

**MINUTES FOR THE MEETING OF THE FIRST EIGHT MEMBERS OF THE
CITIZENS REDISTRICTING COMMISSION HELD ON
NOVEMBER 30, DECEMBER 1, DECEMBER 10, AND DECEMBER 15, 2010**

November 30, 2010

Steven Russo, Counsel for the first eight members of the Citizens Redistricting Commission, called the meeting to order at 9:30 a.m.

Roll call was taken and all of the first eight commissioners were present: i.e., Vincent Barabba, Cynthia Dai, Jodie Filkins Webber, Stanley Forbes, Connie Galambos Malloy, Elaine Kuo, Jeanne Raya, and Peter Yao.

California State Auditor Elaine Howle provided opening remarks and thanked the public for its participation in the application process for selecting the members of the Commission. The State Auditor encouraged the public to continue to support the Commission.

The State Auditor administered the oath of office to the first eight commissioners.

The State Auditor introduced and provided a brief biography for each of the first eight commissioners. She reminded the public that the application materials for the commissioners, as well as for the remaining 28 applicants, were available at www.WeDrawTheLines.ca.gov.

The State Auditor reminded the commissioners that they must select the final six members of the Commission by December 31, 2010. She pledged support from the Bureau of State Audits (BSA) as the commissioners complete this task.

Mr. Russo invited the commissioners to make brief statements. Each commissioner spoke and two members corrected their biographies: Commissioner Yao stated that he served as a member of the Claremont City Council for eight years, including two years as mayor; and Commissioner Kuo stated that she recently was hired as a college researcher at Foothill College.

Mr. Russo presented the counsel report. He informed the commissioners that their sole purpose is to select the final 6 commissioners by December 31, 2010. The first eight commissioners have no authority to take action on redistricting at this meeting.

Mr. Russo explained that this meeting was scheduled to last up to 17 days to give the commissioners maximum flexibility in its schedule and to comply with the 10-day notice requirement for public meetings under the Bagley-Keene Open Meeting Act.

To further the BSA's continuing goal of trying to make the application process as transparent as possible, Mr. Russo announced that the meeting was being streamed live over the Internet, and videotapes and written transcripts of the meeting would be posted on the redistricting website. In addition, Mr. Russo said the public could submit comments via the website, www.WeDrawTheLines.ca.gov.

In order to provide necessary assistance to the first eight commissioners, Mr. Russo explained that the first two days of the meeting would be devoted to providing training necessary for them to select the final six commissioners. The training was geared to helping the commissioners understand the diversity of California and the skills that would be needed to perform redistricting so they would know what qualities to seek when selecting their fellow commissioners. The training was not intended to provide all the skills needed for redistricting since Mr. Russo

anticipated the Secretary of State will provide additional training on redistricting to the full Commission. Mr. Russo advised the first eight commissioners to select commissioners who have skills that complement the skills of the first eight commissioners and who can work cooperatively to achieve the task of redistricting.

Mr. Russo reviewed the agenda items. He encouraged the commissioners to ask questions during the training. The public would be invited to ask questions after the presentation, if time permitted. Mr. Russo also said that public comment would be taken before any action on matters of business.

Mr. Russo continued to the selection of a temporary chair and temporary vice chair. Mr. Russo explained the temporary chair and temporary vice chair serve only so long as the Commission operates with eight commissioners. When the final six commissioners are selected, the temporary chair and temporary vice chair will no longer serve in those positions. The full 14-member Commission will select a permanent chair and permanent vice chair.

Mr. Russo stated the regulations require the temporary chair and temporary vice chair to be elected by at least five affirmative votes, including affirmative votes from two Democratic commissioners, two Republican commissioners, and one commissioner not registered as a Democrat or Republican. He stated that the temporary chair and temporary vice chair could not belong to the same political party.

Mr. Russo explained that a commissioner may nominate another commissioner or himself/herself. One nominee at a time will be put to vote, in the order of nomination. The first nominee to receive the requisite votes will receive the position. The nomination and voting for the temporary chair would occur first, followed by nomination and voting for the temporary vice chair. Public comments would be accepted prior to any vote.

Commissioner Raya asked if it would be appropriate to ask if any commissioners wanted to serve as temporary chair. After Mr. Russo acknowledged it would be appropriate to call for volunteers, Commissioners Barabba and Yao indicated they each would be willing to serve.

The first nomination for temporary chair was a nomination by Commissioner Filkins Webber for Commissioner Yao. Commissioner Galambos Malloy seconded the nomination. The second nomination was made by Commissioner Raya for Commissioner Barabba and seconded by Commissioner Kuo.

Mr. Russo invited public comment regarding the nominations. One individual made a public comment.

Mr. Russo called for a vote by roll call for the election of Commissioner Yao as temporary chair. The result of the vote was 6-1 with one commissioner abstaining (Commissioner Barabba). Commissioners Dai, Filkins Webber, Forbes, Galambos Malloy, Kuo, and Yao voted aye and Commissioner Raya voted nay. The affirmative vote results included two Democratic commissioners, two Republican commissioners and two commissioners registered as Decline to State. Because Commissioner Yao received the requisite votes, he was elected temporary chair.

Commissioner Filkins Webber nominated Commissioner Dai for temporary vice chair. Commissioner Galambos Malloy seconded the nomination. No other nominations were made. After asking for public comment and receiving none, Mr. Russo called for a vote by roll call. The vote was unanimous in favor of electing Commissioner Dai as the temporary vice chair, so she was elected temporary vice chair.

Chairman Yao suggested a change in the order of agenda items to allow for general public comments about items not on the agenda before the training sessions begin. Donna Neville, Associate Chief Counsel for the BSA, advised the Chairman that her training session would inform the commissioners about dealing with public comments, so it might be better to go forward with that session before receiving general public comments. Chairman Yao invited public comment just on open meetings and training. No public comments were made.

The meeting recessed at 10:18 a.m. and reconvened at 10:25 a.m.

Donna Neville presented training on the Bagley-Keene Open Meeting Act and commissioner communications. Ms. Neville addressed questions from the commissioners throughout her training and responded to questions from the public at the conclusion of the training.

The commissioners accepted public comment on items not on the agenda from six individuals.

The meeting recessed at 12:04 p.m. and reconvened at 1:06 p.m.

Steve Lynn, former chairperson of the Arizona independent redistricting commission, spoke about his experiences and shared his knowledge regarding redistricting. He made comparisons between Arizona and California demographics. Mr. Lynn provided advice on the qualities and type of person the commissioners should select to fill the final six Commission seats. Mr. Lynn answered questions from the commissioners throughout his presentation. No public questions were addressed to Mr. Lynn.

Hans Johnson, Senior Fellow and Associate Director of Research for the Public Policy Institute of California presented "A Brief Demography of California." Mr. Johnson addressed California population growth, the diversity and complexity of the State's ethnicity, and immigration data. The commissioners asked Mr. Johnson questions throughout his presentation. No public questions were addressed to Mr. Johnson.

The meeting recessed at 2:39 p.m. and reconvened at 2:50 p.m.

Mr. Russo started a discussion about the process and procedures for the commissioners to follow in selecting the final six members of the Commission. He reviewed the three considerations, i.e., diversity reflective of the State's population, relevant analytical skills, and the ability to be impartial as the criteria the commissioners must use in the selection process.

Mr. Russo explained the selection of the final members of the Commission would be voted on by slate, i.e., a list of six of the remaining applicants. Any commissioner could nominate a slate, but he/she could only put forward one proposed slate at a time. The slate must be approved by a minimum of five votes, including affirmative votes from at least two Democratic commissioners, two Republican commissioners, and one commissioner not registered as a Democrat or Republican.

Mr. Russo advised the commissioners that they needed to build consensus to decide the best way to select the final commissioners. He suggested the commissioners discuss the qualities and skill set that the final six commissioners should possess, e.g., public outreach experience.

He also encouraged the commissioners to identify information they needed in addition to the materials they already had, which included all of the data collected for the Applicant Review Panel. Mr. Russo told the commissioners that it had the ability to make a written request from the applicants for additional information and could also request the applicants to appear for an interview. However, Mr. Russo explained to the commissioners that further fact-finding efforts would be time consuming.

Commissioner Barabba requested a list of the commissioners' previous California residences to determine their experiences and familiarity with California regions.

A discussion followed regarding how to look at the demographic information without being formulaic. Commissioner Galambos Malloy asked if other factors could be considered, such as age. Mr. Russo said other factors could be considered but not at the expense of the required factors.

Chairman Yao asked if three slates can be considered at a time and if so, what is the voting order of the slates. Mr. Russo replied that up to eight slates could be under consideration at one time since each commissioner could have one active slate. However, Mr. Russo continued that having eight competing slates up for consideration at one time may not be conducive to building consensus. Mr. Russo said the regulations do not specify the order of voting when multiple slates are on the floor.

Commissioner Forbes asked if there could be one slate, i.e., a chairman's slate, that the commissioners build together by adding one applicant at a time until all six members are selected. Mr. Russo replied that this method would be a legitimate process.

Commissioner Filkins Webber asked whether the commissioners could receive the demographics for the remaining 28 applicants in a format similar to the format used on the public website.

The commissioners invited public comment, and one member of the public provided a comment.

The meeting was recessed for the day at 3:22 p.m.

December 1, 2010

The meeting was reconvened on December 1, 2010 at 9:30 a.m.

Chairman Yao noted that all of the first eight members of the Commission were present.

The commissioners opened the floor for public comments and received none.

Justin Levitt, Professor of Law at Loyola Law School, presented "Redistricting 101 and the Legal Concepts that Apply to Redistricting in California." Professor Levitt spoke about the legalities involved in redistricting and provided information about the qualities the commissioners should seek when selecting the final six commissioners. The commissioners asked questions throughout Professor Levitt's presentation.

During Professor Levitt's presentation, the commissioners took a recess from 10:36 a.m. to 10:45 a.m.

Chairman Yao invited the public to ask questions and none were asked.

The commissioners recessed for lunch at 11:19 a.m. and reconvened at 1:03 p.m.

Chairman Yao invited the public to comment and no comments were presented.

Karin Mac Donald, Director, and Nicole Boyle, GIS Analyst, at the Statewide Database & Election Administration Research Center at the University of California, Berkeley, provided the commissioners with information on the practical and applied aspects of redistricting data. Ms. Mac Donald and Ms. Boyle also demonstrated software used to draw district lines. Professor Levitt was called upon to clarify certain legal concepts during the presentation. The presenters answered questions from the commissioners throughout the training. One question from a member of the public was answered after the presentation.

Mr. Russo addressed the commissioners on how to proceed with the selection of the final six commissioners. He recommended the commissioners recess to review the applicants' materials. He reminded the commissioners that they needed to decide if they needed more information but cautioned them that more fact-finding would take time.

Mr. Russo explained that Commissioner Barraba's request to obtain prior California residences from the remaining applicants would require additional time and asked for clarification. The commissioners discussed the usefulness of the information. They agreed to have BSA staff collect this information from the commissioners, but not the remaining applicants.

Mr. Russo reminded the commissioners that they could conduct additional interviews with the applicants. A discussion followed among the commissioners on the advantages and disadvantages of additional interviews. Commissioner Galambos Malloy made a motion to not to hold additional in-person interviews and only to gather information not already available as it becomes needed. Commissioner Raya seconded the motion. The floor was opened for public comment and one individual made a comment. The motion carried affirmatively and unanimously by voice vote.

The ers discussed a date to reconvene. Commissioner Forbes made a motion to reconvene on Friday, December 10, 2010 at 9:30 a.m. and continue as needed until December 17, 2010. Commissioner Galambos Malloy seconded the motion. The floor was opened for public comments and no comments were made. The motion carried affirmatively and unanimously by voice vote.

Chairman Yao asked whether the final six commissioners could be sworn in before January 1, 2011. Mr. Russo advised that the current eight commissioners did not have the ability to make the decision to schedule the first meeting for the full 14-member Commission. He said that the request could be made to the Secretary of State who would schedule and plan the first meeting. Mr. Russo added that the BSA had met with the Secretary of State in anticipation of transitioning support for the Commission to the Secretary of State.

The floor was opened for public comment and one individual made a comment.

Commissioner Filkins Webber suggested that the commissioners develop proposals for meeting procedures. She requested that the commissioners bring their suggestions for meeting procedures to the reconvened meeting on December 10, 2010 and discuss them at the beginning of the meeting.

The meeting recessed at 4:30 P.M.

December 10, 2010

The meeting reconvened on December 10, 2010 at 9:35 A.M.

Chairman Yao noted for the record that all eight commissioners were present.

Chairman Yao changed the order of the agenda to allow the counsel report to be presented first. Mr. Russo presented the counsel report, which covered the transition plan for support for the Commission. He stated that the BSA would be responsible for supporting the commissioners only until the final six commissioners are selected. After the full Commission is selected, the Secretary of State would be responsible for supporting the Commission until it is fully functional. Mr. Russo invited a representative from the Secretary of State's office to address the Commission.

Dora Mejia, the Chief of the Secretary of State's Management Services Division, reviewed the transition and support plans for the Commission. She said the Secretary of State would provide the Commission technical and administrative support. Ms. Mejia said her office placed job postings for Commission staff positions on both the State of California and www.WeDrawTheLines.ca.gov websites. She said that she located available office space for the Commission at 1130 K Street in Sacramento.

The commissioners and Ms. Mejia discussed the transition plan and the details of hiring staff.

Mr. Russo told the commissioners that although they voted not to hold more interviews, they could request additional information from the applicants.

Mr. Russo reviewed the commissioners' task of selecting the final six commissioners to ensure that the Commission members (1) reflect the diversity of California's population without using formulas or specific ratios; (2) have the ability to be impartial; and (3) possess relevant analytical skills. Mr. Russo described the details of each of the three considerations.

Mr. Russo presented the concept of slate nominations. Mr. Russo stated that each commissioner can propose a slate of six applicants or the commissioners can decide to build a slate together by constructing a "chairman's slate."

Mr. Russo demonstrated the tools that staff would use to track the nomination and voting of the slates. He reviewed the required affirmative votes to approve a slate of applicants, i.e., at least five affirmative votes, including at least two Democratic commissioners, two Republican commissioners, and one commissioner not registered as either Democrat or Republican.

The commissioners discussed how to proceed in selecting the final six commissioners. They reviewed the diversity factors, the importance of relevant skill sets, and the ability to work together. The commissioners also discussed the idea of a "chairman's slate." The commissioners also talked about the consequences if an applicant declined to accept a seat on the Commission.

The commissioners discussed accepting public comments at the meeting and if the comments should have a time limit. Commissioner Galambos Malloy made a motion to limit public comments to 5 minutes. Commissioner Forbes seconded the motion. Two individuals from the public addressed the commission on the motion. A vote was taken by roll call. The motion carried affirmatively and unanimously.

The commissioners recessed from 10:38 A.M. to 10:50 A.M.

The public was invited to comment on the qualities the commissioners should seek when selecting the final six commissioners. Seven individuals provided public comments.

The commissioners discussed the number and type of public comments they have received.

The commissioners deliberated about the process for selecting the final six commissioners. They discussed balancing all diversity factors without using ratios or formulas, how to select applicants for the slate, how to consider relevant analytical skills and impartiality, and allowing public comment on the slate. Vice Chairperson Dai suggested building the slate around "anchor applicants", i.e., at least one applicant in each party sub pool that all the commissioners feel must be on the Commission.

The Commission recessed at 12:06 P.M. and reconvened at 12:41 P.M.

The commissioners conferred on how to obtain public comment after a slate is nominated. Mr. Russo suggested that if the commissioners wanted to allow the public not in attendance at the meeting to provide comments, the BSA could send an e-mail blast to its list of interested persons requesting public comments. These individuals would have a set amount of time, e.g., 20 or 30 minutes, to submit a public comment on the slate. The BSA would provide copies of the public comments to the commissioners. The commissioners agreed to allow public comments to be received for an hour after a slate is nominated.

The attending public was invited to comment. Four individuals made comments.

Commissioner Kuo disclosed that she knows one of the remaining 28 applicants, Ann Marie Machamer. Commissioner Kuo said she and Ms. Machamer attended the same graduate school but had not been in contact since 2000. Mr. Russo asked if this prior contact would affect Commissioner Kuo's objectivity in selecting the final six commissioners. Commissioner Kuo replied that she and Ms. Machamer did not interact socially or professionally, so she did not feel the need to recuse herself.

Each of the other seven commissioners acknowledged that he/she did not know any of the remaining 28 applicants.

The commissioner discussed individual applicants to build a slate. The commissioners named 17 of the applicants for further consideration. These applicants were:

- Victoria Aguayo Schupbach
- Gabino Aguirre
- Angelo Ancheta
- Maria Blanco
- Michelle DiGuilio-Matz
- Teresa Espana
- Wesley Hussey
- Patrick Jefferson
- Lillian Judd
- Byrd Lochtie
- Paul McKaskle
- Susan Miller
- Lilbert "Gil" Ontai
- M. Andre Parvenu
- Maria Stewart
- James Vidal
- Michael Ward

The commissioners decided to look at these individuals closer regarding diversity and skill sets. After additional discussion, ten applicants were moved on for further consideration:

- Gabino Aguirre
- Maria Blanco
- Michelle DiGuilio-Matz
- Teresa Espana
- Lillian Judd
- Paul McKaskle
- Lilbert "Gil" Ontai
- Susan Miller
- M. Andre Parvenu
- Michael Ward

The commission recessed at 1:56 P.M. and reconvened at 2:04 P.M.

The commissioners continued to discuss these applicants and proceeded to develop a slate containing six applicants. The proposed slate included:

- Gabino Aguirre
- Maria Blanco
- Michelle DiGuilio-Matz
- Lilbert "Gil" Ontai
- M. Andre Parvenu
- Michael Ward

Commissioner Barabba made a motion to vote on this proposed slate. Commissioner Forbes seconded the motion. The floor was opened for discussion and public comment. Four individuals made public comments.

The commissioners discussed the length of time to allow public comment on the proposed slate of applicants. They considered the benefits of allowing more time for input against incurring more cost due to additional travel expenses. Commissioner Galambos Malloy made a motion to solicit the public for comments on the proposed slate of six applicants and reconvene at noon on December 11, 2010. Commissioner Filkins Webber seconded the motion. The floor was opened for public comment. One individual made a comment.

The commissioners continued their discussion about how much time to allow for public comment. Mr. Russo informed the commissioners that the interested persons were notified about the opportunity to provide public comment on the slate, people were watching the live-streamed video, and the video and transcript of the meeting would be posted in a few days. Commissioner Galambos Malloy withdrew her motion to reconvene on December 11, 2010.

The discussion continued regarding when the commissioners should reconvene the meeting and how much time would be adequate for public comment. Commissioner Kuo made a motion to reconvene the meeting at a future date. Commissioner Forbes seconded the motion. Vote was taken by roll call. The motion carried affirmatively and unanimously.

A short discussion was held to determine a date and time for a future meeting.

The meeting was recessed at 3:20 P.M. and reconvened at 3:29 P.M.

The commissioners reviewed their schedules for an available meeting date. Commissioner Kuo made a motion to reconvene the meeting on Wednesday, December 15, 2010 at 10:30 a.m. Commissioner Forbes seconded the motion. The floor was opened for discussion and one individual made a public comment. The commissioners passed the motion by an affirmative and unanimous vote.

The commissioners briefly discussed their available dates for the full Commission's first meeting. The commissioners also requested a copy of the e-mail that BSA staff sent to the interested parties regarding the public comment opportunity.

The meeting recessed at 3:37 P.M.

December 15, 2010

The meeting reconvened on Wednesday, December 15, 2010 at 10:32 a.m.

Mr. Russo noted for the record that all eight commissioners were present.

Mr. Russo reviewed the agenda items. He noted the first order of business was to accept public comments on the proposed slate of six final commissioners. The first eight commissioners would then discuss those comments as well as the written comments sent to the BSA during the commissioners' recess. The commissioners would vote on the slate. If approved, the commissioners' task would be complete; otherwise, a new slate would have to be proposed.

Mr. Russo advised the commissioners that if a new slate were proposed, the commissioners would not be legally obligated to take another recess to receive public comments. He reminded the commissioners that the public had the opportunity to submit comments on applicants throughout the selection process and were invited to provide comments about the pending slate and any other potential slates.

Mr. Russo announced that the BSA had received 111 public comments, including 83 comments directed at specific applicants, during the commissioners' recess from December 10 to December 15, 2010. Mr. Russo explained that although the public was invited to comment on the proposed slate, 53 public comments regarded applicants not on the pending slate, nearly double the number of comments for applicants on the slate. Mr. Russo stated that this indicates the public understood it could comment on all remaining applicants.

The floor was opened for public comments. Three individuals made comments.

The commissioners expressed their appreciation for the public comments. They also discussed the demographics of the first eight commissioners. Due to the random drawing of the first eight commissioners and the resulting demographic composition, the eight commissioners felt they were somewhat constrained in how much diversity they could create when selecting the final six commissioners.

The commissioners discussed the current slate and the possibility of adding Paul McKaskle to the pending slate. Commissioner Forbes proposed the following alternative slate for discussion:

- Gabino Aguirre
- Maria Blanco
- Paul McKaskle
- Lilbert “Gil” Ontai
- M. Andre Parvenu
- Michael Ward

The commissioners asked about the order of voting on the slates. Mr. Russo advised them that the regulations do not specify the order that slates must be voted on, so the commissioners would be free to select the order at their discretion.

Commissioner Forbes moved to vote on his slate first. Commissioner Barabba seconded the motion. A vote was taken by roll call, and the motion passed with an affirmative and unanimous vote.

The commissioners discussed the inclusion of Mr. McKaskle and the exclusion of Michelle DiGuilio-Matz on Commissioner Forbes’ slate. Citing lack of support, Commissioner Forbes withdrew his slate.

Chairman Yao called for public comment on his slate (below). No public comments were provided.

- Gabino Aguirre
- Maria Blanco
- Michelle DiGuilio-Matz
- Lilbert “Gil” Ontai
- M. Andre Parvenu
- Michael Ward

A roll call vote was taken with the results of 7-1 in favor of approving the slate. Commissioners Barabba, Dai, Forbes, Galambos Malloy, Kuo, Raya, and Yao vote aye. Commissioner Filkins Webber voted nay. The first eight commissioners approved the slate, with 3 Democrats, 2 Republicans, and 2 commissioners unaffiliated with either of those two parties voting for the slate.

The meeting was recessed at 11:45 A.M. and reconvened at noon.

The commissioners received a calendar of their compiled schedules in January 2011 to determine an agreeable date for the full Commission’s first meeting. Mr. Russo told the commissioners that they may want to propose dates to the Secretary of State for the full Commission’s first meeting. He said the first meeting agenda items would include swearing in the final six commissioners and administrative procedures, e.g., hiring staff and training.

The commissioners discussed a multi-day agenda to comply with the Bagley-Keene Open Meeting Act and to allow flexibility in scheduling necessary tasks, such as interviewing applicants for staff positions. Commissioner Filkins Webber made a motion to recommend that the first meeting of the Citizens Redistricting Commission be held on January 7, 2011 and continue as necessary through January 21, 2011. Commissioner Kuo seconded the motion. Discussion followed. As a result of the discussion, Commissioner Filkins Webber amended her motion to commence the meeting on January 7, 2011 at 9:30 a.m. and continue as necessary through January 31, 2011. Commissioner Kuo seconded the motion. Mr. Russo announced the meeting would be held at the Secretary of State’s office. No vote was taken since the motion was a recommendation, not an action item of business.

The commissioners discussed the possible agenda items for the full Commission's meeting. Mr. Russo said the final six commissioners could form a committee to receive training that the first eight commissioners already received, so the first eight commissioners would not have to repeat the training. The commissioners also discussed the possibility of forming other committees for planning and outreach efforts.

The floor was opened for public comments. One individual made a comment.

Chairman Yao asked how the commissioners could recommend items for the next meeting's agenda. Mr. Russo said the commissioners should individually contact the Secretary of State's office. Chairman Yao suggested that the commissioners copy BSA staff on these requests.

Commissioners Dai, Filkins Webber, and Yao made closing remarks.

There being no further business before the first eight members of the Commission, the meeting adjourned at 12:25 P.M.

For full transcripts of this meeting, please refer to the website www.WeDrawTheLines.ca.gov.