
5 to Mr. Brown's incompetence, others have weighed in
6 similarly.

7 Morrison & Foerster has little Voting Rights or
8 election law experience. The firm's excitement about
9 representing the Commission does not seem to be a
10 compelling reason for the hire, as it may be due in part
11 to approval of maps which "Time Magazine" recently said
12 favored Democrats, rather than idealistic support of
13 citizen redistricting.

14 The firm, like Gibson, is expensive, charging \$800
15 to \$1,000 hourly for its partners.

16 Given your earlier discussion of the \$6 million
17 figure it cost Arizona to defend 40 maps in a state with a
18 population of about seven million; can the taxpayers of
19 California expect a final bill in multiples of that cost?

20 Would a \$24 million fee to MOFO be appropriate
21 given our budget crisis and would a similar fee to Gibson,
22 whose errors you will need to defensibly litigate be
23 appropriate?

24 Thank you.

25 ADMINISTRATIVE ASSISTANT SARGIS: And I don't have

1 your name, but you can come forward.

2 MR. MORALES: Good afternoon, district
3 Commissioners, my name is Sergeant Major, retired, Daniel
4 Morales. I'm here on behalf of the Hispanic Veterans of
5 California to discuss how the July 11th and 18th BOE
6 district proposals disenfranchise the Central Valley by
7 needlessly split between the East and the ORSD district.

8 The Hispanic agricultural communities of the
9 Central Valley and, indeed, the Central Valley as a whole
10 are disenfranchised by anchoring the East District in the
11 City of Los Angeles and the Bay Area Counties of Yolo and
12 Solano.

13 These urban and suburban areas are very dissimilar
14 from the Central Valley. The court-appointed special
15 masters wisely put Solano and Yolo with the Bay Area
16 districts, which better fits their community of interests
17 and should you.

18 The ORSD district is based in San Diego and the
19 Inland Empire, but takes enough of the Eastern and
20 Northern Central Valley to dilute the Central Valley.

21 Additionally, by stretching the entire length of
22 California, from Coronado to Alturas, as many others have
23 noted, this district is destined for the gerrymandering
24 hall of shame should the Commission adopt these maps.

25 We know you have a difficult task and the BOE

1 lines are the lowest publicity items you are dealing with.
2 However, many Hispanic Americans and Veteran Hispanic
3 Americans, especially those in this new country are
4 working hard to achieve the American dream by opening
5 their own businesses, like I have here.

6 Having access to board members accountable in
7 their community of interest can make or break a small
8 business owner. Thank you for your time.

9 I'll be followed by Julian Canete and Roy Perez.

10 MR. CANETE: Thank you. Julian Canete,
11 California -- President and CEO California Hispanic
12 Chambers of Commerce. We're here today to urge your
13 reconsideration of the proposed Board of Equalization
14 districts.

15 The first maps, released June 10th, by and large
16 got it right. The two visualizations from July 11th and
17 July 18th are horribly wrong.

18 The Board of Equalization maps dilute the
19 influence of Hispanics in Los Angeles by needlessly
20 splitting the City of Los Angeles and the surrounding
21 communities between the East and the L.A. districts.

22 Hispanics in the L.A. district are split from
23 their shared community of interest in the San Fernando and
24 San Gabriel Valleys. By joining them with a far different
25 bulk of Orange County, you disenfranchise that community.

1 The Hispanic community in Los Angeles cannot be
2 split without diluting its voting power. The L.A.
3 Hispanic community is not just made up of numbers, but of
4 Hispanics in all areas of the City of L.A. and surrounding
5 L.A. Basin cities. We must stay unified in one BOEC. Go
6 back to the June 10th -- we urge you to go back to the June
7 10th map, at a minimum, but preferably urge you to swap the
8 portions of the City of L.A. for Ventura County, between
9 the East and L.A. districts as previously presented.
10 Thank you for your time.

11 CHAIRPERSON ONTAI: Sure, Commissioner DiGuilio?

12 COMMISSIONER DI GUILIO: I'm sorry. Maybe, if you
13 had some suggestions, I'm curious because I think we've
14 heard a lot about this, if you had any specific
15 suggestions and if, when you did these switches did you --
16 I'm not sure if you -- with our Board of Equalization we
17 still have to meet the VRA benchmarks for the districts in
18 the Central Valley and Monterey, so making these switches
19 can we still make our benchmark for those other areas?

20 They were drawn in a way that -- the problem with
21 our first -- actually, our first draft maps, we didn't
22 quite reach the benchmarks, so they weren't compliant with
23 VRA, so I didn't know if your suggestions actually took
24 into consideration the benchmarks?

25 MR. CANETE: Our people, as they were briefing me,

1 have said that they have. I mean, I can give you their
2 contact information and they can better explain how they
3 feel those benchmarks can be met.

4 COMMISSIONER DI GIULIO: Okay.

5 MR. CANETE: If that's okay?

6 COMMISSIONER DI GIULIO: Yeah, I think we're
7 discussing that on Saturday, so if you have specific
8 suggestions about what to swap and if it still meets the
9 benchmarks, that would be helpful.

10 MR. CANETE: I'll check and I'll come back
11 Saturday and let you know.

12 COMMISSIONER DI GIULIO: Great.

13 MR. CANETE: How about that?

14 COMMISSIONER DI GIULIO: Thank you.

15 MR. PEREZ: Good afternoon, ladies and gentlemen,
16 my name is Roy Perez; I'm here on behalf of the South Bay
17 Hispanic Chamber of Commerce and the L.A. Metropolitan
18 Hispanic Chamber of Commerce in Los Angeles.

19 We respectfully, but strongly urge the Commission
20 to go back to the June 10th maps, which are very similar to
21 what the courts did in the 1990 districting. From there
22 swap Ventura and the City of Los Angeles between the East
23 and Los Angeles district in order to keep the City of Los
24 Angeles, and its large and vibrant Hispanic community
25 intact in L.A.

1 Unlike the Central Coast wine-growing counties,
2 Ventura is a traditional agricultural county that fits
3 well in the June 12th East district. The July 11th and 18th
4 maps, quite frankly, don't make any sense to us as we
5 discuss it and they represent gerrymandering and that they
6 divide communities of interest and are unwanted by anyone.

7 Over the past few months you've heard quite a bit
8 of testimony. I'm not sure if you've heard anything about
9 the BOE prior to the release of the June 10th maps, and
10 because those were pretty good you had the one requested
11 change of the City of L.A. for Ventura between L.A. and
12 the East districts.

13 To date, the greater L.A. African American
14 Chamber, the NAACP, the California Hispanic Chambers of
15 Commerce, the Central Valley organizations, and the
16 business community, as well as the taxpayers have asked
17 all of you to reject the July 11th and 18th maps. Please
18 take this into serious consideration and appreciate your
19 time. Thank you.

20 MS. GARCIA: Good afternoon, Commissioners, Astrid
21 Garcia, with NALEO Educational Fund. I just wanted to
22 highlight, I've now done best practice and given you each
23 a copy of our testimony from this morning.

24 I want to point that there's an appendix there
25 with community of interest testimony from the Latino

1 community through our workshops, and it shows where some
2 additional changes could be made.

3 And then I just wanted to offer a brief comment.
4 I know that you all took the issue of numbering earlier
5 today and we would like to just encourage you to take on
6 whatever method causes least confusion for voters.

7 If there's no education about what geography your
8 district contains, then we would want to encourage the
9 Commissioners to do some kind of blended method. Again,
10 voter confusion is what we want to avoid, the maps are to
11 best reflect the voters.

12 And so I would just -- I know that you all were
13 considering incumbents but, please, also consider the
14 impact on voters with your numbering and what that causes.

15 And then, finally, I also -- as you're considering
16 choosing your number method, if you would also consider
17 the impact on the Section 5 counties and whether or not
18 retrogression of voters would occur with deferment.

19 COMMISSIONER BARABBA: Just one -- we did not seek
20 incumbent protection; it was deferral of the people who
21 were going to defer their vote.

22 MS. GARCIA: Yeah, I'm sorry, if I could explain.
23 The conversation that we heard was a lot around concern
24 whether or not considering the current districts would
25 give any impression that the Commissioners were

1 considering incumbents. And so I think you all have
2 demonstrated that that has not been part of your process
3 at all, and so if you were to consider them now, in terms
4 of the current districts, we don't feel that there would
5 be a conflict there.

6 But it would help avoid, perhaps, voter confusion
7 again. It's not a recommendation of one or the other. In
8 the dialogue, however, we did not hear the perspective of
9 the voters and what numbering -- how numbering affects a
10 voter understanding of their current district.

11 COMMISSIONER BARABBA: I'm just going -- the whole
12 subject was the deferral of an individual's vote, not
13 anything to do with the incumbent.

14 MS. GARCIA: Yes. Thank you.

15 ADMINISTRATIVE ASSISTANT SARGIS: Are there others
16 who would like to provide public comment?

17 MS. MC CLOUD: Good evening. My name is LaKenya
18 McCloud, I'm here on behalf of the California Black
19 Chamber of Commerce and I'm submitting a comment on behalf
20 of the Chamber and for Aubrey Stone.

21 And just wanted to read our statement. Mr. Stone
22 cannot be here, himself, he's out of town, so I'm here in
23 his place.

24 So, pretty much want you to know that we're paying
25 close attention to the process and we really, again, want

1 to make sure it's fair and it's one that encompasses all
2 people, it's fair for everyone. We're not just here for
3 people of color, but we really are paying attention that
4 the process can, sometimes, disenfranchise certain groups.

5 So, with that being said, the highly involved role
6 that the Board of Equalization plays with respect to local
7 property tax stabilization is the main reason why we
8 believe a region should have the opportunity for unified
9 messages about its tax policies.

10 This means to create a largely L.A. district,
11 possibly including our neighbors and portions of Ventura,
12 and San Bernardino Counties, if such a district does not
13 have sufficient population on its own.

14 Simply put, we don't need the far north of L.A.
15 County that has more in common with the Kern County, than
16 with Central Los Angeles, to be just the L.A., only.

17 We want the West L.A., or the San Gabriel Valley
18 to also honor the concept of keeping communities,
19 interests in whole.

20 If the current proposed L.A. district is adopted,
21 with the half of Orange County, it will not be
22 representative of the will of the millions of people who
23 are relying on this -- on this process.

24 With that being said, we also want to make sure
25 that as we go forward we provide you with maps. We do

1 have a map that we plan to provide the committee by
2 Saturday. If you would also note that, to expect the
3 California Black Chamber to submit copies of maps to you,
4 and ones that we think are more fair and more
5 representative of what all the populations are in the
6 area.

7 So, if the current proposed L.A. district is
8 adopted with half of Orange County, again, it will not
9 represent all of the people. When we're relying on you to
10 produce districts that --

11 ADMINISTRATIVE ASSISTANT SARGIS: Time.

12 MS. MC CLOUD: -- encourage fair and balanced
13 representation. Thank you.

14 CHAIRPERSON ONTAI: Commissioner Parvenu?

15 COMMISSIONER PARVENU: I'm going to ask you a
16 question similar to what my colleague, Commissioner
17 DiGuilio, asked an earlier speaker. You said you'll
18 present maps to us on Saturday?

19 MS. MC CLOUD: Before Saturday.

20 COMMISSIONER PARVENU: Before Saturday. We, of
21 course, have to follow the guidelines and adhere to the
22 Voting Rights Act. Will your maps also indicate
23 compliance with that Act in terms of reaching --

24 MS. MC CLOUD: They actually will.

25 COMMISSIONER PARVENU: -- our benchmarks?

1 MS. MC CLOUD: They absolutely will. Okay, well
2 thank you for your time.

3 CHAIRPERSON ONTAI: All right, so we don't have
4 any more speakers? That's it.

5 And I want to thank all of you for sticking around
6 and coming by to give your testimony, we do appreciate it
7 very much. Thank you. Have a safe trip back.

8 All right. Dan, are you there? Not sure if we
9 gave you our full attention. Would you like to make a
10 report?

11 UNIDENTIFIED SPEAKER: He has two minutes.

12 CHAIRPERSON ONTAI: Go ahead.

13 EXECUTIVE DIRECTOR CLAYPOOL: Thank you. I heard
14 I had two minutes and I'm going to try to match Rob, and
15 his eloquence.

16 We have -- the staff has finished catching up with
17 all of the backlog that had occurred, all of the stuff
18 that went forward to Q2, the public comment, so that's
19 completely taken care of at this point.

20 We've been working this week with, obviously, with
21 the litigation and pushing forward the -- the request or
22 the release request with the Department of Finance.

23 I've met three times with our principal program
24 manager to discuss exactly what they intend to see from
25 us, so that we can get that money released to us and to be

1 used.

2 I've also discussed the process with Finance as
3 to augmenting those funds if, indeed, we need a greater
4 amount than the 1.5 million that was put into the
5 provision language for us.

6 And Rob has given us a briefing on what he's done
7 this week, as far as public relations. And that's been
8 your staff since last week.

9 Does anyone have any questions because I'm under
10 two minutes?

11 CHAIRPERSON ONTAI: Thank you very much, Dan.
12 Now, I would like to make a happy announcement that today
13 is Dan's birthday.

14 (Applause)

15 EXECUTIVE DIRECTOR CLAYPOOL: Just when I thought
16 I got out of this. Thank you very much.

17 CHAIRPERSON ONTAI: You're very welcome and may
18 you have many, many more.

19 Okay, we've reached the end of our meeting. I
20 want to thank our general public members that have stayed
21 with us all this time.

22 Tomorrow morning we'll start at 9:00 o'clock
23 sharp. We made a decision today to stick to our 28th final
24 date decision, so the next two days we're going to be
25 making decisions at a fairly quick pace. The 29th, I'm

1 sorry. And we'll have a special litigation counsel
2 report, I think in the afternoon. We're not sure, but we
3 will -- we'll have a presentation only by them.

4 It looks like we'll have to move the decision by
5 the Commission to do any hiring process to the following
6 week, but we will have a full presentation by them
7 tomorrow, either tomorrow or Saturday. Is that correct?

8 VICE-CHAIRPERSON GALAMBOS MALLOY: I think that
9 the goal was that we would be -- tomorrow morning we would
10 reconvene with public comment and then we would be joined
11 by one of the legal firms. We would have about an hour
12 with them. Half-hour would go to their formal
13 presentation to the Commission and no more than a half-
14 hour for questions on the part of the Commissioners.

15 Now, of course, we'll be receiving a summary of
16 the questions that were already asked in the previous
17 interviews to inform how we, as a Commission, want to use
18 the time most effectively.

19 We will have time, as well, if staff is prepared
20 to come back and provide any additional analysis on the
21 Senate deferral numbering issue.

22 And then we'll move into line drawing. Q2 staff
23 has graciously agreed to shift their hours on both Friday
24 and Saturday, so they will start later and end later,
25 which means we will certainly be going past 6:00 p.m.

1 On Saturday we will have the other legal firm come
2 in first thing in the morning and we will go through the
3 same process with them, and then move forward on the
4 mapping.

5 We've also requested our staff, again, just
6 because we're -- we have a lot of work to do and then with
7 the addition of the legal interviews, we're asking staff
8 to provide us with some lunch options so that we can have
9 a fairly brief lunch break and just focus, really, on
10 getting the job over the next couple of days.

11 CHAIRPERSON ONTAI: Thank you. One of the first
12 things we'll talk about when we convene tomorrow is I'd
13 like to have a short discussion, but a meaningful
14 discussion on the definition of what street-by-street
15 decision making means, I want to air that out.

16 And, secondly, I do want to review, again, how the
17 Commission's going to vote on all of these districts.

18 I think in the past we've been a thumbs up/thumbs
19 down, so I'm assuming we're going to do that again, but
20 let's have a discussion on that tomorrow, as well.

21 All right, so have a good night's rest and our
22 meeting is adjourned.

23 (Off the record at 6:50 p.m.)

24 --oOo--

25