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BEFORE THE
CALIFORNIA STATE AUDITOR
BUREAU OF STATE AUDITS

Third Meeting of the First Eight Commissioners

Citizens Redistricting Commission

555 Capitol Mall, 5th Floor

Sacramento, CA

WEDNESDAY, DECEMBER 15, 2010

10:32 A.M.

Reported by: Peppina Thompson

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APPEARANCES

MEMBERS PRESENT:

Peter Yao, Chair
Cynthia Dai, Vice Chair
Vincent Barabba
Stanley Forbes
Elaine Kuo
Connie Galambos Malloy
Jeanne Raya
Jodie Filkins Webber

STAFF PRESENT:

Steven Russo, Counsel for the first eight
Commissioners

Patti Alverson, Secretary to the first eight
Commissioners

PUBLIC COMMENT:

Aster Garcia
Pat Moran.
Heather Peters (written submission only)
Jim Wright

ALSO PRESENT:

Kristian Manoff, videographer

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P R O C E E D I N G S

DECEMBER 15, 2010 10:32 A.M.

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CHAIRMAN YAO: Good morning, everybody.

This is a Wednesday, December 15. Time is just a couple minutes past 10:30. This is the Citizen Redistricting Committee, where we are reconvening from a meeting on Friday, December 10. All of you have the agenda in front of you, but, before we get going with Item No. 13, I'd like to invite Mr. Steven Russo to brief us on the procedure we plan to follow whether we need to vote on the existing slate before making any changes on and on, but before we vote on it, we certainly seek additional input from the public in the room.

So, Mr. Russo, you have the floor.

MR. RUSSO: Thank you, Mr. Chairman.

I would note for the record all members, all eight members of the first eight members of the Citizen Redistricting Commission are present so we certainly have a quorum.

As we proceed today, as the Chairman mentioned, the first order of business would be to take additional public comment from persons who are present today at the meeting regarding the slate of six that is currently pending. After accepting that public comment, the

1 members of the commission can have a whole discussion
2 regarding that public comment, anything they want to say
3 in response to that comment or other comment that you
4 have received during the during the recess is that we
5 have taken since you were last congregated here for a
6 meeting.

7 After that, as you have a motion pending and
8 seconded on an existing slate, we would ask you to vote
9 to that slate, to either approve it or disapprove it by a
10 yes or no vote. If the slate is not approved, then
11 you're free to create an additional slate. You can do it
12 in the same manner that you did last time, by
13 constructing a chairman's slate, or, again, you can have
14 the option of proposing, individually as commissioners,
15 proposing a slate.

16 Let's see. If you create an additional slate,
17 and then we would proceed as we did last time with a
18 proposed -- with a slate coming forward, someone making a
19 motion for approval of the slate, a seconding of that
20 motion, and receiving public comment.

21 Now, the question that arises is whether you
22 need to take a recess -- as you did last time -- to
23 receive additional public comment from individuals who
24 are not present at this meeting. The legal answer to
25 that is absolutely not, you don't need to do that. The

1 Bagley-Keene only requires us to notice that you are here
2 to consider what slates will be, to receive public
3 comment from anyone who has provided public comment in
4 written form, anyone who wants to orally present public
5 comment here today and to make decisions on those slates,
6 whether you go through one slate or a thousand slates
7 until you reach a resolution, that's what you're here to
8 do today. And you don't -- there's no obligation to
9 break every three days or for break for three days in
10 between every slate until you reach a resolution. Quite
11 honestly, if you did that and you had to go through very
12 many slates, you wouldn't meet your statutory deadline.

13 I would note on the issue of public comment as
14 far as concern about whether or not you've been
15 adequately transparent, I can give you some information
16 on that. In the first instance, I would -- I would just
17 note that throughout this application period, as you well
18 know, as applicants the Bureau of State Audits has
19 been -- has had a system in place where individuals could
20 provide comment regarding the qualifications of the
21 applicants. Throughout that application period we have
22 collected a total of 1,969 comments regarding the various
23 applicants. So, in terms of the public being able to
24 weigh in on whether they thought certain individuals were
25 qualified or were good choices to serve on the

1 Commission, they certainly had that opportunity.

2 If we simply look at the period of time since
3 the current slate was proposed, I would point out a
4 couple of things. One thing that we did when we
5 announced to the public the interested persons that you
6 would be taking a break to receive public comment, we
7 informed the public that when you returned to your
8 meeting after receiving that public comment that you
9 would consider the slate that was proposed of six, six
10 applicants, that you would vote on that slate of six
11 applicants, but if the slate was not approved, that you
12 would propose and vote on additional slates at this
13 meeting. And we invited members of public to provide
14 comment regarding not just the slate of six that was
15 currently proposed, but any additional slates that they
16 think should be proposed at this meeting for
17 consideration.

18 So I think we've -- in that we've provided lots
19 of notice that that was your opportunity -- if you can't
20 be present at the meeting -- to provide comment regarding
21 that slate of six or any other slate of six. And as
22 evidence that the public understood that, during this
23 period of time that you have been in recess, we have
24 received a total of 111 public comments regarding
25 applicants. But if we look at the way that that's broken

1 down, while 30 of the comments were regarding individuals
2 who were on the current slate of six, fifty-three of the
3 comments -- now you can say almost double the number of
4 comments -- were on individuals who were not on the
5 current slate. So I think that demonstrates that the
6 public was getting the point that this was an opportunity
7 to comment not just on the current slate of six but on
8 other applicants for the Commission to consider to be
9 placed on a slate for one or more reasons. And I would
10 note that in the comments we've received a lot of those
11 comments related to the slate you got is a good one but
12 you need to add this person, you need to subtract this
13 person, and so forth.

14 And so I think you have keyed up the issue
15 pretty clearly that this is the six, and, so, if you --
16 if there needs to be a revision of one or two or whatever
17 people then tell us how that should happen so that you
18 end up with a slate of six that at least -- to the minds
19 of these members of the public was a slate that would
20 create the kind of Commission, a full Commission that
21 would be reflective of the State of California and have
22 the skills and impartiality that would be important to
23 have as a full Commission.

24 So with that I think I've set forth the process
25 that you need to follow at this point and I can answer

1 any question.

2 CHAIRMAN YAO: I think there was also a question
3 as to whether we can accept a substitute motion or an
4 alternate motion before we vote on the existing slate.

5 MR. RUSSO: You have the ability to do that if
6 that's what you want to do. A recommendation is that,
7 rather than making that complicated, that you go with the
8 existing slate and vote on that. Because that's what --
9 that's what the public has been noticed of, that this is
10 what you were intending to do. So, rather than making it
11 so by voting it up or down you have at that point made it
12 clear has your intention is with regard to that
13 particular slate, and you then have a clean -- I don't
14 want to say a clean -- a clean slate -- you have a clean
15 table to start with again to compose a new slate with
16 whatever changes you want to make. But if you want to
17 simply amend the current slate, you do have the ability
18 to do that at this point on motion and seconding.

19 CHAIRMAN YAO: Any further questions on that
20 procedure from anyone that you want to take? All
21 right. Let me open the podium to any public comment that
22 any public that wish to address the Commission on a topic
23 of selection of the final six candidates, please come up
24 to the podium.

25 MEMBER OF THE PUBLIC: Hello, my name is Katie

1 Fleming. And I'm with California Common Cause. We would
2 like to extend our thanks to the first eight members of
3 the Commission for the work that you have already put in.
4 As I'm sure you're learning, having a full toolbox is
5 critically important to your success. We think you've
6 done that with this slate.

7 One could certainly quibble with one or another
8 choice, but, as a whole, the slate is very -- is a very
9 strong group and one that we think would represent the
10 People of California well. I also wanted to say a few
11 words about Maria Blanco because some concerns were
12 raised about her candidacy. In helping to write the
13 proposition language that created this Commission, we
14 felt a mix of expertise would be important. Ms. Blanco's
15 background in multiple civil rights organizations is just
16 the kind of expertise we were thinking of. It
17 complements the breadth of skills and experience that
18 each of you bring to the table, no more, no less. More
19 specifically, adding a person with a civil rights
20 background is not only an important addition to the
21 Commission but it also -- but it is also important for
22 the public to feel the Commission represents the invoices
23 of those who have traditionally been left out of the
24 process. Legitimacy is a real requirement for the
25 Commission to be successful. As her many letters of

1 reference suggest, Maria has experience working in many
2 different groups and contexts, and she has known to be a
3 bridge builder not a flame thrower.

4 Thank you.

5 CHAIRMAN YAO: Thank you, Mrs. Fleming.

6 MEMBER OF THE PUBLIC: Good morning, Aster
7 Garcia with the NALEO Education Fund. The NALEO
8 Education Fund is a nonpartisan nonprofit organization
9 that facilitates the full participation of Latinos in the
10 American Political process from citizenship to public
11 process.

12 You've received some of our letters throughout
13 these weeks. First, I just want to say it's such a
14 pleasure to put faces to the applications, and it's a
15 real pleasure to be here before you today. We have a few
16 comments that we want to share. As I mentioned, you have
17 received our letters so I just want to highlight a few
18 points. And the first is that today you're going to
19 determine the body that's really going to define the
20 future of California. You are the fortunate few who were
21 selected at random to represent the first Citizens
22 Redistricting Commission. And with that task in mind, we
23 ask you to be very thoughtful as you consider the first
24 six commissioners in a manner that will increase Latino
25 representation.

1 Latinos are California's second largest and
2 fastest growing population. They comprise nearly 40
3 percent of the state's populations. It is therefore
4 critical that there being significant Latino
5 representation in all three groups that comprise the
6 commission. Including Republicans, Democrats and persons
7 not affiliated with either of these two major parties to
8 truly reflect the diversity of the Latino community.

9 Our second comment is on the public process
10 that's adopted by the commission. Mr. Russo outlined
11 some very important points. Key to that is
12 communication. And we ask that the decisions that you
13 make -- that you consider providing advanced notice of
14 key decision-making days and as well as meaningful
15 processes for public comment. The decisions that this
16 body makes will touch the lives of Californians for the
17 next decade. The process that you are adopted last
18 Friday does not set a good precedent for public trust.
19 It is not reassuring that the Commission used a
20 two-tiered public comment process allowing people in the
21 room to comment on the ten applicants that were being
22 considered and limiting those that were outside of the
23 room to consider only the final slate of six. The
24 Commissioners should remember that the voice of all
25 Californians is equal, regardless of whether they are

1 inside or outside of the room. The average Californian
2 does work eight hours or more a day and will not have the
3 opportunity to attend each public meeting or follow the
4 live webcast. And, as you can see by the many public
5 comments that were received during this period, people
6 are watching and do want to contribute at least their own
7 voice to the process.

8 While we appreciate the financial prudence of
9 the Commission, we request that the Commission be more
10 thoughtful of the public process that it establishes for
11 future meeting. We hope that in the future no
12 Commissioner would have to voice their reluctant support
13 for an extended public process. Finally, we wish
14 you great success as you select the final commission and
15 draw the maps that will define the future of California's
16 democracy.

17 CHAIRMAN YAO: Thank you, Ms. Garcia.

18 MEMBER OF THE PUBLIC: Good morning, Members of
19 the Commission. Pat Moran, I'm with Aaron Read &
20 Associates representing the City of Fremont.

21 First, I'd like to commend the State
22 Controller -- or the Auditor's office and the eight
23 Commissioners here. I know you have a tough job in
24 picking the remaining six. It's obviously a no-win
25 situation. There's always going to be people that are

1 going to be unhappy that someone didn't make it, there
2 was someone else that should have been selected. Same
3 way with the City of Fresno. We would have loved to have
4 seen Teresa Espana selected as one of the six final
5 candidates, which she wasn't. With that being said, we
6 would like to ensure that the Valley has representation.
7 It's important that they been represented. They are
8 one -- they are the fastest growing region in California,
9 and, should you choose to alter and change the candidates
10 who are on the -- on the list, we hope you would not take
11 off someone from the Valley.

12 Right now you have -- and excuse me if I
13 mispronounce the name, Michelle Diguilio-Matz; she's from
14 Stockton, she's the only one who would be on the
15 Commission representing the eight-county San Joaquin
16 Valley area, and, so, should you choose to make changes,
17 we'd hope you would keep someone on from the Valley.

18 I know you have someone on from Yolo County. Of
19 course we in the Valley don't consider that to be the
20 Valley. So if you could just keep that in mind when
21 you're doing this we would appreciate it. Thank you.

22 CHAIRMAN YAO: Thank you, Mr. Moran.

23 All right. Seeing no one else approaching the
24 podium, I'll close the public comment and bring the
25 discussion back to the Commission.

1 Would anybody like to be the first to comment on
2 your impression of all of the public comments that we
3 have received over the last three days specifically?

4 COMMISSIONER FORBES: Sure. First of all, I
5 know that I speak for the whole Commission, all eight of
6 us, that we appreciated public comment very much. They
7 have been very interesting reading to see what people's
8 reaction to both our selections and nonselections have
9 been.

10 For those is who watched last Friday, it was
11 apparent -- I mean the process itself has made this
12 difficult for the eight of us. I mean had we had a 14 of
13 us, we could have distribute around the stated we could
14 have represented all groups in all areas around the
15 state. But process didn't allow for that. The process,
16 eight of us, the eight of us here were picked randomly.
17 And as a consequence, four came out of the Bay Area, four
18 of us were Asian. I mean the fact that those numbers are
19 probably disproportionate to the state population, but
20 that's the way the process was set up. So that does
21 constrain some of our ability to represent all groups in
22 all areas in the way that they perhaps feel they should
23 be represented.

24 I just wanted to respond to the comment about
25 there should be more Hispanics or Latinos, and I mean

1 based on our group here, there's only going to be three
2 Anglos, and that's the largest group. That's just
3 because of the way the draw came out. So I know we
4 struggled with that on Friday and we were fully cognizant
5 of that on Friday, so I just wanted to make that sort of
6 initial comment that the initial draw did constrain us in
7 some ways.

8 Also, I do live -- I do have a home north of
9 Stockton, I am north of San Francisco. And I have my
10 farm in a rural northern California county so I just want
11 to point that out because that was a comment that we
12 received from a number of people.

13 I think the question -- and do you want me to
14 comment on the slate as well at this time?

15 CHAIRMAN LAO: So you are confirming that Yolo
16 County is north of San Francisco.

17 COMMISSIONER FORBES: It's north of San
18 Francisco, yes.

19 I think the comment that was -- and I mean there
20 are going to be clearly in this process we were the lucky
21 eight. That's absolutely true. And there are going to
22 be people who wanted to be on this Commission because it
23 was a arduous process and they followed it to the end and
24 we can't pick everyone so there are going to be some
25 people that are going to be disappointed and that's also

1 the way the process was set up.

2 I think the one thing that we should consider,
3 and I'm anxious to hear what my fellow commissioners have
4 to say, is whether we should -- let's put a name to it,
5 add Mr. MacKaskle. Because of his level of experience, I
6 mean the -- the instructions we were given by the
7 legislation was that we should, you know, take into
8 account ethnicity, and regionalism, and gender, and so
9 forth and so on, economic status...

10 But I think as a subtext, not specifically
11 enumerated, was that we want to have a Commission that
12 will give us the very best chance of achieving the
13 purpose of Prop 11 and Prop 20 subsequently. And my
14 question is -- and I think I just want to revisit, we
15 brought this up Friday and I'm going to bring it up
16 again, is whether the level of experience that he
17 brings -- and we have a very short period of time and
18 somewhat limited resources is something that we need to
19 reconsider as part of the slate that we ultimately
20 approve.

21 And that's my comment. Thank you, Chairman
22 Yao.

23 MR. BARABBA: Yes, I would support Stan's
24 comment, the -- as you'll recall when we discussed Mr.
25 MacKaskle we figured there might be a way in which we

1 could get him to join us in a contractual basis but the
2 correspondence that we received makes it pretty clear
3 that that's -- there's an outside chance of that, but
4 very outside.

5 And with that in mind and based on the
6 previous -- I know in my own evaluation of all the
7 candidates, I had him graded extremely high, higher than
8 anyone actually. So I would concur that we need to get
9 him on the slate.

10 VICE CHAIRMAN DAI: As the person who nominated
11 Mr. MacKaskle to be added to the pool, I also feel that
12 he has a wealth of experience that would be extremely
13 valuable to the Commission and would really accelerate
14 our work. However, I want to echo Stan's comments that
15 we were faced with some very serious constraints in
16 trying put this slate together and in trying to find a
17 balance on the slate.

18 One of the comments that I would have on the
19 public comments that -- is that most people actually
20 didn't put forth a slate. They actually commented on
21 particular individuals, advocated for particular
22 individuals, or commented -- rather than putting forth
23 the whole slate and the challenge that was put to the
24 Commission however was to find that balance among the six
25 in order to add the diversity required by the law.

1 And so I think when you start looking at the
2 sub pools and the fact that we can only add two Democrats,
3 two Republicans and two Decline to State, that we have to
4 consider the overall mix and that is where I kept coming
5 out. When we as a group chose to take Mr. MacKaskle off
6 of the final slate of six, I think it was with
7 consideration of all of those factors. I, personally,
8 did not assume that he would be available as staff in
9 making that decision. I would hope that he would be open
10 to consulting with us, even if it were for a limited
11 number of hours. I think that would still be extremely
12 valuable. But I would certainly understand if he did not
13 choose to make himself available and that would be a
14 shame.

15 But, my perspective is still that we really need
16 to look at the mix of all the factors that are required
17 bylaw and the criteria that we discussed as a group on
18 Friday.

19 CHAIRMAN YAO: Go ahead.

20 COMMISSIONER FILKINS WEBBER: I'll go ahead.

21 Thank you --

22 While I certainly agree with Commissioner Dai,
23 one thing we must keep in mind is that not one of those
24 factors has greater weight than any other. And so I have
25 struggled also with Mr. MacKaskle and struggled with

1 having him taken off for the interests of geographic
2 diversity -- and that's where we appear to make that
3 decision.

4 But, having reviewed public comments and
5 thoroughly analyzed the comments made regarding Mr.
6 MacKaskle, in addition to the memorandum we received this
7 morning from Heather Peters -- which also puts an
8 entirely different perspective regarding Mr. MacKaskle
9 and how he could add to this Commission in light of the
10 limited budget. Actually, looking at it from a fiscally
11 conservative point of view and how he could add -- by
12 being on the Commission -- his expertise and certainly
13 may help us save some money.

14 And so I really agree actually with Heather
15 Peters' public comment in that regard and certainly
16 recognize and appreciate all the public comment that we
17 have received over the last several days. Thank you.

18 COMMISSIONER GALAMBOS MALLOY: I agree with many
19 of the points that have been stated here. One thing that
20 I would add to the discussion, I agree and I think that
21 we were trained on the fact that none of the different
22 criteria should outweigh any of the others, however, when
23 we're faced with a candidate who has several factors that
24 would have tremendous weight in terms of the demographics
25 of our pool, we're looking, again, not just at Mr. and

1 Mrs. MacKaskle's technical expertise, but when we look at
2 the proposed ages of the existing Commission and the
3 slate that we're putting forward when we look at the
4 geography of the candidates that are -- we're putting
5 forward in conjunction with ourselves, when we look at
6 race and ethnicity in conjunction with ourselves and who
7 we're putting forward, I agree that no one criteria
8 should be more important than the other, but we are
9 looking at several things that are weighted, despite his
10 excellent expertise, against him in terms of the overall
11 make-up of the pool and how we are trying to create a
12 Commission that is truly representative of the state.

13 Thus, I really feel like this is an important
14 conversation, it's one of the ones that we should be
15 having right now. I would also put on the table we --
16 again, to follow-up on Stan's comment regarding the -- I
17 think there was a lot of feedback we got around northern
18 California. Some of that was Northern Coastal
19 California, others were more around urban versus rural.
20 And when we think about the overall state population, I
21 think one of the things we're really having to face is
22 where are we weighted in terms of population, not just
23 existing population but where have we seen population
24 growth in the past decade, and thus, we had some -- thus
25 we had some candidates in the pool one in tech who was a

1 particularly strong invoices for the North Coast region
2 but at the same time we have to think about the fact that
3 we do -- as gentleman said earlier today the valley is
4 one of areas that we really need to make sure that we're
5 strong in terms of representation because the growth,
6 because of the uniqueness of the issues that are facing
7 that area of California.

8 I will say that I -- as I heard my fellow
9 Commissioners talk about the Northern Coastal area and
10 urban versus rural, that there are candidates on the
11 slate and some of us on the Commission, that are able to
12 speak to some of the rural issues. We have candidate
13 Parvenu who, in his work for FEMA, was travelling
14 throughout the state, was becoming very knowledgeable
15 about the North Coast and Northern California areas in
16 terms of disaster relief and preparedness. We have a
17 candidate that comes from a farm worker family, very
18 familiar with rural issues agricultural issues. We
19 also -- Stan owns a farm, works on a farm every morning
20 before he comes to the Commission meetings. We also have
21 another candidate from our decline to state pool that is
22 on our slate that has been working on water issues from
23 the Valley. And so I think we are again if we hadn't had
24 a random pool to start this out or we had more
25 Commissioners to work with it would be nice to have

1 someone from the North Coast in here but given all the
2 factors that we are weighing, just don't think that's
3 going to happen this round, and I wanted to note that
4 we've been very thoughtful about the process by which
5 we're arriving to that conclusion. CHAIRMAN

6 YAO: I'm not sure I can add any more to what the
7 Commissioners have already said. I wish I had the
8 authority to increase the number beyond 14. I think by
9 doing so we can add a couple of additional Commissioners
10 to fill the voids in the current composition that we have
11 proposed, but that's not to be. I, too, was a little
12 concerned and have tried to find a solution to how to
13 address the one third of the state in general
14 geographical area that appears to be void of
15 representation. But at the same time I went back and
16 looked at the population, and with just 14 Commissioners
17 representing 40 million people, it really would be very
18 very difficult to make adjustments in all the other areas
19 to accommodate that specific shortcoming.

20 When I look across the board in term of the
21 global picture, in terms of the population representation
22 of the state by regions and the number of commissioners
23 we have representing each of those areas, I think we have
24 done a -- done a very good job in terms of adhering to
25 one person-one vote type of philosophy. And also when I

1 take a look at the ethnic composition outside as Stan
2 mentioned, that's outside of the initial drawing of the
3 eight Commissioners, that perhaps forms a distorted
4 distribution and the eight plus the additional six when
5 you compared to -- I know we're not supposed to be using
6 formulas -- and I'm -- and that has never been the case
7 in terms of the formulation of it, but when we -- when I
8 went back and compared against what the theoretical
9 distribution should be, that also has come out extremely
10 well. So from a broad picture I am extremely satisfied
11 with the slate that we have.

12 And when we got Mr. MacKaskle, I hope that
13 he'll find ways to work as even at the end of the day
14 he's not on the Commission, because we on this panel
15 truly value his experience and all the work and all the
16 work that he has done previous, to this time, on the
17 redistricting process.

18 So, that's really my comment. Let me have
19 Jeanne talk about it before I get back to you guys.

20 COMMISSIONER RAYA: I was very impressed with
21 both the number of comments that we received and the deep
22 sincerity coming from people, from you know particular
23 areas such as the North and the Central Valley.

24 And I have to say that even though I was one of
25 the people that thought we were ready to make a decision

1 last Friday, that period of time gave me more time as
2 well to reflect on the choices that we made. And to try
3 to analyze whether we've met all of the stated
4 requirements in the law as well as that we have chosen
5 people that will compatible -- since we all think that
6 we're best friends already -- but people that would be
7 able to work cooperatively with us. I certainly don't
8 think there's any problem with any applicant in the pool.
9 But also that it's just selecting applicants to whom the
10 public can look with confidence and look at the whole
11 Commission with confidence that we gave thought to what
12 they bring to the Commission beyond the labels. Because
13 those labels serve a limited purpose and not any one of
14 us -- as one of the speakers pointed out -- Latinos come
15 in all political parties, all economic levels from a lot
16 of different points of view. I would not presume to
17 speak for all Latinos. And I'm sure that -- the rest of
18 the Commissioners would say the same thing. We just try
19 to bring our perspective, our experience, our
20 appreciation, our awareness, but ultimately our job is
21 going to be defined by the law and, as far as I can see,
22 every member of this Commission and every applicant --
23 not just the six we've selected but the others whom we
24 had great -- probably some difficulties in not
25 selecting -- I think all of the applicants made a

1 commitment going into this process to bring impartiality
2 and a sense of fairness in a commitment to seeing this
3 job through to the end. I think it's also important,
4 too, to acknowledge that we received comments from a wide
5 variety of sources and some were clearly citizens who
6 were very interested in the process, others came from
7 organized groups and -- as I read through things, I tried
8 to be very mindful not to give any greater weight to an
9 organization's statement than I would to a citizen who
10 just said I've known this person for 30 years and this
11 applicant would be a great addition to the group.

12 Because I think that all of those comments were --
13 are valuable and contribute to our doing the best we can
14 to make a selection. I think, you know, we could be here
15 for a long time. There are probably some things I would
16 rethink and Mr. MacKaskle is one of them. And when we --
17 if we do that, then there's a next step and a next step
18 and a next step. That's not a bad thing. That's not a
19 bad thing because we could take six completely different
20 people and still have a good pool. But the challenge is
21 finding that balance, and I don't know that, you know,
22 that we could do significantly better.

23 CHAIRMAN YAO: Mr. Barabba?

24 COMMISSIONER BARABBA: Thank you, Peter.

25 I want to reinforce Jeanne's comments that focus

1 on the geography.

2 If anybody took a poll in Santa Cruz County and
3 asked if I was representative of that county, it would be
4 overwhelmingly no. But I don't think I was selected to
5 represent Santa Cruz County. I was selected because of
6 my experience in reaching out to a broad group of people
7 and to listen carefully. And I say that to all -- all of
8 the people on this die assisted and I think it is
9 representative of the people who are on this slate.

10 So, because the nature of the process, I think
11 has been more articulated by my colleagues here of the
12 randomness of it, we have to make some tough calls, but,
13 because an area is not represented by a person does not
14 mean the area will not be represented in our outreach
15 program, and I think, based on our conversations, we have
16 an extensive commitment to go to all of these areas and
17 to listen carefully, not just to one representative, but
18 to the basis of that community.

19 So I am appreciative of the people's concerns
20 about them not being representative, but the real
21 opportunity will be to show up when we have our meetings.
22 Then they will be truly represented.

23 COMMISSIONER DAI: I would just like to add to
24 all of the comments of my fellow Commissioners, you know,
25 California has 58 counties. It has racial and ethnic

1 groups from all around the world. It is not possible for
2 us to represent every possible combination within 14
3 commissioners. So I think that the people who were
4 inspired to apply for the commission definitely had the
5 profile that Commissioner Barbara mentioned, an interest
6 in representing all Californians, their ability to be
7 impartial and interested in reaching out to communities
8 of interest and making sure that their views are well
9 represented.

10 When I think about the folks who wrote
11 Proposition 11 and why they designed the process this
12 way, where eight of us would be selected at random first,
13 and then have the eight pick the final six, I think maybe
14 they did this with a sense of humor in that this would
15 actually be a test for the eight who were picked at
16 random because this is just a microcosm of what we are
17 going to be going through with the actual districting
18 process, we will have to balance federal laws, state
19 laws -- which actually do have a weight and have to be
20 considered. And the reality is we're not going to be
21 able to satisfy them all. Just like we can't represent
22 all 58 counties or all ethnicities. So there might be
23 question whether we should have all been picked at
24 random, but then I'm sure there would have been a
25 criticism that that wouldn't have been representative,

1 you know: That is "random".

2 So I think this was a desire to kind of split
3 that difference with an assumption that by the time that
4 you have made it to the final 36 that you are free of
5 conflicts of interest, your impartiality is not at issue
6 any more if you survive the legislative strikes, then
7 that's good enough for me in terms of impartiality. That
8 everyone who made it to the final 36 is qualified
9 candidate, would be a competent Commissioner. As Jeanne
10 pointed out, we could pick a different set of six and I'm
11 sure they would be fine commissioners. I was highly
12 impressed with the pool and with different applicants for
13 different reasons. But we were given very very specific
14 guidelines with only six spots to choose, and, as Peter
15 said, if we had more spots then some of the choices would
16 have been easier, but we didn't. So.

17 You know, if I look at the current eight and the
18 six that we have proposed, I think we have tremendous
19 diversity and not only on the factors that are required
20 bylaw. You know, we have, you know, people who work in
21 rural areas. We have entrepreneurs and small business
22 owners, we will have representatives of people who have
23 worked in a variety of fields, urban planning,
24 transportation, health, high technology, financial
25 services, you name it, we have a breadth of experience in

1 industry. We have age diversity of I think we calculated
2 at 40 plus years. We have, you know, gender diversity.
3 I -- you know, I think actually this is a very very
4 diverse set of people that all have a common interest of
5 all representing all Californians well.

6 CHAIRMAN YAO: Any further comments on the
7 existing panel before we go on.

8 Jodie?

9 COMMISSIONER FILKINS WEBBER: Yes, I would like
10 the record to reflect that I do agree with the California
11 Taxpayers Association's public comment dated December 14,
12 2010 that the Commission members were provided so to the
13 extent in which this slate does not pass and there's
14 consideration of Mr. MacKaskle that the further
15 information outlined in the public comment be taken into
16 consideration by the other Commission members. Thank
17 you.

18 CHAIRMAN YAO: Anyone else?

19 COMMISSIONER GALAMBOS MALLOY: I have one last
20 thing to add.

21 CHAIRMAN YAO: Sure.

22 COMMISSIONER GALAMBOS MALLOY: Age diversity was
23 not one of the things that was set forth to us as one of
24 the criteria by which to gauge the applicant pool, and
25 yet I think that I'm speaking for myself and potentially

1 for some of the other Commissioners in that it was
2 something that crossed my mind both in proposing this
3 slate and reviewing the full range of candidates.

4 You know, as a woman in her 30s with two very
5 young children, I understand why we don't have a lot of
6 candidates in this final sub pool that are super strong
7 that have -- that are in their 30s, you know, people are
8 having families, I think, again, we have to -- as we look
9 at candidates, you know, a candidate that's 30 years old
10 and brings ten years of career experience compared to a
11 candidate that's 70 years old and has 50 years of career
12 experience, their applications are going to look
13 different.

14 So it's something I wanted to note about the
15 existing panel I think with the proposal of our -- two of
16 our candidates we are also helping to I think out a bit
17 of balance out a bit of the age diversity on the panel
18 which is going to play an important role as we do our
19 outreach across the state. Again, not at the expense of
20 any of the other categories which Proposition 11 has set
21 forth for us, but I think as an additional enhancement to
22 what we have.

23 COMMISSIONER RAYA: Okay. Excuse me.

24 I have a question for Commissioner Filkins
25 Webber with respect to your last comment. It was rather

1 general so I just want to be sure I understand that --
2 you know, it's a two-page letter, I want to be sure I
3 understand what your specific concerns are or the
4 specific things that you agree with in that letter. Was
5 it only with respect to Mr. MacKaskle.

6 COMMISSIONER FILKINS WEBBER: No. It was also
7 in regard to Ms. Maria Blanco as I stated in our public
8 meeting and Commission meeting on December 10.

9 COMMISSIONER RAYA: Thank you.

10 COMMISSIONER GALAMBOS MALLOY: I would like
11 to add a couple of thoughts. I've also been reviewing
12 everybody on the slate in more detail in addition to
13 other candidates that were in the pool that didn't make
14 it to this final six, and, as I reviewed Ms. Blanco's
15 interview and the transcripts from her interviews, there
16 were a couple of things that jumped out at me that I
17 thought that I just wanted to remind ourselves of: When
18 the conversation was happening regarding Ms. Blanco's
19 ability to be impartial. The way that she approached the
20 questions around her impartiality, given her level of
21 intimate familiarity with certain districts in the state
22 and some of the controversy surrounding where those lines
23 were drawn in the last round, she says: I would have to
24 look at the data, where the shifts are happening
25 demographically, one shift leads to another shift. I'm

1 not looking at any districts in particular, but, rather,
2 the impact of the entire state and representation across
3 different racial and ethnic groups.

4 She goes on in her interview to talk about not
5 just collaboration and advocacy on behalf of
6 Mexican-Americans but her collaboration between the Asian
7 Pacific American Legal Center, the NAACP during that
8 time. So what I take from that is that, yes, at the
9 period of time during the last redistricting process, her
10 job was that she was employed to be an advocate for a
11 particular entity in regards to the redistricting
12 process. However, through that, she exhibited an ability
13 to collaborate across racial and ethnic lines, she
14 demonstrates a thoughtfulness and understanding that
15 we're starting from a new data set, that we're not
16 working with the same communities that's we were working
17 within the last redistricting -- and she's very
18 concerned, and some of her main criticisms of last round
19 of redistricting were around the seeming protections of
20 incumbents in the redistricting process.

21 Again, you know, when I think about the
22 different organizations that have been advocates of
23 reform in the redistricting process, they have been some
24 of the guardians of this transparency that we are trying
25 to set the standard on right now, and they have also been

1 supportive of Maria Blanco's candidacy.

2 The fact that we went through the layers of
3 scrutiny that the Bureau of State Audits provided, the
4 fact that Maria Blanco's name also went to the state
5 legislature where many names were -- almost half the
6 names were actually stricken from the pool in regards
7 to -- we don't even know the full range of why people
8 were stricken from the pool, but I anticipate there were
9 some layers around concerns for impartiality. The fact
10 that her name survived all these layers and got to us
11 based on the comments that we have received in support of
12 her application and the few comments that we've received
13 against her application there, you know, as we review the
14 materials that she submitted to us, the additional
15 analysis by the Bureau of State Audits, there's really
16 more than enough information to counter the concerns that
17 were put forward in the public comments.

18 So, again, as the person who put Maria Blanco up
19 here for consideration, again, I just want to echo my
20 support for her, in full light of all the comments and
21 careful consideration of all the comments, both for and
22 against, that have gone on record.

23 COMMISSIONER FORBES: Let me just make one
24 additional comment about Ms. Blanco. When I initially
25 read her application, I too had concerns about her

1 advocacy in the past, but I think the evaluation was that
2 the Auditor's Office had reached the conclusion that she
3 could be unbiased but also that she survived the
4 legislature, which they had absolutely ample time to
5 strike her, but, also, I think, that, as Commissioners,
6 it will be our responsibility to see that every
7 Commissioner has an equal voice but no more than equal
8 voice and I have confidence that -- I mean I don't see
9 any wallflowers up here -- that that will be the case.

10 And so I -- I -- and -- am content to leave Ms.
11 Blanco in the slate.

12 COMMISSIONER RAYA: I would like to echo Stan's
13 comment that there will be -- there are -- will be 14 of
14 us. I think each of us is certainly capable of standing
15 our ground on whatever opinion we might have.

16 It's very difficult to be a high profile --
17 especially a litigator -- and not been something of a
18 lightning rod for opposing opinions or assumptions
19 perhaps. Maybe the rest of us have the advantage of
20 being -- coming from somewhat anonymous lives. Because
21 some of the things that we have done are -- could
22 certainly fairly be described as strong advocacy, but,
23 maybe just in our anonymous little corner of the world
24 and not on the front pages of the -- of the news until
25 now.

1 So, I understand, I understand the concern that
2 is there. But I think Stan states it well, that there
3 are 14 of us, and some of us, some of us also have law
4 backgrounds so I'd think that it's going to be a good
5 process.

6 COMMISSIONER DAI: And I would just remind
7 everyone that what was proposed in the public comment is
8 not something we can do easily. What was proposed is
9 that we put Mr. MacKaskle on instead of Ms. Blanco, and
10 anyone who looks at the detail here will note they are in
11 separate pools, which would force us to make further
12 changes to the slate that would set off a ripple effect
13 that would have us have to re-look at the entire slate
14 again.

15 COMMISSIONER FORBES: Peter, I'd like to make a
16 proposal. It's somewhat different from what Mr. Russo
17 suggested, but I would like us, as a Commission, to vote
18 unanimously on the final selection. But I think that I
19 want us also to have an opportunity to vote on whether
20 Mr. MacKaskle should also be on the slate.

21 So I would like to propose to make a motion for
22 an alternative slate, and, if it's voted down, then I
23 would encourage us to go back to the first slate and
24 approve it. Someone who have would be -- would read the
25 second slate --

1 MR. RUSSO: Actual -- well, just to -- you may
2 be thinking this way, but I just want to make sure that
3 you have the ability to propose your own slate.

4 COMMISSIONER FORBES: Correct.

5 MR. RUSSO: And then based on that you can have
6 that slate brought forward for consideration as an
7 alternative slate, and then you can make a determination
8 as to which slate you wish to vote on.

9 COMMISSIONER FORBES: Okay. That's what I'm
10 going for --

11 MR. RUSSO: That being said, I just wanted to
12 make sure.

13 COMMISSIONER FORBES: With that statement, I
14 would like to propose an alternative slate which
15 includes -- the only change I would make on it is in the
16 category of Decline to State, and I would delete Ms.
17 DiGuilio Matz and replace her with Paul MacKaskle.
18 That's an alternative slate.

19 Again, the purpose of this is to get this
20 question on the table in a way that will allow us -- if
21 this is not accepted -- that we can vote unanimously on
22 the final six.

23 CHAIRMAN YAO: In term of getting a unanimous
24 vote, there's an alternate way of doing it. You can vote
25 the way you wanted to the first time around on the slate

1 that's before us. The person that voted for -- if the
2 slate passes, anybody that voted in favor of the slate
3 can bring it back for a re-vote. And, at that point, we
4 can all vote unanimous on that without -- and that would
5 be the final vote that goes out.

6 Do you understand what I'm talking about?

7 COMMISSIONER FORBES: Yes, I understand what you're
8 saying. I personally would just rather vote up or down
9 and not have to change my vote after the fact I mean.

10 CHAIRMAN YAO: So that's another procedure that
11 we can use if that's the objective that you have, but we
12 can certainly vote on the alternate slate. I think
13 whoever proposed the original slate has to agree to allow
14 your alternate slate to take precedent over the existing
15 slate before we can vote on it, before we can vote on the
16 alternate slate.

17 MR. RUSSO: Well, actually, I think the original
18 slate as the chairman slate, Mr. Chairman, would be
19 considered the slate that you've proposed. Another slate
20 can be -- can be brought forward. It would then be up to
21 the Commission as a group to decide which slate they wish
22 to vote on first. We didn't -- in the regulation, we
23 deviated from Robert's Rules of Orders a bit -- there's
24 an echo in here -- we deviated from that to have the
25 opportunity to have multiple slates considered at the

1 same time, but we also did not provide a specific rule as
2 to which slate would be voted on first, so that, again,
3 as you conduct your deliberations if you find that one
4 slate -- I think I used this example once before -- if
5 you find one slate just doesn't have a whole lot of
6 support and it's kind of getting in the way of your
7 discussions, you can have a vote, vote it down, and then
8 confine yourselves to whatever slates you are still
9 considering.

10 So because we crafted it that way in answer to
11 Commissioner Forbes' situation, he can propose a slate,
12 and then the Commission can take up the issue as to
13 whether they want to vote on his slate first or vote on
14 the Chairman's slate first.

15 And I can leave it with that.

16 CHAIRMAN YAO: All right. It's been proposed by
17 Commissioner Forbes that we consider the Forbes slate
18 from this point, let's just call it that for easier
19 identification, and voted on that ahead of the chairman
20 slate.

21 Any comments on that?

22 COMMISSIONER KUO: Hello.

23 Just for point of clarification based on this
24 motion proposed by Commissioner Forbes, do we now proceed
25 with some discussion about this proposed slate, or do we

1 just move to a vote?

2 CHAIRMAN YAO: The first -- the first order of
3 decision is to whether we want to vote.

4 COMMISSIONER KUO: Oh.

5 CHAIRMAN YAO: We want to switch the order of
6 voting.

7 COMMISSIONER KUO: Oh, I'm sorry.

8 CHAIRMAN YAO: And then after that we will take
9 a while to get public input and more deliberation on the
10 merit of the second slate, of the Forbes slate. So the
11 decision before us is really just the order of the voting
12 at this point in time.

13 Any additional comments before we take up a vote
14 on this?

15 COMMISSIONER FILKINS WEBBER: I was just
16 wondering if you could go back to both of those slates
17 together on one slide or if we needed to have that up
18 where you had all of the demographics for each slate.

19 Thank you.

20 CHAIRMAN YAO: Again, I don't know whether you
21 intend to get into the details of the alternate slate at
22 this point or not. It's tough not to, not to when you
23 have to make a decision on whether you will want to vote
24 on it first or not. But, obviously, there are changes in
25 the geographical representation, the ethnic mix, in

1 male/female and a number of factors.

2 COMMISSIONER FORBES: Actually, the ethnic mix
3 has not changed.

4 CHAIRMAN YAO: I'm sorry.

5 I think the narrow discussion, narrow decision
6 we need to make at this point is whether we want to
7 change the order of the voting on the slates.

8 VICE-CHAIRMAN DAI: I think Commissioner Forbes
9 was suggesting we vote on this one first.

10 COMMISSIONER FORBES: Yes. I mean personally I
11 don't think there are further comments, that there is the
12 votes for this slate. But I just wanted to clear the air
13 and create a situation where we could all vote
14 unanimously. I didn't want to have a situation where we
15 vote on the single slate on a divided vote. I just
16 thought that was not healthy.

17 CHAIRMAN YAO: Okay. There's been a motion.
18 Let me see if there's a second on this motion first.

19 COMMISSIONER BARABBA: I second it in that
20 spirit.

21 CHAIRMAN YAO: Thank you. Let's do a vote call
22 on the order of the voting.

23 MS. ALVERSON: Commissioner Barabba - yes.
24 Commission Dai - yes. Commissioner Filkins Webber - yes.
25 Commissioner Forbes - yes. Commissioner Galambos Malloy

1 - yes. Commissioner Kuo - yes. Commissioner Raya - yes.
2 Commissioner Yao - yes. CHAIRMAN YAO: So it's
3 unanimous.

4 All right. So let's discuss the merit of the
5 Forbes slate.

6 Stan, I'll let you paint the overall picture.

7 COMMISSIONER FORBES: Well, I think I expressed
8 initially I think the issue is that I think that Mr.
9 MacKaskle has the level of experience that we would find
10 very useful in the short period of time that we have.
11 We've all explained how we have serious constraints
12 regarding representing everybody in all the regions given
13 the way the process was set up in the initial draw.

14 I just think that Mr. MacKaskle brings to the
15 table the level of experience that is quite useful in a
16 short period of time.

17 And, again, I can go back to the underlying
18 thing is, we have all these criteria for selecting the
19 Commissioners, but the most important criteria is not
20 absolutely stated, is that we want to have a successful
21 process in a short period of time. And I think that Mr.
22 MacKaskle brings a real benefit to that, and that's the
23 argument in favor.

24 And I fully understand your argument in
25 opposition.

1 COMMISSIONER GALAMBOS MALLOY: Well, my main
2 concerns are really what this means in terms of our
3 Valley representation and given what we've seen in terms
4 of the demographic shifts over the last 10 years, when we
5 think about the counties in the state that fall under
6 section 5 and having, you know, some level of existing
7 relationships and familiarity and to really be able to
8 get us off the ground in our outreach for the Valley, and
9 then with this slate we would be really be relying on
10 some of the relationships that Maria Blanco brings to the
11 table, to a lesser extent Mr. Parvenu, and that may --
12 Mr. MacKaskle's experience may be significant enough to
13 outweigh those considerations, but I'm struggling with
14 that.

15 I'd really be interested in hearing some of my
16 other commissioners' feedback on this point.

17 COMMISSIONER BARABBA: This is the really tough spot.
18 The -- but I think I would take the position that the
19 importance of outreach in the San Joaquin Valley, it
20 would, in my mind, outweigh the expertise that would --
21 Mr. MacKaskle would bring and again, as he's indicated,
22 he's written a lot about it so there are several ways in
23 which we could access it. And I do recall that one of
24 his assistants who is now a lawyer offered up some of his
25 time to support us in that experience.

1 So it's not an easy one, but I think I would put
2 my emphasis on the ability to improve our outreach in the
3 San Joaquin Valley.

4 COMMISSIONER GALAMBOS MALLOY: And I would say
5 when we look at Ms. DiGuilio Matz, she brings not just
6 the geographic representation, but her experience in
7 working on water issues in the Valley I think is super
8 relevant to the work that we're doing as a Commission.
9 As we know water, is probably the most political and
10 contentious issue that's going on in the Valley. The
11 various networks that she has connections to there I
12 think are significant and would not be replaced by any of
13 the other individuals that we are proposing or who are
14 existing on our current Commission.

15 CHAIRMAN YAO: I too, I am also extremely
16 concerned about the San Joaquin Valley or what's called
17 South Central Region with over 11 percent of the
18 population not having any representation.

19 I guess that puts the burden on Stan. You're
20 the only person that's covering the North Central area
21 and the South Central area.

22 COMMISSIONER BARABBA: He has to look north and
23 south.

24 CHAIRMAN YAO: And to me that's two-thirds of
25 the state right there in terms of geography, and, you

1 know, I made the statement the other day saying that you
2 can buy expertise but you can't buy representation, and I
3 think representation in this area is really critical.
4 And so I find that I probably can't go along with your
5 proposal.

6 COMMISSIONER KUO: I think I don't discount what
7 MacKaskle could bring to the Commission, but then I do
8 feel that we would then need to sort of reconsider the
9 other applicants that are on this slate.

10 So I'm not close to considering MacKaskle, but
11 then I would like to make a motion for a discussion of
12 all the other applicants as well in light of it. I do
13 think that we are really constrained with the six
14 individuals with two from each group. So I think with --
15 especially with issues of especially given the public
16 comment about the desire for some representation of at
17 least one Commissioner from some of these traditionally
18 underrepresented areas. I would feel a little bit more
19 comfortable if that was at least represented in some
20 capacity. Maybe not necessarily through, you know,
21 MacKaskle's position as a Declined to State, but I would
22 like to see it represented in some other way.

23 COMMISSIONER FORBES: Chairman Yao, having heard
24 the comments of my fellow commissioners, I would withdraw
25 by slate. It serves no purpose to vote on it, I think.

1 CHAIRMAN YAO: Thank you, Commissioner Forbes.

2 Any other slates that this Commission want to
3 bring forward for discussion before we go back to the
4 original slate?

5 COMMISSIONER FILKINS WEBBER: Well, may I make
6 inquiry, Mr. Commissioner Forbes, as to why you wouldn't
7 follow through with what your recommendation was, to
8 determine the position of the commission members
9 regarding your proposed slate?

10 COMMISSIONER FORBES: Well, the reason I
11 didn't -- I thought we had a very full discussion and to
12 have a slate -- you know, clearly there's not support for
13 this slate on the commission. So it becomes to me an
14 exercise that is unuseful. I mean, if I might, by my
15 count, it's a two-six or three-five at best, and I don't
16 see what the purpose of it.

17 I think we've had an opportunity to state the
18 reasons we did it. We've been questioned as to why, you
19 know, we wouldn't put MacKaskle on, and I think we've had
20 a very good opportunity and that would be the purpose of
21 my slate, was to be sure that we had that full discussion
22 and the commission had an opportunity to say, I mean, to
23 say what they were basing their -- our decision on.

24 And, having done that, to have to have a vote
25 that's, you know, clearly not going to be supported, I

1 just don't see it serves any purpose. I mean I
2 am -- I think our initial discussion on Friday was a good
3 one. I think this slate is a good one. I think the only
4 question we had -- in my mind -- was what to do about Mr.
5 MacKaskle and his expertise. So I wanted to be sure the
6 Commission confronted that question and dealt with it,
7 and I think we have.

8 So, therefore, I don't see any purpose in having
9 the vote. So that's the reason.

10 MS. GALAMBOS MALLOY: If I may, as I'm
11 revisiting my own thought process around Mr. MacKaskle's
12 candidacy and some of the discussion we've had now, it
13 seems there are still some existing questions around
14 whether or not we want to reconsider Mr. MacKaskle;
15 however it wouldn't take the form of the slate that you
16 proposed necessarily. So, as Commissioner Kuo was
17 suggesting, if we were to look at a different slate that
18 would include Mr. MacKaskle, we would want to revisit the
19 other five commissioners and weighing all the different
20 factors that we have to consider, we anticipate the other
21 five might look a little different based on bringing him
22 into the mix. So I'm not perceiving their -- his
23 objection to the thought about considering Mr. MacKaskle,
24 but just that the entire slate would need to be
25 different. COMMISSIONER FORBES: I understand.

1 And I think the slate is a good one, and I really have no
2 interest in changing the rest of the slate.

3 And so I -- you know, then if there's no -- if
4 the Commission, at least from my reading of it, does not
5 believe that the a vote -- basically, if the majority of
6 the commission believes, that the geographic issue is, in
7 this case -- because everybody is qualified -- is more
8 significant to the operation of this Commission and the
9 successful operation of this Commission, than is his
10 experience. And that is a judgment and that's a good
11 judgment, and a judgment that I can fully support.

12 COMMISSIONER KUO: And I do feel that the public
13 comments do support that position, Commissioner Forbes.
14 A good portion of the public comments did discuss this
15 issue of having some sort of geographic representation
16 based on historical sort of past practices and a desire
17 to see that be played out slightly differently this time,
18 and I think for the most part the public does recognize
19 that we do face some certain restrictions, limitations,
20 in terms of insuring representation from all parts of
21 California, but I think one of the themes that at least I
22 picked up was in the hopes that there would be at least
23 one individual that could probably speak to some of these
24 areas that had been traditionally sort of not been at the
25 table to have these discussions to begin with.

1 And I think that's a different perspective than
2 just going out to the communities. And certainly a large
3 part of the Commission's work will be involving the
4 public in these communities, but to also have someone at
5 the table and have that conversation as well at that
6 level I think will be very important to the Commission's
7 work.

8 MS. GALAMBOS MALLOY: One of the arguments that
9 I found particularly compelling and gave me pause for
10 thought regarding Mr. MacKaskle was around our restrained
11 resources as a Commission. And while it is true that we
12 can buy expertise, our budget is modest, to put it
13 mildly. And so what price that expertise comes at and
14 how much of it we can afford is definitely a question on
15 the table.

16 That said, our job is not to do the cheapest
17 process. It is to balance the fiscal constraints that we
18 were presented with and at the same time to create a
19 robust process around redistricting in a way that has not
20 historically happened in California. Much as the most I
21 think fiscally prudent thing to have done last Friday
22 would have been to recess for an hour and come back and
23 take a vote and have an hour of public comment submitted
24 on line and not have to travel back to Sacramento. That
25 was one of the options on the table.

1 And I feel like our Commissioners, we made a,
2 you know, a decision that cost a bit more money, may have
3 inconvenienced many of us, and, yet, that's our job as
4 public officials and as redistricting Commissioners. And
5 I think that this issue around Mr. MacKaskle is a similar
6 one in that we will be faced with many different types of
7 expertise that we need to have access to, and we'll have
8 to figure out ways to build that into the budget. And
9 yet, given all the other considerations, in order to have
10 the robust representation that we want, I don't think we
11 can sacrifice any of the seats that we have despite what
12 an excellent candidate in terms of expertise
13 Mr. MacKaskle is.

14 CHAIRMAN YAO: All right. Since Commissioner
15 Forbes' slate has been removed from consideration, we're
16 back to a single slate.

17 Are there any further discussions on this
18 Chairman's slate?

19 Okay. At this point let me see if the public
20 has any further comment on the final slate before this
21 Commission goes into voting on the final slate? Anybody
22 in the audience would like to speak to the Commission at
23 this point in time?

24 All right, seeing none, let me ask Patti to do a
25 roll call on the nominator slate consisting of the same

1 six members that we identified at the end of the last
2 meeting before we recessed.

3 MS. ALVERSON: Commissioner Barabba - yes.
4 Commission Dai - yes. Commissioner Filkins Webber - no.
5 Commissioner Forbes - yes. Commissioner Galambos Malloy
6 - yes. Commissioner Kuo - yes. Commissioner Raya - yes.
7 Commissioner Yao - yes.

8 The vote tally, seven Commissioners voted yes,
9 one Commissioner no. And we have three Democratic
10 Commissioners voting yes; two Republican Commissioner
11 voting yes; and two Decline to State Commissioners voting
12 yes, and one Republican Commissioner voting no.

13 And so the slate is approved.

14 CHAIRMAN YAO: All right. Thank you. Thank
15 you very much.

16 Before we adjourn, I think we do have a few more
17 items to discuss.

18 MR. RUSSO: We have one more item, or at least a
19 resumption of the item of report from counsel in which we
20 would like to get -- in which we are asking the
21 Commissioners to recommend A date for the first meeting
22 of the full Commission. And Patti has looked at the --
23 contacted each of your regarding what your respective
24 calendars are for the month of January. She needs a
25 little bit of time to compile that information so if we

1 can take a break of 15 minutes I think we can resume and
2 hopefully set a recommended date for that meeting.

3 CHAIRMAN YAO: Beyond the scheduling of the next
4 meeting, are there other items that are on the list of
5 things to do?

6 MR. RUSSO: There are none.

7 CHAIRMAN YAO: Okay.

8 Anything else the Commission want to discuss
9 prior to -- or after we discuss the calendar before we
10 meet again in January?

11 All right. So we'll come back right at noon,
12 and we'll try to get the next meeting scheduled. And
13 we'll adjourn the meeting at that point in time.

14 Thank you.

15 (Recess)

16 CHAIRMAN YAO: It's 12:00 o'clock, we're going
17 to reconvene the Citizens Redistricting Commission.

18 The next item on the agenda is to reschedule the
19 next meeting. And I have a copy of the agenda in front
20 of us, looks like we have a very fairly easy problem is
21 that January 1st, it's open. Patti, do you
22 want to lead this particular discussion.

23 MS. ALVERSON: Not particularly. All right. As
24 I understand it, and correct me if I'm wrong, the italics
25 means...

1 COMMISSIONER FILKINS WEBBER: That an individual
2 is flexible.

3 COMMISSIONER BARABBA: Yes.

4 COMMISSIONER FILKINS WEBBER: So, Vince, does
5 that mean that you would be available any of those days,
6 like the 11th, 12th, 13th, 14th?

7 COMMISSIONER BARABBA: I think so. It was in
8 the beginning of that -- or the end of that -- either the
9 11th or the 12th.

10 COMMISSIONER FORBES: It 11th or 14th.

11 COMMISSIONER FILKINS WEBBER: And we would have time to
12 provide notice in that Commissioner Yao would have
13 alternative arrangements if it was not sufficient
14 present.

15 MR. RUSSO: How about the 7th.

16 COMMISSIONER KUO: Oh, I would make a motion for
17 the 7th.

18 COMMISSIONER RAYA: Are we talking about one
19 day?

20 COMMISSIONER FILKINS WEBBER: What is the
21 agenda?

22 MR. RUSSO: Well, it hasn't been agendized yet,
23 but as I understand the thinking of the Secretary of
24 State's office, the -- they will schedule a meeting for
25 the purpose of swearing in the final six commissioners

1 and to take care of some administrative procedures.
2 There are issues about hiring staff for me to look at.
3 And other issues. I would not be -- as I understand it,
4 that the purpose of the meeting would not be related to
5 actually conducting redistricting. It's really a matter
6 of setting up in order to be able to have an organization
7 that you can have behind you to perform the
8 redistricting. Unfortunate -- and I'll just asked had
9 this -- that goes -- that that's one of the things that
10 will put increased pressure out as Commissioners since
11 you have plat map to perform redistricting. But, on top
12 of that, you have the burden of trying to create a state
13 agency, and it's hard to create -- I don't know that a
14 state agency has been created in eight and half months,
15 let alone been created in a period of time, and then have
16 time to do redistricting on top of it. So you have a
17 significant time crunch here. And so I think -- I'm
18 going to suggest that you try to be as flexible as you
19 can in your schedules, but that -- but that meeting, I
20 believe, at this point is just scheduled to be a one-day
21 meeting to do some administrative matters and then get
22 directions from the Commissioners so that the folks at
23 the Secretary of State's office can move forward to try
24 to build an agency.

25 Maybe you can move it closer.

1 COMMISSIONER BARABBA: Speak up.

2 VICE CHAIRMAN DAI: Okay.

3 As I recall the representative from the
4 Secretary of State's office indicated that there would be
5 candidates for the executive directors positions that
6 would be available for us to interview or resumes to
7 review or --

8 MR. RUSSO: There will certainly be applications
9 for you to review. Whether they would intend to schedule
10 interviews or not I wasn't clear on that. I think that
11 may depend on how many applications you get. If there --
12 you know, are 500 applications, you're not going to
13 want -- you're not going to be able to interview that
14 many people. If you have one or two and they are solid
15 candidates, I suspect that they may at least try to
16 consider inviting those folks to the meeting so you can
17 meet those applicants. Because, again, because of the
18 issue of time crunch.

19 COMMISSIONER KUO: Can we assume that the
20 Secretary of State's offices would plot out a schedule
21 similar to what was done by the State Auditor's office in
22 terms of blocking that one month out in terms of possibly
23 running executive public meetings so that in the event
24 that we meet on the 7th, then immediately have to
25 schedule another meeting, then we could -- at 14, take

1 sometime in subsequent week and have that already on the
2 schedule in order to satisfy all the legal sorts of
3 requirements for public meetings?

4 MR. RUSSO: The Secretary of State's office
5 has not indicated that to us.

6 COMMISSIONER KUO: Okay.

7 MR. RUSSO: I'm not saying that can't be an
8 option. And if the Commissioners want to make that as a
9 recommendation, we can certainly pass that along.

10 COMMISSIONER RAYA: I think it's an important
11 recommendation; otherwise, we're going to be at the end
12 of January really before we get everybody's schedule and
13 another notice period done so still fill certainly by
14 motion whatever date we selected we can do similar to
15 what Commissioner Forbes did, from the 7th through the
16 14th, if we agree the 7th looks good then we would run
17 that meeting through whatever date we select, and then we
18 could come back, we can adjourn the meeting as we've done
19 previously and then come back within two weeks that we've
20 already provided notice.

21 MR. RUSSO: You can certainly make that
22 recommendation to the Secretary of State's office. What
23 I would hear in that is that a direction to them to -- to
24 pack as much business success during that period of time
25 and then whatever you think the outside period is or

1 the -- however long it might possibly conceivably take.

2 COMMISSIONER FILKINS WEBBER: Right.

3 MR. RUSSO: Then notice for that entire period,
4 and that way you'll have the ability to conduct all of
5 that business. Because, you're right, we have a huge
6 problem with the 14-day notice requirement that it's not
7 like we can have a meeting and decide, okay, when are we
8 going to our next meeting? Well, the beginning of it,
9 it's not going to be for 14 days. We've lost two weeks
10 of that time.

11 COMMISSIONER FILKINS WEBBER: So I propose we
12 commence the meeting January 7 and provide information to
13 the Secretary of State and provide notice to the public
14 that the hearing will run concurrently through the
15 January 21st subject to adjournment by the full
16 commission upon motion.

17 COMMISSIONER KUO: I second that.

18 VICE CHAIRMAN DAI: I would actually consider
19 having it running through the next rest of the month
20 because we're going to be conducting interviews. There's
21 an issue of availability if there are other candidates
22 and we can't really predict that.

23 COMMISSIONER FILKINS WEBBER: Then I make it run
24 concurrently subject to adjournment through January
25 31st.

1 COMMISSIONER KUO: I second that.

2 COMMISSIONER YAO: It's been a motion and
3 seconded.

4 COMMISSIONER FILKINS WEBBER: Two points of
5 clarification. Now, time for January 7 and location.

6 MR. RUSSO: I can plug in for location with the
7 Secretary of State's office is intending to do at least
8 for the first meeting to congregate at their offices.
9 They have a hearing room as far as the advantages to that
10 is of course that it won't cost additional money because
11 it's already there in the building. But the other
12 advantage is that it's set up so you can perform live
13 streaming. That's where we conducted the drawing of the
14 first eight commissioners. So it's set up for that
15 purpose.

16 So there are certain benefits to that, so I
17 think at least initially that's where we want to go. And
18 then you can certainly provide feedback to them as to
19 whether that location is acceptable, and they can look at
20 other facilities at that time.

21 COMMISSIONER YAO: Let me just throw a few
22 things on the table. I think early on we need to size
23 up the tasks in terms of we're going to get done by
24 August, we need to have some kind of preliminary time
25 lime in terms of one of the key milestones we need to get

1 in order to get there, we can probably do that without a
2 formal staff. We just need to have input so that we can
3 plan out the task accordingly.

4 Secondly is that I suspect that there will be at
5 least a couple of solid day of training for new
6 commissioner similar to the ones that we have received up
7 to this point in time.

8 MR. RUSSO: They are intending to prove two
9 parts of training, yes.

10 COMMISSIONER YAO: As to whether the entire
11 Commission, mainly just the eight of us, need to be there
12 for that particular -- for those training sessions I
13 guess means a question. I suspect we may not need to be,
14 but --

15 MR. RUSSO: I don't know that a full training
16 plan has been put together at this point. I know that
17 they have been working on a training plan. The
18 thinking -- so that you don't have to -- for some of you
19 who wanted the training of Applicant Review Panel and
20 training of first members of the Commission so that you
21 don't have to -- as wonderful as it is -- sit through the
22 training for three trainings for the third time in a row,
23 I think the notion is that the final six would be
24 designated as a subcommittee of sorts, and they work on
25 the training, that you then would be free to do other

1 things.

2 I think they are going to try to accommodate
3 that, but I think the answer to the overall question is
4 there probably will be a block of training that will be
5 provided and exactly how that works similar to whether
6 they -- they don't have to be there certain entire days
7 or you take a long lunch. I don't know. That's --
8 that's as yet to be determined.

9 But we're sensitive to that issue and the
10 Secretary of State's office is aware of it.

11 COMMISSIONER YAO: And up until we get the real
12 data in end of March, first part of April is something we
13 probably can discuss and move along without any
14 additional input. So I suspect that doing the meeting
15 that's coming up, we need to work it into the schedule
16 somehow.

17 Yes, Cynthia.

18 VICE CHAIRMAN DAI: I think it's important for
19 us to talk about a subcommittee structure because all of
20 us have different sets of expertise and probably
21 interests, and I think as Peter's made suggestion, a
22 couple of different committees so I think having a
23 discussion about what kind of committees we would be
24 interested in forming and who might be best to sit on
25 those so that we can, you know, make recommendations to

1 the full Commission so that we can have -- be more
2 efficient in our decision-making. I think that's in
3 order.

4 COMMISSIONER YAO: Okay. Let's see. Where were
5 we in terms of formal agenda?

6 COMMISSIONER BARABBA: 7th to the 31st.

7 COMMISSIONER YAO: It's been proposed that we
8 have an extended long meeting starting on the 7th and
9 going all the way through to the 31st, as necessary. All
10 right.

11 MR. RUSSO: And I think the issue remaining,
12 Commissioner Filkins Webber pointed out is time, I
13 believe.

14 So what time do you want to start?

15 COMMISSIONER FILKINS WEBBER: 9:30. I would
16 propose 9:30 on Friday the 7th.

17 COMMISSIONER YAO: What we did, in terms of how
18 we get indoctrinated to the commission in terms of trying
19 to get together the night before so that we get to know
20 each other a little bit before we meet the press,
21 so-to-speak, probably is a good thing to do. So perhaps
22 the following meeting we'll start at first thing on
23 Friday. Yes. We can determine the time when we're ready
24 with folks. But I guess for planning purposes that we
25 get there the night before if we possibly can.

1 All right. Before we vote on it, carry on the
2 discussion for it, let me see if there's any input from
3 the public on the decision we're about to meet, which is
4 scheduling the next meeting for the month of January.

5 MEMBER OF THE PUBLIC: Good morning,
6 Commissioners. Or, actually, good afternoon. I'm Jim
7 Wright, a voter from San Jose.

8 You mentioned the first item on your agenda of
9 your first meeting with the other six is mainly to swear
10 those people in.

11 Second item on your agenda should be picking a
12 chair and vice chair. So please put that on your
13 agenda.

14 I have another suggestion for you in that you --
15 the request is out now for applications for your
16 executive director. I have noticed that among the other
17 candidates who have made it into the six, there are
18 several people that could be very active and very well
19 suited to become your executive director. If they have
20 not already sent in an application, they are due by the
21 22nd as I recall, I would suggest that you contact Davin
22 McAndrews, he's retired, he's high level management, he
23 has planning experience, large projects, marketing
24 background. I suggest that he submit an application.

25 Another individual would be Vito Imbasciani.

1 He's an MD, a surgeon with Kaiser Permanente, a military
2 officer, chief medical officer for the California
3 Reserves. His experience might serve you well as an
4 executive director and you might send a note to him and
5 ask him to submit an application.

6 Third individual would be William Ham, he's a
7 Ph.D., managing director or director, understands the
8 rules of staffs, the requirements of law, and I think his
9 experience would also translate well into your executive
10 director.

11 There's three names that you might consider and
12 ask them to submit applications if they haven't already
13 done so. Thank you very much.
14 Congratulations.

15 COMMISSIONER YAO: Thank you, Mr. Wright.
16 All right. I'll bring the discussion back to the
17 Commission. So 9:30 or 10:30 -- 9:30 is 9:30 okay with
18 everybody? All right.

19 So it's 9:30 on the 7th. And the agenda
20 probably is not substantially different than the agenda
21 we use for the first time that this commission met in
22 terms of getting sworn in.

23 MR. RUSSO: I suspect it will be similar given
24 that Secretary of State's office was quite interested in
25 what we did this time around.

1 COMMISSIONER YAO: All right.

2 All right.

3 COMMISSIONER GALAMBOS MALLOY: Chair, I'm
4 wondering for purposes of the agenda, the item around
5 training for the Commissioners and for the staff that
6 we'll be bringing on, is that something we can formally
7 agendize?

8 COMMISSIONER YAO: No. We can make the
9 recommendation to the Secretary of State's office as to
10 how we receive, that -- how we want to proceed. But in
11 term of -- that kind of decision, first of all, it would
12 involve the entire Commission. Our charter, our
13 responsibility is over by definition. We selected the --
14 the remaining six Commissioners. So, our role from this
15 point on will be part of the entire 14 member commission.
16 So anything that we do at this point is strictly a
17 recommendation simply because we don't have any remaining
18 task to be completed, the way I understand our role.

19 MR. RUSSO: That is correct. And absolutely
20 correct that eight members you do not constitute a quorum
21 of the Commission so you cannot act on behalf of the
22 Commission.

23 VICE CHAIRMAN DAI: However, we have items that
24 we would like to be recommend be agendized.

25 MR. RUSSO: That is my understanding and my

1 recommendations would be for sake of brevity that you
2 provide those recommendations to the Secretary of State's
3 office, and then I think they are happy to take
4 direction, happy to take on those suggestions, and have
5 those matters addressed at your meeting.

6 COMMISSIONER YAO: Let me ask counsel if it's
7 appropriate if any suggestion that's been proposed to the
8 Secretary of State's office, we can carbon copy the
9 remaining commissioners on this panel so that we are on
10 top of what's happening. Oh, you think that's still --
11 that would be --

12 MR. RUSSO: I think that could be dangerous
13 depending on the nature of those suggestions. My
14 suggestion is that you individually handle that. That --
15 that -- so when you have your first meeting, if you --

16 With what you've done, with -- in terms of
17 setting up a continuing meeting you've provided
18 yourselves an ability to try to amend the agenda going
19 forward and to take up additional issues even if they --
20 for whatever reason -- were suggested prior to that first
21 meeting.

22 COMMISSIONER YAO: Let's do it this way:
23 Whatever suggestions you have, carbon copy staff,
24 the audit department staff on your communications so that
25 if they see that it could be beneficial then they'll make

1 their decision in finding ways to inform us so we don't
2 violate the Open Meeting Act.

3 MR. RUSSO: If you cc me on that, then I can
4 make sure it goes on to the Secretary of State's office
5 as we try to transition over to them.

6 COMMISSIONER YAO: Well, I think a number of us
7 would want to say thank you to the audit department in
8 terms of all the --

9 COMMISSIONER GALAMBOS MALLOY: Do we need to
10 vote?

11 COMMISSIONER YAO: Oh, we haven't voted on it
12 yet?

13 MR. RUSSO: I don't know that you absolutely
14 have to vote on it? It's just a recommendation. We've
15 heard recommendations so I think we can move forward.

16 COMMISSIONER YAO: Very good.

17 COMMISSIONER BARABBA: Peter.

18 COMMISSIONER YAO: Yes.

19 COMMISSIONER BARABBA: I have a question maybe
20 to Steven can comment. In the spirit of trying to get
21 things moving along, if I wanted to spend some time at
22 the University of California at Berkeley looking at data
23 system, could I go over there as-is -- as just an
24 individual to get updated or do I -- or should I stay
25 away until this --

1 MR. RUSSO: My recommendation is that you stay
2 away at this point.

3 COMMISSIONER BARABBA: Okay.

4 MR. RUSSO: And that you define how you're going
5 to gather information and so forth when you come together
6 as a commission. And also at that point you can take
7 into consideration whatever training would be provided by
8 the Secretary of State's office.

9 COMMISSIONER BARABBA: Thank you.

10 MR. RUSSO: Any questions like that that come up
11 this month, please just give me -- send me an e-mail and
12 give me a call, and I'll try to advise you.

13 COMMISSIONER YAO: Let me start with Cynthia
14 because I -- I think she has a lot to say in terms of
15 thanking our hosts in hosting all of the events up to
16 this point.

17 VICE CHAIRMAN DAI: Yes. I know that I speak
18 for all the other eight Commissioner's here that we have
19 been so appreciative of what the Bureau of State Audits
20 has done, especially with duties that were never in your
21 job description before. I'm coming up with regulations
22 and putting this whole process together and just doing a
23 fantastic job and I know that we've only met a small
24 fraction of the employees who have been involved, and
25 there have probably been a cast of thousands behind the

1 scenes that supported the applicant review panel that we
2 never even got to meet and so on behalf of commission I
3 just wanted to express our thanks for running a really
4 really good process, and it's very pleasant to know the
5 process as well.

6 COMMISSIONER FILKINS WEBBER: Thank you. I
7 couldn't have said it any better than Commissioner Dai.

8 COMMISSIONER YAO: I don't think we could have
9 accomplished as much as we have in the last few days
10 without all the help that you have provided to us. What
11 was surprising to me, personally, was that, unknowingly,
12 we had a role reversal until the time that our bingle
13 balls were drawn, we were candidates before the
14 Commission. And then within a very short few days all of
15 a sudden we are the reviewing panel. And often we don't
16 get to play both sides of the game in such a short order.
17 But you -- with your training, with your briefing, with
18 your counseling and your advice along way, we came along
19 very smoothly and so I was hoping it was not just the
20 counsel sitting at table but everybody behind the scene.

21 I don't know how we could have done it without
22 all your support, so I, for one, want to thank you on a
23 personal basis. It's been a fantastic experience for all
24 of us in term of steering us to the right restaurants and
25 all -- all the details we have not had a bad meal in all

1 the days that we spent in Sacramento.

2 So that's only to your credit. And I for one
3 have thoroughly enjoyed the days that I spent here.
4 Before the most recent trips to Sacramento was not at all
5 my favorite city to be in, but I think I may have changed
6 my mind in the last few days.

7 So, once again, in ways that we can't
8 describe in words, we want to say thank you, thank you
9 very much.

10 (Applause)

11 COMMISSIONER YAO: All right. If there's no
12 further comments, then this meeting is adjourned --

13 Thank you.

14 [Adjourned at 12:25 p.m.]

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