

BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the Matter of
Full Commission Business Meeting

State Capitol Building
Room 447
Sacramento, California

Friday, March 18, 2011

9:06 A.M.

Reported by:
Peter Petty

APPEARANCES

Members Present

Jodie Filkins Webber, Chairperson
Maria Blanco, Vice Chair
Gabino T. Aguirre
Angelo Ancheta
Vincent Barabba
Cynthia Dai
Michelle Di Guilio
Stanley Forbes
Connie Galambos Malloy
Lilbert R. "Gil" Ontai
M. Andre Parvenu
Jeanne Raya
Michael Ward
Peter Yao

Staff Present

Dan Claypool, Executive Director
Kirk Miller, Legal Counsel
Rob Wilcox, Communications Director
Deborah Davis, Budget Officer
Janece Sargis, Administrative Assistant
Marian Johnston
Bill Rich

Public Comment (* Via [Real Time] Internet)

Michelle Park Steel, CA State Board of Equalization
Tony Krvaric, Republican Party of San Diego
Shawn Steel, Republican National Committee
Tom Del Beccaro, Vice Chairman,
California Republican Party, Contra Costa County
Malka Kopell, CAforward
Trudy Schafer, League of Women Voters of CA
Charles Munger, Californian
David Salaverry, Berkeley, California
Marilyn Singleton, Californian
Fred Volking, Pleasanton, California
Raquel Vargas, Citizen
Jim Wright, Citizen
*Eugene Lee, Asian Pacific American Legal Center
Steve Kimball, Stevens, O'Connell & Jacobs
Marguerite Mary Leoni, Esq., Nielson, Merksamer,
Parrinello & Leoni, LLP

Josh Golka, California School Employees Association
PUBLIC COMMENT (Continued):

Sam Walton, NAACP

Robert Rubin, Lawyers Committee for Civil Rights of the
San Francisco Bay Area

Rachel O'Brien, on behalf of the California League of
Conservation Voters

Adam Abrams, Attorney, Santa Monica

OTHER

Matthew Kahn, Esq., Gibson Dunn & Crutcher

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1 P R O C E E D I N G S

2 MARCH 18, 2011

9:06 A.M.

3 CHAIRPERSON FILKINS WEBBER: Good morning. I am
4 Commissioner Jodie Filkins Webber. This is the March 18th
5 session of the Citizens Redistricting Commission. Ms.
6 Sargis, would you proceed with the roll?

7 MS. SARGIS: Commissioner Aguirre - Here;
8 Commissioner Ancheta - Here; Commissioner Barabba - Here;
9 Commissioner Blanco - Here; Commissioner Dai - Here;
10 Commissioner Di Guilio - Here; Commissioner Filkins
11 Webber - Here; Commissioner Forbes - Here; Commissioner
12 Galambos Malloy - Here; Commissioner Ontai - Here;
13 Commissioner Parvenu - Here; Commissioner Raya - Here;
14 Commissioner Ward - Here; Commissioner Yao - Here.

15 There is a quorum present.

16 CHAIRPERSON FILKINS WEBBER: Thank you. Since
17 our last meeting, this Commission released an Invitation
18 for Bids for those interested in providing consultation
19 services as our Technical Line Drawing Expert. This
20 Commission also released a Request for Information
21 seeking Statements of Qualifications for our required
22 retention of a Voters Rights Act Attorney.

23 First, I'd like to recognize the diligent efforts
24 of our staff in guiding this Commission through our State
25 Government Administration processes and getting both of

1 these tasks completed on time and in accordance with the
2 schedule that we have promised the citizens of this state
3 and the rest of the Commission members, and I certainly
4 appreciate Mr. Claypool's administration in that regard,
5 so that we could actually consider this vote during this
6 session of the Citizens Redistricting Commission. At any
7 moment, anything could have happened to disrupt that
8 process and I certainly want to recognize staff's efforts
9 throughout the last several weeks in meeting every
10 obligation to get us to this point, and I certainly
11 appreciate that.

12 The decisions this Commission will make in this
13 session I see as being the two more final foundational
14 steps, aside from necessary funding, for this Commission
15 to actually move forward with our primary duty to redraw
16 the district lines for the State of California.

17 Let me assure everyone that each Commissioner has
18 received all of the public comments that have been
19 submitted to date regarding the decisions that we will
20 make in this session. The decisions that we make will be
21 difficult. We had a limited number of responses to our
22 request for each bid for the technical consultant, as
23 well as our Voting Rights Attorney, and each of those
24 respondents have been criticized, each of those
25 respondents have received comments in favor and in

1 opposition. But I will remind you, each of us recognizes
2 the fact that we are a Citizens commission; the decisions
3 that we make as a commission, I trust, will be made
4 without partisan consideration.

5 In addition to the necessity of impartiality,
6 most of the Commissioners were asked in our initial
7 interviews whether we had the ability to compromise, and
8 I believe this session will be evidence of our ability to
9 compromise. But compromise does not mean sacrifice, it
10 means considering all of the values that we bring to the
11 Commission and also recognizing what this Commission has
12 identified as the necessary components for each of our
13 consultants to bring to this Commission for the sole
14 benefit of the citizens of the State of California.

15 Thus far in our infancy, we have made several
16 decisions that I believe have been in the best interest
17 of the citizens of the state, and we will continue to do
18 so with each decision that we make and as we move forward
19 because what our primary goal is, is to get to you, and
20 to get to hear from you, to reach, and actually perform
21 the services that we are here to do, which is to redraw
22 the lines for the citizens of the State of California.

23 You've also had an opportunity to review our full
24 agenda. I will go through it briefly. It is posted
25 online and has been posted for the required notice

1 period. The public will be provided an opportunity to
2 comment on items of the agenda as soon as I am finished,
3 we will then take our Executive Director's Report, and
4 then proceed with our Advisory Committee Reports.

5 Pursuant to my request, the Advisory Committees
6 have been provided with a set of procedures to facilitate
7 the efficient reporting back to the full Commission, and
8 I trust that those have been reviewed and will be
9 reporting back appropriately because, as we get into the
10 afternoon session, we will be considering the selection
11 of our Voting Rights Attorney, and then we will have an
12 opportunity for further public comment specifically on
13 that agenda item before any vote is taken, and then it is
14 anticipated that we will discuss the schedule and
15 methodology for the technical expert, which we will be
16 addressing tomorrow, again, pursuant to the agenda, and
17 then we will be having closing opportunity for public to
18 make remarks on our agenda.

19 At this time, I will reiterate the procedures
20 that this commission has followed in the past, open up
21 the microphone to any members of the public that wish to
22 discuss any item that is not on the agenda, to the extent
23 in which you wish to discuss any matter that is subject
24 of the VRA counsel, I ask that you withhold your comments
25 for the opportunity prior to a vote that we will discuss

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1 later on in the afternoon.

2 So, do any members of the public have any
3 comments they wish to make that are on items not on the
4 agenda? There are approximately three or four. We have
5 an agreement also, a procedure, that we grant three to
6 five minutes; given that there are less than six, you
7 will be afforded five minutes and Ms. Sargis will be
8 keeping track of the time. She is right here on the end,
9 and so she will notify you when you have a minute left.
10 Thank you.

11 MS. PARK STEEL: My name is Michelle Park Steel,
12 Vice Chair for the State Board of Equalization. I'm not
13 here to talk about taxes, but I'm here to talk about the
14 Asian American community. I'm just asking you to do the
15 right thing because a wrong thing has been already done
16 on 2001 for Asian American communities, and those
17 gerrymandering were done really really hard for Asian
18 American community to have right representatives. I was
19 born in Korea and raised in Japan and I came here to go
20 to college, so English is my third language and I hope
21 you understand what I'm talking about. Let me start with
22 Korea, my Korean community. We talking about radius of
23 ten blocks and within that, we have two Congressional -
24 we've been totally chopped up and split up with two
25 Congressional Districts, and then plus Assembly is

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1 getting worse, we have 42nd, 45th, and 47th, and 48th
2 representing one small Korean American communities. Why?
3 Because the legislators, that they want to have a safe
4 district, not representing some communities and their
5 rights. And other Asian American communities, let me
6 tell you about Alhambra, Monterey Park, and Rosemead and
7 San Gabriel Valley, and I see a lot of Asians here, and
8 I'm very happy to see Commissioners, that you are going
9 to be fair, because those four cities are actually next
10 to each other, but Alhambra is the 22nd Senate District,
11 and then San Gabriel Valley is 24th Senate District, and
12 Monterey Park and Rosemead are 24th District. And this is
13 really terrible for Asian American communities, and I am
14 here to ask you to do the right thing and fair
15 redistricting. And thank you very much.

16 CHAIRPERSON FILKINS WEBBER: Thank you. Please.

17 MR. KRVARIC: Chair, Commissioners, my name is -
18 I want to thank you all for your service as
19 Commissioners, there may be Asian Americans here, I was
20 born and raised in Sweden, I don't know if there are any
21 Swedish Americans on the panel, but go Sweden! I
22 immigrated to the United States and I'm the Chairman of
23 the Republican Party of San Diego County. I'm here for
24 one reason and that is to correct the record. In the
25 February 25th meeting of the Citizens Redistricting

1 Commission, the transcript says that [quote] "Republicans
2 in San Diego where she..." referring to Karin MacDonald,
3 "...performed that activity, she was extremely impartial."
4 It seems there was some confusion. San Diego County
5 Democrat Chairman, Jess Durfee, wrote to you. Jess
6 Durfee knows redistricting and he's the chairman of the
7 California Democratic Party's redistricting subcommittee.
8 Jess Durfee endorsed her work, not myself. The
9 Democratic Chairman endorsed her, not the Republican
10 Chairman. And to make the record crystal clear, her work
11 will hurt Republicans. The Fifth City Council District
12 was packed with Republicans in San Diego, making other
13 Council seats less competitive. And I have a letter from
14 former Councilman Byron Wear, now retired, explaining how
15 that transpired and the effects of that, and he ends his
16 letter by saying, "By all accounts, Ms. MacDonald is
17 competent, pleasant, and knows what she is doing. As you
18 know, San Diego County Democratic Chairman Jesse Durfee
19 has written to you in support of her drawing your lines.
20 He should. He's seen her work." Because of her work in
21 San Diego, I can't, and I don't find her work impartial.
22 She is as much impartial as I am an Astronaut, however, I
23 can definitely see why Jess Durfee supports her and I
24 want to leave these for the record. I thank you for the
25 opportunity to correct the record and wish you good luck

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1 in your decisions ahead.

2 CHAIRPERSON FILKINS WEBBER: Thank you.

3 MR. STEEL: Thank you very much, Commissioners.
4 Do I get the time? This is really going by quickly. My
5 name is Shawn Steel; I'm the National Committee man of
6 the California Republican Party. You might wonder why
7 there are so many Republicans, we're having a convention
8 next door, so it's not a plan, or a plot, or a
9 conspiracy, and I just like to see you folks because I
10 voted for this Redistricting Commission very happily,
11 twice, happier that two-thirds of the voters agreed with
12 me -- for a change -- and, you know, I'm a bit of a
13 maverick in my party, I like competition a lot, I like
14 challenges, I like politicians losing, I like them waking
15 up in the morning on August 16th and looking at the
16 Redistricting Maps and realize that they don't even live
17 in their own districts anymore. I'm excited about that
18 prospect and that includes Democrats and Republicans
19 because too many politicians take these jobs for granted,
20 and they think they have some kind of a birthright, they
21 think that they own it, they think that they're better
22 than most people, and that includes my party. So, you
23 can tell I'm not real popular with many of the
24 politicians in my party. The idea of politicians
25 choosing their own voters is reprehensible, no matter

1 where it takes place, no matter how it's done. The
2 beauty of this Commission is that you folks have pretty
3 clean hands, you don't have a lot of baggage, everybody's
4 checked your backgrounds, your ancestors, what you did in
5 elementary school, and it comes up very nicely. The only
6 two things I'm going to continue to ask you to continue
7 doing is the transparency is terribly important - every
8 single possible thought or some kind of maneuver, the
9 better that is expressed to the public, the sooner. Last
10 minute votes or agenda changes always make the outsiders
11 like us a little bit nervous. So, whatever you can do
12 when you ever have any kind of a thought or maybe you
13 need to change something, give as much advanced notice on
14 that as possible, and that will reduce the natural
15 paranoia level because people in this building are
16 petrified of you, they're scared to death. I'm surprised
17 you're in this building! I think it's wired - be very
18 careful about the -- bring your own water -- I'm worried
19 about you! Finally, qualifications -- yeah, some of you
20 are thinking about that, I noticed that, this guy,
21 bottled water across the street, very safe --
22 qualifications is going to be a very big deal here;
23 ultimately, I wish there was some human being on Planet
24 Earth that had no axe to grind, but we're just hardwired
25 to be tribal, you know, we have our little personal

1 biases and prejudices, and we just have to kind of see
2 what they are, look at the qualifications of the
3 individual players you're about to hire, and from what I
4 can tell from my outside perch, you've made some pretty
5 good decisions already, I'd like you to continue that,
6 but really look hard at the qualifications, the
7 experience of the people that are going to be doing this
8 job. And they work for you. Under no illusion do they
9 work for anybody else. So, hold your employees
10 completely accountable, they have to account to every one
11 of you, that's the beauty of this Commission. Finally,
12 there is a columnist, a political writer, Dan Walters,
13 who is really one of the great curmudgeons of California
14 politics, I think he's a Democrat, but I don't care, but
15 he wrote a brilliant piece today about you folks, it's in
16 the *Sacramento Bee*, look at it, and he's got some
17 suggestions, he's got some thoughts. He's been attacking
18 politicians his whole life and I like that, that's what
19 makes him one of the most credible political commentators
20 in the state. So, you guys are on the most exciting ride
21 of your life. I've met some Commissioners in Arizona
22 that is kind of the same pattern, and that's become a
23 very big deal in Arizona, and they have pretty good
24 politics and pretty good lines, and I'd like to see maybe
25 one year the Democrats just win everything. But then,

1 the next year, because the districts are competitive, the
2 Republicans or the Independents, they win everything.
3 It's a good way of keeping politicians a lot more
4 accountable; if they know they've got a job that's
5 guaranteed, they're the most arrogant, they're the most
6 boring, and they're the most hard to deal with
7 individuals in the world.

8 MS. SARGIS: You have one minute.

9 MR. STEEL: And with that, I'm finished. Thank
10 you very much.

11 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
12 Steel.

13 MR. DEL BECCARO: Good morning.

14 CHAIRPERSON FILKINS WEBBER: Good morning.

15 MR. DEL BECCARO: To continue the parade of
16 sorts, my name is Tom Del Beccaro, I'm from the Contra
17 Costa area, and I'm Vice Chairman of the California
18 Republican Party, running unopposed this weekend to be
19 Chairman. I want to take a little different angle. My
20 biggest concern is actually the reason why you exist at
21 all, and that is voter cynicism. Americans today have a
22 low view of what government really will do, and part of
23 that is because they don't feel that the process is
24 responsive to them, or that their vote matters. And
25 people who think that their vote doesn't matter don't

1 vote. And gerrymandering was put together for people who
2 didn't really want to have to be responsive. So, I
3 wasn't going to preach to you today or beg you in any
4 particular way, other than to help all of us get to a
5 point where people trust again in the process. And fair
6 district lines is one way to get people to trust in the
7 process, and then the people you choose to do that for
8 you. I mean, the great part about this is, as Shawn
9 mentioned, you're part of the real world, not part of the
10 political world, and you're going to be asked to choose
11 people who to draw the lines, and are you going to pick
12 someone for who the rules are sort of changed a little
13 bit so they can qualify, and that that looks a little
14 suspect? Or someone who fully is qualified? I just hope
15 you look at it in terms of the trust issue because a lot
16 of Californians are looking for leadership, not from
17 politicians who have the power, but from volunteers like
18 myself, and you, I don't even know if you're getting
19 paid, but a volunteer who cares enough to be that fair.
20 And so, don't lose this mantle of trust by changing the
21 rules and letting someone slide in. I would advocate
22 that you go with the most qualified, so the process looks
23 the most justified, and we can begin restoring trust in
24 our system because, at the end of the day, if people
25 don't believe in their vote, our system falls away -

1 cynicism and Democracy are sworn enemies, and we need to
2 restore faith in this process. So, I want to thank you
3 for what you're doing, I'm sorry people looked so far
4 into your background, congratulations on it, and it's
5 going to be exciting next year if we get those fair
6 lines. Thank you very much.

7 CHAIRPERSON FILKINS WEBBER: Thank you.

8 MS. KOPELL: Good morning, Malka Kopell from
9 California Forward. I'm speaking on behalf of a number
10 of organizations today, so - and it will take me a long
11 time to even mention all of their names, so if my five
12 minutes are up, please let me know and I have others who
13 will help with our comments. I'm speaking on behalf of
14 our organization, California Forward, as well as the
15 Advancement Project, the African American Redistricting
16 Collaborative, Asian Pacific American Legal Center,
17 California Common Cause, California State National
18 Association for the Advancement of Colored People,
19 Central Coast Alliance United for a Sustainable Economy,
20 the Greenlining Institute, the League of Women Voters of
21 California, Mexican American Legal Defense and
22 Educational Fund, and the National Association of Latino
23 Elected and Appointed Officials Educational Fund. And
24 I'm speaking today about recommendations for transparency
25 and public input. We have spoken to you on this issue

1 before, but a question posed to one of us at your
2 February 26th meeting asked us to pick our top five
3 recommendations, and we've picked four. So, I'd like to
4 share them with you now. The first is regarding the
5 website, which I know that you are working on, but we
6 need to say that that is, as you know, the public's main
7 access point to the Commission and we feel that it should
8 be updated frequently enough, and with enough information
9 so the public can follow the Commission's activities.
10 That includes posting timed agendas for all the
11 Commission meetings in advance, which we are very pleased
12 to see that you have done and have been doing, and to try
13 to adhere to that timing as much as possible, to update
14 the agenda on a daily basis where meetings stretch over
15 several days, thank you for that. And we also urge you
16 to announce and post adjustments at the end of every
17 meeting day, as well. And for all handouts, Powerpoint
18 presentations, and other materials to be submitted before
19 the meeting begins, or as soon thereafter as possible.
20 We recognize this is a challenge and, as I said, I know
21 that you're working on it, but we did want to make that
22 point. We do also ask that you post records of each day
23 of a meeting as soon as - post records of the meeting as
24 soon as possible, in addition to livestreaming the
25 meetings on the Internet, posting a written summary on

1 the evening of each meeting day is important. We do
2 appreciate the distribution of daily meeting summaries by
3 press release to the Commission's email list, but we also
4 suggest that those summaries be posted on the website.
5 It's our understanding that you intend to post the video
6 within a day and the transcript five to seven days later;
7 although that is a rather ambitious plan, we recognize
8 that we believe it is a significant way to permit
9 observers to understand what the Commission is doing
10 whenever it meets. And if possible, we ask that the
11 videos be made available in a downloadable format because
12 it's difficult for some to see it when it is just up as a
13 link, and it would be helpful to insert bookmarks in the
14 video for agenda items, particularly if a video is the
15 quickest way for people to find out what happened. And
16 then we also urge you to continue providing material to
17 the Redistricting California Alliance if you are unable
18 to do that on your website, in the near future, at
19 www.redistrictingCA.org. My second point is that the
20 Commission should provide all Californians, including
21 those in more populous regions, with an equal opportunity
22 to have their voices heard at the Commission's hearings.
23 We ask that the Commission conduct multiple input
24 meetings in California's more populace regions, such as
25 Los Angeles, San Diego, and San Jose. This will ensure

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1 that all California residents have the same opportunity
2 to share their respective with the Commission. And as
3 the -

4 MS. SARGIS: You have one more minute.

5 MS. KOPELL: -- one more minute - as the
6 Commission continues to develop its plan for outreach to
7 the community, it must consider whether the geographic
8 distribution of meetings reasonably represents
9 California's population distribution. In order to
10 effectively achieve this, we believe it is appropriate
11 for the Commission to hold multiple meetings in those
12 regions where the state's population is concentrated.
13 And we recommend that, during each cycle of public input,
14 the Commission hold at a minimum two hearings in each of
15 those regions, including at least one hearing in the most
16 populace cities. We also ask that the Commission avoid
17 holding concurrent hearings because the Commission should
18 strive for robust attendance at its hearings so that
19 members of the public should have an opportunity to have
20 their voices heard by as many Commissioners as possible.
21 If the Commissioner were to hold concurrent hearings, the
22 public would have less of an opportunity to have the
23 input heard. And I'll stop for now. Thank you.

24 CHAIRPERSON FILKINS WEBBER: Thank you.

25 MS. SCHAFER: Good morning, members of the

1 Commission and thank you for this opportunity to speak to
2 you. I'm Trudy Schafer representing the League of Women
3 Voters of California, and as Ms. Kopell said, we were one
4 of the organizations that submitted the letter, so I will
5 continue with points 3 and 4. The third is that we hope
6 you will ensure that the public has sufficient
7 opportunities to make input during the course of your
8 meetings, that there should be multiple methods for
9 people to give input, whether it's in person or whether
10 they may submit written testimony, or maps, and in
11 particular, we hope you will set up and publicize methods
12 to receive this type of input, either by mail or
13 electronically. And this will, of course, continue in
14 importance as the line drawing of public input period
15 goes on. Prior to any vote on a significant decision, we
16 believe that you should provide time for real time public
17 input, not only from those of us who are able to come to
18 the meetings in person, but also people who may be
19 watching the livestream from other locations, and one
20 method would be on the significant decisions to pause for
21 a period of times, such as 24 hours after you discuss the
22 issue, but before you take a vote, so that those who are
23 away from the meeting location would be able to give
24 input electronically, that could be provided to you
25 before the vote, either in hard copy, or at least orally

1 read by your staff to the Commissioners. And we gave an
2 example of the significant decision, the criteria and
3 method of hiring staff and consultants, as you well know,
4 is very significant. Our last point was, again, aimed at
5 ensuring broad participation in the redistricting process
6 and we feel that your hiring process should prioritize
7 employing staff and consultants who have previously
8 demonstrated a commitment to upholding the core values of
9 the Voters First Act, and who will promote public trust
10 in the Commission's work. You certainly heard from
11 others today about how important this is to all of us.
12 We do believe that you should scrutinize those
13 disclosures that your Bid for Invitations and your
14 Conflicts Policy have required to look for consistency
15 with those core values of the Voters First Act. We
16 believe that you should review the applications for
17 whether the Applicants past work reflects those core
18 values, of which compliance with the Voting Rights Act
19 and public trust in the Commission's process are
20 paramount. As you know, the Voting Rights Act protects
21 the ability of underrepresented communities to have equal
22 opportunities to participate in the electoral process,
23 including the opportunity to elect candidates of their
24 choice. So, we will that you should look to whether
25 anyone whose work has focused on undermining the creation

1 or maintenance of those opportunities, and that they
2 should be considered unqualified for employment,
3 especially as mapping consultant or VRA counsel, and on
4 the other side of the coin, when you hire staff and
5 consultants, you should look for those that have a
6 demonstrated commitment to ensuring that California's
7 underrepresented communities have an equal opportunity to
8 participate in the electoral process by the kinds of
9 activities that they have done, have they show that they
10 are speaking for greater opportunities for
11 underrepresented communities? We feel this is a key step
12 toward achieving broad public participation in the
13 redistricting process, it will help build public trust if
14 you ensure that you staff and consultants have the
15 ability to be impartial and we hope you will review the
16 disclosures with that in mind, as well. Thank you for
17 much for this opportunity.

18 CHAIRPERSON FILKINS WEBBER: Thank you. Any
19 other members of the public that wish to discuss items
20 that are not on the agenda? Please.

21 MR. MUNGER: Good afternoon. I wish to thank you
22 all for you coming here and for service. My name is
23 Charles Munger. I am the proponent of Proposition 20; I
24 was the largest supporter of Proposition 11, and the most
25 fierce opponent of Proposition 27. And let me say,

1 members of this Commission, am I glad to see you! I'm
2 here, again, just to pay my respects. I don't have any
3 advice to you about how to conduct your business, I
4 simply wish to say that, in the long run, there are
5 probably a dozen if not a score of more or less fair maps
6 for the State of California, and if you can find any one
7 of them, you will have accomplished more for Democracy in
8 California, indeed, for the nation, than any California
9 Legislature in the last 50 years. This is the test. You
10 were selected out of close to 31,000 people to test the
11 proposition of whether the citizens of California can lay
12 down their individual preferences about who they want to
13 have elected to the government, or what party they want
14 to have elected to their government, or, indeed, whether
15 they want any of the registered parties elected to their
16 government, that they can lay that aside and make the
17 elections more or less fair, or whether, in fact, at the
18 end of the day, it's the partisan political interests
19 that dominate this discussion and that the game is always
20 going to be rigged, whether you set up an independent
21 commission like this, or not, or whether you just leave
22 it to the Legislature to do it the old-fashioned way.
23 You are the crucible, you are the test. I pledge to you
24 my support. I think you'll find one of those 20 maps.
25 The interests will rise to challenge your maps as the

1 interests will rise to challenge the very laws which
2 brought you here. And you haven't so much as laid a pen
3 to paper yet, but I pledge to you that on the day those
4 interests rise to challenge your maps, I will rise to
5 defend them. Thank you.

6 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
7 Munger, in more ways than one.

8 MR. SALAVERY: Hello, my name is David
9 Salaverry. I'm from Berkeley, California. I spoke
10 yesterday at the Legal Committee and I have a two-page
11 letter to submit re Bruce Adelson, which I will comment
12 on later during the legal proceedings. I'm here as a
13 citizen, but I'll let you know that I am a member of
14 three Bay Area Tea Parties, I am also a brand new
15 Republican, having changed from DTS status in December,
16 joined by local Republican County Committee, and moved
17 quickly through the ranks, and lo and behold, I am now a
18 very junior delegate to the Convention across the street.
19 The institutional left, the alphabet groups, as I call
20 them, have been dialed in to these hearings and have
21 dominated public comment. Now, perhaps late in the game,
22 the conservative Hoi Polloi will begin to weigh in, as
23 well. We will be here in person, as well as we are
24 electronically. We must have fair redistricting in
25 California. The fight for fair redistricting is not one

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1 that we will be absent for. Thank you.

2 CHAIRPERSON FILKINS WEBBER: Thank you. Any
3 other members of the public who wish to address the
4 Commission on matters not on the agenda?

5 MS. SINGLETON: Hi, my name is Marilyn Singleton
6 and I'm just a random person, and I really am so glad
7 that this commission exists and I just became so tired of
8 hearing people complain about their representative, say
9 what Bozos they are, and then they win by 93 percent the
10 next time, just something is wrong with this picture.
11 And this commission is so necessary, particularly because
12 we have Prop. 14 that's going to put the top two people,
13 only, on the ballot, and if the redistricting isn't done
14 well and properly, we'll just end up with one party rule,
15 which is totally unacceptable. And I'm a native
16 Californian and I don't want to leave my state because it
17 starts falling apart politically. So, thank you very
18 much.

19 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.
20 Singleton. Any other -

21 MR. VOLKING: I'm nervous. My name is Fred
22 Volking, I am a native Californian also, I'm
23 Conservative, and I am concerned about there the state is
24 going. I'm glad to see that we're doing a redistricting.
25 My only hope is that it is fair, logical, and I can tell

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1 you that it's going to affect the lives of a lot of
2 people. I'm not here representing any group. I'm a
3 retired person, I'm taking time out of my retired life to
4 come up here, and hopefully I'll have some input that you
5 can look at everything logically and geographically, and
6 not look at this as what groups we can put together, what
7 groups we can satisfy. I just hope that you'll be open-
8 minded. If you do look at the lines that are drawn right
9 now, they look strange. I mean, I've looked at them and
10 they don't make any sense. Even in my city in
11 Pleasanton, there are two areas within our group, and how
12 they got drawn, I have no idea. And I can only hope that
13 by doing this, this will - I'm repeating myself, sorry.
14 Thank you.

15 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
16 Volking. Any other members of the public who wish to
17 address the Commission on items not on the agenda?

18 MS. VARGAS: Good morning.

19 CHAIRPERSON FILKINS WEBBER: Good morning.

20 MS. VARGAS: My name is Raquel Vargas and I want
21 to thank you all for this huge project ahead of you, and
22 thank you for your service and your time. First of all,
23 I just want to mention that Prop. 11 mandates fair and
24 impartial redistricting. This can be accomplished only
25 by public confidence that expert line drawing and legal

1 staff are fair and impartial. At a minimum, there should
2 be partisan ballots, persons who are ideological
3 liberals, or Conservatives with partisan leaning should
4 be factored into this balancing approach. Regarding line
5 drawing experts and consultants, in addition to the
6 balanced expertise, I wonder why the Commission bid
7 standards for redistricting experience changed after its
8 issuance and at the last minute to reduce the prior
9 experience standards. Regarding legal and Voting Rights
10 Acts, I think that this is equally important that expert
11 counsel is partisan and balanced, it's of equal
12 importance. The Commission, as well, needs to improve
13 the transparency and accessibility of its proceedings,
14 open-ended schedules don't adequately apprise the public
15 of what important decisions will be decided, and it does
16 impede public input and comment. For example, documents
17 discussed at a meeting of a subcommittee, or on the
18 Commission as a body, need to be publicly posted before
19 the meetings to allow meaningful public participation.
20 And with that, the website should be adequately updated,
21 as well. I want to thank you so much for your time and
22 I'm really looking forward to a wonderful Citizens
23 Redistricting Committee [sic] and output from you all.
24 And you've got a big job ahead of you. Good luck.

25 CHAIRPERSON FILKINS WEBBER: Thank you. Does

1 anyone else wish to address the Commission? We're doing
2 fine on time. Okay, great, then I will go ahead and
3 close this portion of the public comments regarding
4 matters that are not on the agenda, and proceed with the
5 next item that we have on our scheduled agenda, which is
6 the Executive Director's Report. Mr. Claypool.

7 MR. CLAYPOOL: Thank you. Good morning,
8 Commissioners, good morning to the public. Since our
9 last session at the Capitol, I'd like to just tell you
10 what your staff has been working on, which has been quite
11 a bit.

12 To start with, we sent our Augmentation Letter to
13 the Department of Finance requesting the release of the
14 \$1 million held for the Commission in this year's budget.
15 Our DOF representative requested a revision of the letter
16 to include more references to the legal authority by
17 which the Commission operates. The revised letter was
18 provided to the Department of Finance and our Chair, Vice
19 Chair, and members of the Finance Administration Advisory
20 Committee and, from there, our Finance representative
21 called last Friday afternoon and stated that the staff -
22 they were reviewing the document and it appears that
23 we're close for submission to the Governor's Office. The
24 only remaining item for review would be some of the cost
25 figures in the document, which we're working on, that

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1 relate to payments to the Secretary of State's Office.

2 Kirk Miller, our Chief Counsel, and I met with
3 legislative members from all four legislative caucuses to
4 discuss the Statewide Database and the coordination of
5 our efforts to provide redistricting software and access
6 to the database as required by the Constitution. We were
7 told that the Commission will receive an update to the
8 Statewide Database during the session starting March 24th,
9 and we also received their pledge of continuing support
10 from both Houses for our meetings and our efforts.

11 Raul Villanueva, our Business Manager, and I met
12 with Jim Butler, the Chief Procurement Officer at DGS, to
13 discuss our contracting process with DGS staff. As part
14 of that, we've been having some difficulties, the
15 difficulties were primarily in process and I think as
16 everyone on this commission, as you get your crash course
17 in State Government, the processes can be cumbersome, but
18 the meeting with Mr. Butler's staff was very productive.
19 They provided us with a variety of ways that we can
20 increase the efficiency of our processes and how they
21 could help us do that and, as of today, we're completing
22 our contracts fairly quickly by State standards.

23 Our only hitch appears to be for advertisements
24 for staff. We will continue to try and have an
25 advertisement for our two new positions - or, actually,

1 our one new position for an AGPA, and we will hopefully
2 be adding one with your concurrence. And so, what we've
3 done is we've gone through our email blast to our 1,300
4 individuals, or actually entities and individuals around
5 the state to make sure that everyone is aware that we're
6 advertising for these positions and we're continuing to
7 try to work with DGS to get that posted up through the
8 standard State process.

9 The staff overseeing the IFB, for the public, the
10 Invitation for Bid for our Technical Consultant for Line
11 Drawer, made two revisions to that IFB during our review
12 and post period. We received questions from bidders and
13 have responded to them, and those are posted on our
14 website along with the Invitation for Bid, and the two
15 Amendments.

16 The first Amendment, which we made on March 9th,
17 was a revision to the customer service references where
18 we reduced the project comparisons for population from
19 within 15 percent of Metropolitan statistical areas, or
20 the MSAs to populations within 15 percent of cities as we
21 listed in our Reference section.

22 We made this reduction on behalf of the
23 Commission to cast a wider net to bring us as wide and
24 diverse a pool of talent as possible by reducing the very
25 high population requirements that the original

1 specifications required. We made our second amendment on
2 March 11th when we revised the evaluation process to
3 provide for specific information regarding the procedure
4 that the Commission would follow in publicizing the bids,
5 opening the bids, and reviewing the bidder
6 qualifications. Refinement by amendments are very common
7 in the IFB processes in the state. Neither of our
8 amendments were commented upon, nor disputed by bidders
9 in the process and neither required a change in our
10 schedule for selecting our Technical Consultants. So, as
11 of today, we're right on schedule.

12 Rob Wilcox and Janeece Sargis of our staff
13 completed the tentative scheduling for the Commission's
14 Input Hearing. The plan was presented to the Technical
15 and Outreach Advisory Committees for their review
16 yesterday and it is being revised for presentation to
17 this Commission this afternoon, or, actually, I think
18 later on this morning. Some of the dates in the plan
19 will be tentative. We actually have two dates until we
20 receive further input from our Technical Consultant and
21 our VRA attorney for a selected number of meetings in
22 areas where the greatest community concerns are involved.
23 The members on one or both of these committees will
24 provide their recommendations to the full Commission.

25 We extended an offer to Deborah Davis of our

1 Budget Officer position and Deborah will be here later so
2 that you can meet her and you can vote on her. She began
3 her work on Monday, March 14th and, subject to your
4 approval, we have her currently on a procurement
5 contract, which is the way we've done it so that we can
6 have staff working until you make your approvals. During
7 Deborah's 31 years with the State, she spent over 20 as a
8 high level Fiscal and Administrative Manager with the
9 Department of Insurance, Department of State, Department
10 of Justice, and the Department of Finance. She is
11 extraordinarily capable for the position we're asking her
12 to fulfill for you, and she will be hired as a Retired
13 Annuitant.

14 Our 4G communication cards should have been
15 available to you today; we're still working, trying to
16 work through that glitch. I know that Christina is
17 working, as we speak, to try to get those to you. They
18 should be here hopefully today.

19 Finally, I requested that each individual staff
20 member provide an update to each Advisory Committee on
21 their areas of responsibility. This allowed the
22 Commissioners to familiarize themselves with the staff
23 and receive the information regarding specific projects
24 directly from the staff entity completing the task, and
25 it worked so well that I intend to continue this practice

1 whenever we're in Sacramento. It was just good to give
2 them the opportunity to meet you and for you to meet
3 them, and they're far more knowledgeable about the things
4 that I was guessing at what they were doing when I was
5 talking to you.

6 Rob Wilcox, our Director of Communications, also
7 reported on the following activities. Rob has been
8 working with our Website Designer, Webmaster, and staff
9 to update our current website and to create a new one
10 that is more responsive to our current site. I think
11 we've heard from the public about our website and we're
12 going to correct that. He has been working with the
13 Redistricting California to create a toolkit that was
14 originally part of a bid for the Center for Collaborative
15 Policy, and we have that design, it was presented to the
16 Technical Committees and it's going very well. He also
17 is working on a March 31st event in the Bay Area, and that
18 will also be presented by the Technical Committees. He
19 has also been working with Commissioner Ward and the
20 Chapman Film School on a script for a proposed video that
21 had been discussed with the Commissioners. He is working
22 with our Outreach partners on maximizing opportunities
23 for the Commission to use their resources for outreach,
24 and he has been setting meetings with the Commissioners
25 and editorial boards around the state and has continued

1 to set up interviews regarding the release of the U.S.
2 Census Data.

3 Kirk Miller, our Chief Counsel, reported that our
4 responses to the VRA advertisement went very well. As
5 you've seen, we had nine law firms and, so far, our Legal
6 Committee has reduced that number to two and we'll be
7 hearing from our Legal subcommittee on that later today.

8 Our Technical Consultant Agreement, as I said,
9 went well. In the future, for the future Commission, and
10 for those of you who might serve on that future
11 Commission, we need to start sooner so that we can have a
12 longer time to send out a competitive bid, but we were
13 pleased with the two consultants that did submit their
14 bids and that will be presented tomorrow.

15 Finally, we will be giving a Commission
16 evaluation kind of primer this afternoon to you in
17 preparation for that, and Kirk was instrumental in
18 putting that together. So, that's what we've been doing
19 in three weeks. Thank you.

20 CHAIRPERSON FILKINS WEBBER: Thank you very much,
21 Mr. Claypool. Do any Commissioners have any questions of
22 our Executive Director on anything that he has presented?
23 Wow, we're moving along quickly.

24 At this point, the next item on the agenda is our
25 Advisory Committee Reports. For the members of the

1 public, I would just like to remind them that whenever a
2 matter was discussed in a committee, and is now being
3 reported back to the full Commission through a vote, in
4 particular, if there has never been any substantial
5 change among the recommendations that were discussed at
6 the committee level to the full Commission, then no
7 further public comment will be taken. So, I would like
8 to invite the Technical Advisory Committee to commence
9 with their report. And just, also, as Chair and, again,
10 as a means for improving our efficiency, I did put
11 together a recommended procedure for advisory committee
12 report backs, and so this will be the first opportunity
13 to see if we can move forward quickly to get to more
14 pressing matters. So, who is going to advise us in that
15 regard? Commissioner Di Giulio.

16 COMMISSIONER DI GIULIO: So you're going to put
17 me on the spot, the first one to try, huh?

18 [Laughter]

19 CHAIRPERSON FILKINS WEBBER: Oh, but you know how
20 to follow directions.

21 COMMISSIONER DI GIULIO: Yes, from giving so many
22 directions. Okay, so, in an effort to follow
23 Commissioner Filkins Webber's suggestions, I briefly just
24 want to say that, in terms of action items and
25 recommendations, we don't have any at this point, so what

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1 I'll do is just move into a summary and some of the
2 information related to the discussion that we did
3 yesterday, based on the agenda.

4 First, the first issue on our agenda was the
5 Technical Consultant hiring, and the Bid Evaluation
6 Guidelines was distributed by Mr. Claypool, and that will
7 be gone into more detail tonight, as I understand, in
8 addition to some additional matrix that we will have for
9 guidance for tomorrow, so I think that issue we touched
10 on just briefly, but understanding that that will - we
11 will get more information as a full commission this
12 evening.

13 And just as a reminder, the Technical IFB review
14 will start tomorrow at 9:00 a.m., scheduled for this
15 room.

16 The next issue we went to was the Public Access
17 to Redistricting. This was an item - originally, if you
18 recall, this was an item in the budget that was put down
19 to allow us as a commission, if you recall the discussion
20 as to whether the Legislature would take this on
21 themselves, or whether we as a Commission would be
22 responsible for ensuring that there was access by the
23 public for redistricting. That item had been removed
24 from the budget as it was submitted, it was asked by the
25 Legislator that we provide a more detailed itemized

1 budget for public access that we could then submit to the
2 Legislature, that they could review, and decide to what
3 level they were willing to fund some of our suggestions.
4 Some of the things that we had initially discussed were -
5 some of the options that Mr. Claypool had provided to us
6 was to increase the funding options for the Redistricting
7 Assistance sites, there were three option, we are going
8 to go into more detail about that, at the time, we didn't
9 have some of those specific numbers, that was one of the
10 options, so to increase the funding for the Redistricting
11 Assistance sites.

12 The second one, we are going to explore software
13 options such as RSI, *Maptitude*, as well as *Open Source*
14 options such as the *Public Mapping Project*. And although
15 the point was made that, although some of those Open
16 Sources are free, the hosting and some of the additional
17 costs are not, so we would have to look into that.

18 So, those are the first two options we were
19 looking at and we had decided that, with the assistance
20 from staff and myself, we will go ahead and look at that
21 and have more details for the next meeting. I'm looking
22 at Mr. Claypool. Do you have something to add to that?

23 MR. CLAYPOOL: Only that I did bring the
24 additional - if you'd like me to just put the numbers out
25 - I did bring the additional funding for the sites that

1 had been presented to us. But it's up to you; I can
2 either distribute it -

3 COMMISSIONER DI GIULIO: I think we might wait
4 until the next meeting just because we, as the Technical
5 Advisory Committee, haven't even seen those numbers yet,
6 so they were available, they just weren't in our physical
7 presence yesterday for consideration. So, what we had
8 decided was staff and the Technical Advisory Committee
9 would continue to look at those numbers for future
10 recommendations to the full Commission.

11 The third one, which also bled into the next
12 issue, which was the Discussion and Coordination of
13 Technical Activities with Other Organizations, was that
14 of the supporting community groups and their
15 redistricting efforts. There was an issue that was
16 raised of the independence of outside groups and Ms.
17 Astrid Garcia had emphasized that community groups are
18 not an extension of the CRC, but they're working
19 independently, which I think was a very good point that
20 she made and, as such, we had decided that we would
21 recommend that the outreach group, the coordination of
22 those activities by community groups be done in the
23 outreach group, and that we would work in conjunction
24 with them and the Public Information group in terms of
25 getting those activities posted and making sure that

1 those were available so that the public does have access
2 through some of these groups, so they are aware of what's
3 going on.

4 The discussion, again, the Discussion of the
5 Coordination of Technical Activities, Commissioner
6 Aguirre raised the issue of creating a framework, a
7 guideline formatting in terms of the organizations and
8 individuals when submitting the maps, and we would plan
9 on doing that in conjunction with the technical team, and
10 I think it would be very important for us, as a
11 commission, to be able to have a consistent formatting
12 request when information is coming to us from community
13 groups or individuals. Of course, that will happen with
14 the Technical Consultant, but also, just in general, when
15 we're coordinating our technical activities with outside
16 groups.

17 Commissioner Yao also mentioned securing input
18 from Cities and that was added to by Commissioner
19 Parvenu, who had mentioned Counties as institutes that we
20 have not yet outreached to in terms of their technical
21 expertise. Again, we have decided, in conjunction with
22 Outreach and Technical, we sit in on their meetings; they
23 sit in on ours, so we're in constant communication, so we
24 punted this one to the Outreach, as well, but we will
25 work closely with the Outreach on formatting and

1 receiving technical input from these organizations.

2 Lastly, we did look at the Census Data review; we
3 had some discussions in regard to the Census Data review.
4 The first point of discussion was that related to Census
5 Data in relationship to definitions, such as
6 neighborhoods, communities of interest, and compactness.
7 There was some discussion as to whether or not we wanted
8 to provide some guidelines in terms of how we see those
9 being defined, but not tying the hands of organizations
10 or individuals. So, we had decided that we will continue
11 the discussion and anticipate providing additional
12 guidance in conjunction with the Technical Consultant and
13 the VRA assistant once they are on board.

14 We also had some discussions about the potential
15 adjustments in sampling considerations of the Census
16 Data, itself. Two of the main topics that we were in
17 discussion was the prison populations and that of race
18 and ethnicity, and the prison populations were - again,
19 some of this, because of the time constraints, we just
20 had the initial, the cursory discussion about this - but
21 there were some discussions about prison population and
22 any adjustments or where those prison populations might
23 be located, and where their counts would be. And we had
24 directed staff, Mr. Claypool and staff, were going to
25 look into that a little bit further in terms of whether

1 that data will actually even be available to us, whether
2 the Department of Corrections will make that data
3 available in time for our consideration.

4 The second issue of issues around race and
5 ethnicity and definitions of majority populations,
6 Commissioner Ancheta had agreed to go ahead and get
7 additional information for our discussion and we had
8 talked on a very introductory level and anticipate that
9 that will be an issue for the Technical Advisory
10 Committee to take on in future discussions.

11 So, other than that, that was pretty much a
12 summary of what we had done. Again, we did not have any
13 action items or recommendations at this point to bring to
14 the full Commission, just in anticipation of the
15 discussion later this afternoon from Mr. Claypool and
16 staff about the review of the IFB process and, again, a
17 reminder that we will be going through that tomorrow
18 starting at 9:00 a.m.

19 CHAIRPERSON FILKINS WEBBER: Thank you,
20 Commissioner Di Giulio. Do any of the other Commission
21 members have any questions of the Technical Advisory
22 Committee or any other recommendations for their
23 consideration upon their next meeting?

24 COMMISSIONER BLANCO: I just have a question, you
25 know, on the whole issue of what our role is in providing

1 public access, separate and apart from the Regional
2 Centers that have been set up, do we have a sense, or how
3 are we looking at how great the need is, and where the
4 need is the greatest and all those kind of
5 considerations?

6 COMMISSIONER DI GIULIO: We hadn't gotten into
7 that specifically during our meeting. I think one of the
8 issues was based on the proposition that there is a
9 requirement that that be done, and we as a commission had
10 decided that we would choose to take on that
11 responsibility. So, at this point, I think we're just
12 looking at some of the options. Part of this, I think,
13 will be - we will have a better sense of that, as well,
14 once we get our Technical Consultant on and can look into
15 that a little bit more, but I'm not sure if Mr. Claypool
16 has any response to that.

17 MR. CLAYPOOL: We understood from the passage in
18 the Constitution from the propositions that this is
19 predominantly - we have an outreach role as a commission,
20 but this particular public access to redistricting
21 software and to the database is a role that was given to
22 the Legislature and they were required to coordinate with
23 us. We had early discussions because the Legislature is
24 very interested in fulfilling their role and ensuring
25 that this occurs, but initially they wanted to make sure

1 that, as part of that coordination role with us, that if
2 the Commission had ideas for how they wanted to fulfill
3 this, that they would work with us to make sure that
4 those ideas were funded. When the Department of Finance
5 asked us to remove that from our budget, then we shifted
6 back over to working with them and trying to find some
7 other vehicle, if you will, for financing that, possibly
8 a Memorandum of Understanding with them, where they would
9 provide the financing, and then we would provide the
10 ideas or we would provide them with the ideas, and they
11 could do it themselves. In a recent discussion, you
12 know, the Legislature has ideas of their own and they're
13 interested in getting this moving as quickly as possible
14 because, clearly, they want something in place to fulfill
15 their requirement by the time that the Census Data is
16 released and in a format that can be used by California
17 citizens, so I think now we're in that as we're over the
18 hump with our contracts and everything else, and putting
19 people into place, so that we can do the Commission's
20 work, now we shift to a new imperative and that is to get
21 the Commission's ideas for what they think should be our
22 role and, quite honestly, how we can work with the
23 Legislature to ensure that we do as much as possible.
24 The idea is that Commissioner Di Giulio set forth our
25 preliminary ideas, and certainly during this week coming

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1 up, before our next meeting, it's going to be incumbent
2 upon us to flesh that out to the degree possible. So, we
3 need public comment, public ideas, and we're getting
4 those. We need Commissioner ideas, any ideas that we can
5 get we can put into that - give to the Technical
6 Committee, and then we can move them forward.

7 COMMISSIONER BLANCO: Thank you.

8 CHAIRPERSON FILKINS WEBBER: Commissioner
9 Barabba.

10 COMMISSIONER BARABBA: Yeah, the other thought we
11 had, it would probably be advantageous to take advantage
12 of the work that's already been done through the Irvine
13 Foundation and those extension, those centers that
14 they've developed, and they were not funded as much as
15 the team wanted them to be, so we thought that would be a
16 good suggestion, is to complement the existing ones with
17 additional ones in other areas. So, part of our
18 recommendation is to take advantage of what's already out
19 there, rather than start from scratch.

20 COMMISSIONER DI GUILIO: And just one last thing.
21 I would say that, with that, we originally -- because
22 the line item had just been - it had been a line item in
23 the budget - we hadn't gone into detail, so when we had
24 met yesterday, it was the first time that we had heard
25 that it was removed, so we hadn't had an opportunity to

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1 flesh out, but we anticipate - we have quite a bit on our
2 plate for the next few meetings, but that will be a
3 source of discussion in terms of what are our options.
4 Those are the initial ones that we had come up with in
5 our discussion, but I'm hoping we will have many more.

6 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco.

7 COMMISSONER BLANCO: I wanted to see if our Chief
8 Counsel could give us some advice. I've received an
9 email from a foundation in the last two days saying that
10 there's a group of funders interested in assisting the
11 Commission. And, in fact, this morning I ran into the
12 person from Irvine at our breakfast place and, you know,
13 we were talking about it a little bit yesterday about
14 whether there are legal problems with receiving money
15 from outsiders; these are nonprofit foundations. So, I
16 would like to get a legal opinion on that because I do
17 think we have the possibility of some funding that has
18 come our way and, so, anyway, I would love to be able to
19 take advantage of that for this process, in particular,
20 which is really, as we had talked about in the past, how
21 to supplement in fact what the existing Centers could do.
22 I'm not saying that's all we would do because I think, as
23 you pointed out, we have to have some independence and I
24 think that's important, but if we are getting those kind
25 of offers, my sense is that the best place to put money

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1 like that would be into the most neutral thing possible,
2 which is outreach - or, you know, access to data which is
3 very expensive.

4 MR. MILLER: Well, the short answer is that the
5 Commission would not be precluded from taking such funds.
6 It gives rise to a reporting requirement, but that's, of
7 course, manageable. The next level issue, of course,
8 would be a comfort level by the Commission that those
9 offering the support have all the trappings of neutrality
10 that would make the acceptance of it pass the nonpartisan
11 test.

12 COMMISSIONER BLANCO: Thank you.

13 CHAIRPERSON FILKINS WEBBER: Anything further of
14 the Technical Advisory Committee? Great. Moving along.
15 The next item of business is the report back from the
16 Public Information Advisory Committee. And who will be
17 addressing that issue? Commissioner Ward.

18 COMMISSIONER WARD: I'm happy to turn the floor
19 over to our Communications Director, Rob Wilcox.

20 COMMISSIONER RAYA: There were no bailout
21 provisions!

22 [Laughter]

23 COMMISSIONER WARD: We coordinated.

24 COMMUNICATIONS DIRECTOR WILCOX: Commissioner
25 Ward will be discussing some of the things that actually

1 happened in the committee and that will require input
2 today from the Commission. I wanted to report on the
3 efforts of the Communications operations of the
4 Commission.

5 With the cooperation of our Commissioners, we
6 have been having editorial boards up and down the State
7 of California. Completed so far, the *Sacramento Bee*, the
8 *San Bernardino Sun*, *Inland Valley Bulletin*, *San Francisco*
9 *Chronicle*, *Los Angeles Daily News*, the *Ventura County*
10 *Star*, *Palm Springs Desert Sun*, an interview with the *Los*
11 *Angeles Times*, Sacramento Bureau yesterday, and then,
12 coming up in the next couple of weeks, *San Diego Union*
13 *Tribune*, *Chico Enterprise Record*, *Oroville Mercury*
14 *Register*, *Riverside Press Enterprise*, *San Jose Mercury*
15 *News*, *Fresno Bee*, *Modesto Bee*, *Merced Star*, and the
16 *Orange County Register*.

17 And we have many calls out to other newspapers
18 and ethnic media up and down the state and we'll be
19 adding to this list every day.

20 I have met with Executive Director of *New America*
21 *Media*, which is really the respected hub of ethnic media
22 in California, and they are enthusiastically partnering
23 with the Commission to assist in getting the word out to
24 all ethnic media up and down the State of California.
25 They are going to assist in setting 15 meetings with

1 Commissioners with ethnic media, and they are also
2 supportive of having the ethnic media testify about their
3 communities at the Public Input Hearings.

4 The website - we'll be passing out a sheet that
5 will show you what the new website design looks like. We
6 have the Web Designer on staff now working with the
7 Commission, and as you have probably seen, there are
8 timely updates. Sometimes public comment is now being
9 able to be posted by staff several times a day, and we
10 are making changes to the existing websites as far as
11 posting timely information and, at the same time, hard at
12 work getting the new site up and running.

13 And I know Commissioner Ward will talk a bit more
14 about this, but thanks to his work, we have secured the
15 cooperation and participation of the prestigious Chapman
16 Film School in putting together a video for the
17 Commission and will talk a little bit more about that.

18 I have created and put together an electronic
19 press kit, which will be posted on our new website and,
20 working in conjunction with the Outreach Committee, put
21 together a tool kit which we'll hear about during the -
22 and you will see during the Outreach Committee, and the
23 Redistricting California, they are putting together a
24 conference that we're going to be a part of and we'll
25 talk more about that in the Outreach Committee report.

1 And now it's on to the Public Input Hearings,
2 when you'll be approving the schedule, starting on Monday
3 I will be hard at work on that very ambitious schedule,
4 that is the key to our entire communications program is
5 getting the word out, engaging the public, and making
6 sure that they're going to be coming to our hearings.
7 And I think the Commissioner is going to talk about the
8 proposed tagline, and that's it for me.

9 COMMISSIONER WARD: Thanks, Rob. Were we going
10 to hand out that website, hand that out right now?

11 So, the Commission considered - first of all, I
12 would like to thank Elizabethan Designs, they have been
13 contracted to put all this together and I understand
14 they've been working around the clock non-stop to put
15 together some options for us here, and so the
16 subcommittee was presented with a few different color
17 schemes for the website and came to a unanimous decision
18 that blue was best!

19 [Laughter]

20 COMMISSIONER WARD: So, we're going to hand that
21 out. Great. And I'd like to thank Elizabeth. We gave
22 her a tough order yesterday out of the subcommittee to
23 make some rapid changes, and this is the first time I'm
24 seeing it and she did an amazing job of being able to
25 meet those. This would be the home page, or the initial

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1 screen that pops up and when you see the picture cutaway
2 in the bottom left corner, we anticipate that being our
3 video once that's available. And the other thing that we
4 discussed changing that's still yet to be done on this is
5 the pictures at the top right corner of the drawing that
6 you have. The discussion revolved around trying to make
7 those more based on people that live in California and in
8 real situations, so we expect that to be pictures, again,
9 of people in various aspects of California lining the
10 header of the website.

11 Are there any other Commissioners that would like
12 to discuss anything about the website from the
13 subcommittee? Excellent.

14 Okay, an action item we have is coming to a
15 decision on a tagline that is kind of interwoven into
16 this. Rob did a great job of compiling a long list of
17 potential taglines and the committee was able to
18 relatively easily narrow it down to two, so I'd like to
19 present those at this time. The first suggested tagline
20 is "Democracy at Work." And the second one is "Putting
21 Fairness on the Map." So, we'd like to open up the floor
22 and get a decision made on which of those two would be
23 most appropriate or, ideally, if there's a different
24 opinion on those, get those out and have a decision made.
25 Any comments? Any favorites?

1 COMMISSIONER BLANCO: What was the second one?

2 COMMISSIONER WARD: The two choices are
3 "Democracy at Work" and "Putting Fairness on the Map."

4 CHAIRPERSON FILKINS WEBBER: Commissioner
5 Barabba.

6 COMMISSIONER BARABBA: I prefer the second - to
7 get that conversation started.

8 [Laughter]

9 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

10 COMMISSIONER RAYA: Even though I was in that
11 committee yesterday, later in the day we came across
12 another phrase, and I don't remember, maybe Mr. Wilcox
13 remembers, "Voter Approved - what was it?"

14 COMMUNICATIONS DIRECTOR WILCOX: "Voter Approved
15 CRC."

16 COMMISSIONER RAYA: Okay, anyway, I just kind of
17 liked that little "Voter Approved" on there, so in case
18 anybody wants to pick up on it, but...?

19 COMMISSIONER WARD: So, I want to make sure I
20 have that right, "Voter Approved CRC?"

21 COMMISSIONER RAYA: Well, it was "Voter Approved
22 Citizens Redistricting Commission."

23 COMMISSIONER WARD: Okay, so "Democracy at Work,"
24 "Putting Fairness on the Map," and "Voter Approved
25 Citizens Redistricting Commission."

1 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

2 COMMISSIONER DAI: Yeah, I just wanted to provide
3 a little context for how we came up with these taglines.
4 At the previous Public Information Advisory Committee
5 Meeting, we had brainstormed basically concepts and ideas
6 that we wanted to get across, and so concepts like
7 fairness, and transparency, Democracy, these are ideas
8 that we wanted to get across. You also may wonder why we
9 felt the need to change the existing tagline that was
10 done by the Bureau of State Audits and I think the
11 feeling was it didn't quite capture what we were trying
12 to do here, and so we wanted to refine it a little bit,
13 moving forward. So, anyway, I would kind of urge you to
14 just reflect a little bit on what we're trying to convey
15 with this tagline because it's suppose to encapsulate the
16 whole Commission.

17 COMMISSIONER WARD: I think it's worth noting,
18 too, that the prior tagline was selected for us and all
19 three of the options just happened, out of a long list,
20 happened to be options that were brought forward by
21 members of this panel, so this is truly our tagline, the
22 options, anyway, represent us taking ownership of this
23 Commission and putting forth our stamp.

24 CHAIRPERSON FILKINS WEBBER: I just have a
25 question. Can you tell me, what is a tagline and where

1 would it go? Where would we see it on the website? Are
2 we putting it on cards? You know, I'm not a marketing
3 whiz, so please educate me a little bit.

4 COMMISSIONER WARD: Cynthia, tag, you're it.

5 COMMISSIONER DAI: Yes, as I was saying, a tag
6 line is intended to kind of encapsulate the essence of
7 what we stand for, it's a shorthand way of referring to
8 the Commission and our work. It would be on the website.
9 Ideally it would be on the business cards, but as we've
10 heard before, it takes four weeks, so can't promise that
11 it's going to make it on the business cards, although we
12 did have to hold that up because of an address change,
13 which will come up at the Finance and Administration
14 Committee, so there may be time, but I don't want to
15 promise that, so we went with Mr. Wilcox's suggestion,
16 going with a more neutral sentence because we had not had
17 a chance to discuss taglines yet for the back of the
18 business card. But, ideally, it would go on the business
19 card, too.

20 CHAIRPERSON FILKINS WEBBER: Okay. I will defer.
21 Go ahead, Commissioner Di Giulio.

22 COMMISSIONER DI GIULIO: Well, since Commissioner
23 Barabba threw something out, I'm going to throw it out,
24 as well, too. Both of them, I think, I really like both
25 of them. The first one, "Democracy at Work," it gives an

1 ode to the fact that we were voter approved, and we are
2 working towards continuing that trend of Democracy,
3 "Putting Fairness on the Map," to me, I like it because
4 it talks about the mapping, which is what we're tasked to
5 do. And not to be problematic, but is there any way we
6 could say, "Democracy at Work: Putting Fairness on the
7 Map?"

8 CHAIRPERSON FILKINS WEBBER: I was thinking the
9 same thing.

10 COMMISSIONER DI GIULIO: I like both of them, and
11 so that's just my suggestion.

12 CHAIRPERSON FILKINS WEBBER: Anyone else before I
13 chime in? I was thinking similarly. I liked "Voter
14 Approved CRC," or just "Voter Approved - Putting Fairness
15 on the Map," kind of putting the two together. That's
16 why I was trying to think of where we're putting it
17 because I like both of them, because it tells them who we
18 are and also supports your position on what we are, which
19 is fairness, so I liked the two together. Commissioner
20 Yao.

21 COMMISSIONER YAO: I don't know what you intend
22 to - have a broad discussion or topic, or do you just
23 want us to approve the two ideas that were proposed. But
24 my thought is to get the thought across and keep it
25 simple, maps certainly is our end product, fairness

1 certainly is a concept that we want to put across. Where
2 I like the idea of a sentence encompassing all those
3 words, but perhaps four letters, "Drawing a Fair Map"
4 would encompass what we're tasked to do, how we're going
5 about it, and what the end product is. So, I just wanted
6 to throw that out for consideration.

7 CHAIRPERSON FILKINS WEBBER: Is the Advisory
8 Committee seeking a vote? Is that your goal, to move
9 forward on certain items or tasks that you need to do?

10 COMMISSIONER WARD: Thanks, Madam Chair. We
11 actually are hoping to have a choice and a new tagline
12 out of this, that's what we seek to accomplish, and I
13 will, again - big list of choices. And, you know what?
14 It's a win-win, I mean, they're all great. I think we
15 narrowed it down to what we thought were the most
16 descriptive phrases, quick phrases, that describe our
17 mandate and who we are, and what we're doing, all in just
18 a couple words. So, certainly we can add that as an
19 option, but we'd really like an understanding that a lot
20 of the subcommittee has done a lot of the work of going
21 through this, and if we could limit it to maybe these
22 four options and then try to make a decision amongst
23 those four.

24 CHAIRPERSON FILKINS WEBBER: Okay, I've got
25 Commissioner Blanco, Commissioner Barabba, and then

1 Commissioner Galambos Malloy, Commissioner Aguirre, and
2 then Commissioner Forbes, on that order.

3 COMMISSIONER WARD: Madam Chair? Is it okay if I
4 just give the options real quick?

5 CHAIRPERSON FILKINS WEBBER: You want to go
6 through all of the options?

7 COMMISSIONER WARD: Just the one that we had and
8 any that were added on, I want to make sure they know it:
9 "Drawing a Fair Map" was now the fourth option, and maybe
10 we can cap it with those four.

11 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco.

12 COMMISSIONER BLANCO: Okay, I want to weigh-in
13 for the second option. "Putting Fairness on the Map," I
14 just think that's a great way of capturing what we do and
15 the only comment I would make to the website is I'm not
16 sure we should put "California's First Citizens
17 Redistricting Commission." I think it should just be
18 "California Citizens Redistricting Commission." There's
19 something about "First" that just qualifies it, I know
20 it's kind of exciting, it's like the first one, but I
21 really think it's more official sounding to just say
22 "California Citizens Redistricting Commission," and
23 that's what it's going to be when it's the second, the
24 third, and the fourth, and the fifth. So that would be
25 my comment on that.

1 CHAIRPERSON FILKINS WEBBER: Thank you.

2 Commissioner Barabba.

3 COMMISSIONER BARABBA: Thank you. Having some
4 familiarity with the many ingenious minds of our
5 Commission, I would suggest that we direct the Committee
6 to come up with a - and give them the authority to choose
7 it because it's a very skilled group of people and my
8 guess is they would come up with something we would all
9 be satisfied with. But getting us all to agree on this
10 one is going to be really an interesting exercise.

11 CHAIRPERSON FILKINS WEBBER: Commissioner
12 Galambos Malloy.

13 COMMISSIONER GALAMBOS MALLOY: I also would side
14 on the second option, which was "Putting Fairness on the
15 Map," the only tweak that I might consider would be
16 saying "Putting Democracy on the Map," kind of a slight
17 twist on it, I do like "Map," I think that's important.
18 I think, given the diversity of the audiences who will be
19 hearing the message, "Democracy" is one of the pillars
20 that this country and this state was founded on, and I
21 think it has a certain kind of caché, so figuring out a
22 way to keep the tagline short instead of combining two
23 taglines, but "Democracy," I think, is an important
24 concept. The only other thing I would add is, in looking
25 at the website, colors are associated with parties, and

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1 visually this is a beautiful lay-out, I do wonder if we
2 want to use either blue or red as one of the most
3 prominent colors in our website? So, I wanted to just
4 note that for the record.

5 CHAIRPERSON FILKINS WEBBER: Commissioner
6 Aguirre.

7 COMMISSIONER AGUIRRE: Yes.

8 CHAIRPERSON FILKINS WEBBER: Go ahead.

9 COMMISSIONER WARD: I was just curious what the
10 blue - does that signify something? I don't know?

11 [Laughter]

12 COMMISSIONER GALAMBOS MALLOY: I mean, I think
13 the blue oftentimes is associated with the Democratic
14 Party, I think red is oftentimes associated with the
15 Republican Party, so, when I look at this, I see blue and
16 orange, I think it could work, I just wanted to observe
17 that there may be other colors that would serve the same
18 function as blue.

19 CHAIRPERSON FILKINS WEBBER: Thank you.
20 Commissioner Aguirre.

21 COMMISSIONER AGUIRRE: Yes, I like Commissioner
22 Di Giulio's suggestion because the two concepts are very
23 strong. So, I would suggest that the Committee and the
24 Commission consider something like "Fairness in
25 Democracy," "Fairness and Democracy," "Fairness Through

1 Democracy," [laughter] one of those just to link those
2 two concepts together. The other about the mapping
3 function, it could be "Fairness in Democracy by Design."

4 COMMISSIONER WARD: Madam Chair, may I ask a
5 question?

6 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes
7 was up next, and maybe you can address everybody at one
8 time.

9 COMMISSIONER FORBES: I, too, was working on
10 Commissioner Di Giulio's concept, but to shorten it
11 considerably, which I would just put forth, "Fair Maps
12 Making Democracy Work," or "Fair Maps to Make Democracy
13 Work." And the idea is that mapping is what we're doing
14 and I want to get the map idea in there. And then it
15 gets Democracy in there, too. And it shows the purpose
16 of making the maps fair, which is to promote Democracy.

17 CHAIRPERSON FILKINS WEBBER: Commissioner Ward.

18 COMMISSIONER WARD: Thank you. With the
19 subcommittee's permission, perhaps would I'd like to
20 recommend is that, being that we have a meeting next
21 week, provide the Commission -- I guess we could do it
22 tomorrow -- provide the Commission the opportunity to
23 provide input, then, tonight, let's say due by 8:00, I
24 don't know, I guess we shouldn't do that - oh, yeah, we
25 can do it at lunch. Let's do 8:00 p.m. tonight if that's

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1 acceptable, get in any recommendations you have for
2 taglines, and then the subcommittee, with the full body's
3 approval, will then go ahead and make a decision based
4 off of the input received.

5 CHAIRPERSON FILKINS WEBBER: You are intending on
6 making that decision next week?

7 COMMISSIONER WARD: Tomorrow. Feel free,
8 Commissioner Dai.

9 COMMISSIONER DAI: Yeah, I mean, tomorrow we have
10 time for committee meetings, correct?

11 CHAIRPERSON FILKINS WEBBER: Is it noticed?

12 COMMISSIONER DAI: Yes, right? It's on the agenda.
13 No? I remember seeing -

14 COMMISSIONER GALAMBOS MALLOY: I think it's for
15 next week's meeting on the 24th.

16 CHAIRPERSON FILKINS WEBBER: Yeah, next week we
17 have put the advisory committee and general on the same
18 day.

19 COMMISSIONER DAI: So, I just want to note that
20 this means it will very likely not be on the business
21 cards, so that's just a consideration.

22 CHAIRPERSON FILKINS WEBBER: That's what my
23 inquiry was, the priority of your determination, whether
24 that is necessary today, and if -

25 COMMISSIONER DAI: Let me ask Mr. Claypool what -

1 or perhaps Mr. Wilcox, I don't know who has better
2 knowledge of the DGS Printing - business card printing
3 process, given that we've already had to tweak it. If
4 the chances are low, anyway, even if we made it next
5 week, then it probably doesn't matter.

6 MR. CLAYPOOL: Well, as with all things, the
7 sooner we release the printing office to start printing,
8 the faster you're going to get them, so if you delay a
9 week, then it delays a week on the cards, so that's a
10 decision you have to make.

11 CHAIRPERSON FILKINS WEBBER: Commissioner
12 Galambos Malloy.

13 COMMISSIONER GALAMBOS MALLOY: I'd like to
14 suggest that we use the same procedural decision that we
15 did to handle the CCP contract in this case, and perhaps
16 we can have a deadline tonight of 8:00 p.m. to get
17 feedback in and designate Commissioner Ward to be the
18 decision maker, taking into account all the feedback he's
19 gotten from the advisory committee and the full
20 Commission?

21 COMMISSIONER BLANCO: Yeah.

22 COMMISSIONER ANCHETA: Yeah.

23 CHAIRPERSON FILKINS WEBBER: I concur. We do need
24 a motion, probably, for that.

25 COMMISSIONER GALAMBOS MALLOY: I'd like to make a

1 motion to delegate responsibility for decision on the
2 tagline to Commissioner Ward.

3 COMMISSIONER FORBES: Second.

4 CHAIRPERSON FILKINS WEBBER: Any further
5 discussion? Okay, given that this is an issue that is
6 slightly different than what came from the Commission, I
7 will open the hearing to the members of the public who
8 wish to comment on this particular motion to delegate to
9 Mr. Ward.

10 MR. WRIGHT: Good morning, Jim Wright. A
11 suggestion. I like what Commissioner Forbes said, but I
12 would reword it a little bit, "Fair Maps - Democracy at
13 Work." And please take "First" off the header. That's a
14 good idea.

15 CHAIRPERSON FILKINS WEBBER: Thank you very much,
16 Mr. Wright. Any other comments from members of the
17 public regarding the motion that is on the floor? Seeing
18 none, I will pull it back to -- oh, I'm sorry.

19 MR. VOLKING: Just one slight difference. I
20 always consider the United States a Republic, not just a
21 Democratic society. And I like your idea of the color,
22 first of all, removing the colors, that makes it neutral.
23 And I thought "Fairness in a Republic." And you can tag
24 on to that, you know, what you think you could add on to
25 that.

1 COMMISSIONER RAYA: I'm sorry, could we ask the
2 speaker to repeat that? I didn't quite hear it.

3 MR. VOLKING: "Fairness in a Republic," which is
4 what the United States is, is a Republic.

5 CHAIRPERSON FILKINS WEBBER: Great, thank you.
6 Any other members of the public who wish to discuss the
7 motion on the floor to delegate authority to Mr. Ward?
8 Seeing none, then I will bring it back to the full
9 Commission. Any further discussion on the motion?
10 Seeing none, I would ask Ms. Sargis just to read it back,
11 please.

12 MS. SARGIS: The motion is to delegate
13 responsibility for the decision on the tagline to
14 Commissioner Ward.

15 CHAIRPERSON FILKINS WEBBER: Any questions? Does
16 everybody concur? Then I'll just ask for a vote by a
17 show of hands, I don't feel there's a necessity for a
18 roll call. So, all in favor, raise your hand and say
19 "Aye."

20 (Ayes.) Okay, all those opposed? And anyone -
21 no abstentions, okay. Thank you. The motion passes.

22 COMMISSIONER DI GUILIO: Thank you, Commissioner
23 Ward, for taking that on.

24 COMMISSIONER WARD: I would have volunteered.
25 Then, I would like to ask that -- we have the evening,

1 then, so what I'll do is I'll put an email out with the
2 suggestions that were made today and then you certainly
3 will have the opportunity to provide something of your
4 own if you feel that none of those that were mentioned
5 this morning match up to a thought you have, and then
6 I'll simply tomorrow morning just take a tally and
7 whatever has the most votes gets the most votes, and
8 we'll move on from there with that. Thank you very much.

9 CHAIRPERSON FILKINS WEBBER: Is there any
10 additional report back from the Public Information
11 Advisory Committee, before we consider a break?

12 COMMISSIONER WARD: I was planning to. We had
13 some more items from the subcommittee.

14 CHAIRPERSON FILKINS WEBBER: Okay, then at this
15 point we will take a break and then, when we resume, we
16 will pick it back up with your further information.
17 Thank you, and we're in recess.

18 (Off the record.)

19 (Back on the record.)

20 CHAIRPERSON FILKINS WEBBER: Commissioner Yao?
21 We did not put a timeframe on the break and I'll remember
22 to do that next time. Basically, it was 12 minutes of
23 break time. But I will return the floor to Commissioner
24 Ward for continued report back from the Public
25 Information Advisory Committee.

1 COMMISSIONER WARD: Thank you, Madam Chair. I'll
2 make it quick. One reminder is that everyone needs to
3 make sure that they visit the Google calendar and put any
4 speaking arrangements or media contacts, things like that
5 on there if you haven't done that yet, please take the
6 time to go and update that. It's an archive in the
7 database so that we know where we've been and what we've
8 done, and so please make sure that you take the time to
9 do that as there are still gaps in that record.

10 And lastly, the video creation, as Rob mentioned,
11 I'd like to personally thank Chapman University and, in
12 particular, Eric Smith, he's a senior student there and
13 he's heading up this project for them and us, and so we
14 need to work on this quick and fast because, obviously,
15 with our meeting schedule, and then some production
16 schedules on Chapman's side, we have a very limited
17 window to be able to get this video produced at a time
18 that's going to be effective for our outreach, and so
19 that means we'll need to shoot the video next Thursday.
20 So, that is the intent. Mr. Wilcox did an amazing job of
21 getting together a rough draft and that was presented to
22 Chapman on Tuesday, I believe, of this week. And so
23 they're running through some edits and doing some
24 storyboarding, they have a number of concepts, we hope to
25 have those out to the Commission-at-large on Sunday via

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1 email. You'll have 24 hours to review that, make
2 changes, and there will be some other decision-making
3 that goes along with that, that will be outlined, and
4 then you'll need to get that back by the end of business
5 on Monday because, obviously, decisions and equipment,
6 things like that, changes to the scripts, will have to be
7 made so that it can be done on Thursday.

8 Presently, it was really important, we felt for
9 the Commission, full, to be a part of that, they saw the
10 Greenlining video and were really impressed with it, and
11 one of the things that they asked, one of the first
12 questions was, "Why aren't you using that?" Because it
13 was so effective. But the answer to that is, is because
14 it doesn't go far enough. What we're trying to
15 accomplish is not just explaining why redistricting
16 matters and why it's important and its impact, but
17 particularly who we are, why what we're doing is
18 different, the transparency, and the empowerment that
19 comes with the Commission, and then how to get involved,
20 how to reach us, and things like that. So, that's kind
21 of the message that we're trying to encapsulate with a
22 very short, less than five-minute - actually, we're
23 shooting for a less than four-minute video.

24 So, in order to that and highlight the diversity
25 of the panel that represents the diversity of California,

1 we plan to include the Commission-at-large, but we're
2 going to ask on Monday you to select some casting
3 members, particularly probably we're going to pare it
4 down to five, again, a representative sample of the
5 Commission to kind of do the mainstay of the actual
6 speaking and script. And, again, it's important to do
7 that and to keep the video to a quick and easily viewed
8 time.

9 So, anyway, keep those concepts in mind, that's
10 going to be forthcoming, and then there will be some
11 direction, of course, Wednesday. So, just be alert that
12 Thursday we plan on doing some taping, please make an
13 effort to be here, and if, in fact, you're going to have
14 lines and things like that, you need to be ready to go
15 with it, you have to practice them, be rehearsed, and
16 ready to go because we have to get it all done in one
17 day.

18 Any questions about that? Comments?

19 CHAIRPERSON FILKINS WEBBER: Does that conclude
20 your report, Commissioner Ward?

21 COMMISSIONER WARD: It does, Madam.

22 CHAIRPERSON FILKINS WEBBER: Great, thank you.
23 Next, we'll move on to the Finance and Administration -
24 oh, sorry, Commissioner Yao.

25 COMMISSIONER YAO: When you ask whether there

1 were comments, I thought it was on that narrow topic.

2 CHAIRPERSON FILKINS WEBBER: Oh, I'm sorry,
3 please.

4 COMMISSIONER YAO: I want to, one, acknowledge
5 the public input with regard to our communications
6 process. While I can't open up my computer to identify
7 the author, I do want to perhaps get that message across.
8 This gentleman identified, saying that usually he would
9 go to Google, he would search for "Redistricting
10 California" and hopefully get the latest information with
11 what our committee is doing, and his reaction is that,
12 when he does that over and over again, he never sees
13 anything new popping up on the Google search. I just
14 wanted to make sure that the Communications group would
15 take that into consideration and perhaps do whatever is
16 needed so that we address this particular individual's
17 concern. I think it's important. All of us on this
18 Commission know how to access our website directly, but
19 most of the individuals, even though we can tell them
20 what our website is, they're probably likely to go
21 through that search process and we probably would want to
22 make that search process work for us, as well. So,
23 that's all I wanted to say.

24 CHAIRPERSON FILKINS WEBBER: I suspect that - I
25 trust that our Web expert knows how to put the Google

1 tags on and all that, so maybe when we get that updated,
2 that won't be a problem. Commissioner Galambos Malloy.

3 COMMISSIONER GALAMBOS MALLOY: One issue that
4 I've been encountering as I've begun to do more community
5 outreach on behalf of the Commission is regarding our
6 efforts to translate and make accessible both our print
7 materials, our Commission meetings, etc., and I
8 understand that were some efforts underway around this.
9 Could I ask Mr. Wilcox to please brief us on that?

10 COMMUNICATIONS DIRECTOR WILCOX: Yes. And I have
11 been meeting with translation services and we are
12 proceeding with that now, specifically to get - and the
13 Outreach Committee will talk about having the toolkit
14 translated, and then we're looking at having the website
15 translated into Spanish and have key materials in key
16 languages. And right now it's just putting together what
17 we think that will cost to move forward on that.

18 COMMISSIONER GALAMBOS MALLOY: Okay, so two
19 specific things that I wanted to flag, to ask if the
20 Committee is working on them, or if I should bring them
21 up for consideration now, and at what point we will be
22 actually translating the offer for translation that's on
23 our current agendas, at what point we'll be translating
24 that into key languages, and at what point we'll have
25 that same information that's at the top of our website.

1 I think there's a more robust effort that needs to happen
2 around actually translating materials, but even just
3 having that language, that translation is possible is
4 something that we could do in a very short turnaround
5 time.

6 COMMUNICATIONS DIRECTOR WILCOX: Yes, and we are
7 trying to do that, and that's a great first thing that
8 can be done, to do that.

9 COMMISSIONER GALAMBOS MALLOY: Okay, so we'll be
10 hearing back about that at next week's meeting, then?

11 COMMUNICATIONS DIRECTOR WILCOX: Yes, absolutely.

12 COMMISSIONER GALAMBOS MALLOY: Okay, great.
13 Thanks.

14 CHAIRPERSON FILKINS WEBBER: Anything further?
15 Commissioner Ward.

16 COMMISSIONER WARD: Thank you. Yeah, it's a
17 great point and Rob mentioned it in his briefing that he
18 - I mean, he has been actively pursuing that and he's
19 made some great strides in that with New America Media,
20 and it's just we need support in those things, so any
21 support is great, we need it to get that done. Also, the
22 video will be translating into Spanish, as well, so we're
23 going to have two versions of that. And, I kind of
24 undersold the value and the contribution that's being
25 made by Chapman with this. The cost of production of

1 doing something like this is huge, simple things like
2 background music, stuff like that carries expensive
3 licensing that wouldn't be available to us, otherwise.
4 But going through the University and with their generous
5 donations, they have paid for licenses to large databases
6 for things like music, graphics, and digital production,
7 things like that, so that's why I realize the short
8 notice on things like that, we'll really need your
9 attention on it this week because the value that we're
10 getting by pulling this together in this way is enormous.
11 Thank you.

12 CHAIRPERSON FILKINS WEBBER: Thank you,
13 Commissioner Ward. Anything further for the Public
14 Information Advisory Committee? Seeing none, we'll move
15 on to Finance and Administration Advisory Committee, and
16 who will be providing a report in that regard?

17 COMMISSIONER GALAMBOS MALLOY: I will.

18 CHAIRPERSON FILKINS WEBBER: Commissioner
19 Galambos Malloy, please.

20 COMMISSIONER GALAMBOS MALLOY: Excellent. So, at
21 this time, first off, on our action items, I'd like to
22 invite Ms. Deborah Davis to join us here in the front.
23 As Mr. Claypool indicated in his report, we are moving
24 into consideration of Ms. Davis for our Budget Officer
25 position as a Retired Annuitant. Ms. Davis has worked

1 for the State for over 31 years before retiring and I
2 would like her to just say a little bit about the many
3 different ways in which she has served the State and her
4 interest in serving the CRC in this capacity.

5 MS. DAVIS: Thank you very much. I've been
6 retired now for five years, this month. I thought there
7 was an opportunity to come out and participate and share.
8 As you mentioned, I worked for the State for 31 years, 15
9 different State Departments, large and small, several
10 one-person budget operations, so I'm familiar with that,
11 Department of Finance, Department of Insurance, so it's
12 varied, and so I thought that I could contribute to this
13 important activity and bring something that would be
14 useful. And so far, with the group that we have, and
15 I've been here all of a week, and I think we have a group
16 that can get the job done, so I'm pleased to be
17 considered to be part of it.

18 COMMISSIONER GALAMBOS MALLOY: So, I'd be happy
19 to entertain any either questions specifically directed
20 at Ms. Davis, or a motion to approve her as our Budget
21 Officer.

22 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

23 COMMISSIONER DAI: Yeah, I would like to make a
24 motion to approve Ms. Deborah Davis as our new Budget
25 Officer.

1 COMMISSIONER PARVENU: Second.

2 CHAIRPERSON FILKINS WEBBER: Any further
3 discussion among Commission members? Okay, I do believe
4 it would be appropriate to open the mic for public
5 comment on the particular motion for approval of Ms.
6 Davis. Are there any members of the public who wish to
7 comment specifically on this motion? Seeing none, then
8 I'll bring it back to the full Commission and just ask
9 for hands and an affirmation on - I guess, Ms. Sargis,
10 you can read it back.

11 MS. SARGIS: The motion is to approve Ms. Deborah
12 Davis as the Budget Officer.

13 CHAIRPERSON FILKINS WEBBER: All those in favor,
14 raise your hand and say "Aye."

15 (Ayes.) All those opposed? Seeing none, the
16 motion carries.

17 MS. DAVIS: Thank you very much.

18 CHAIRPERSON FILKINS WEBBER: Thank you.

19 COMMISSIONER GALAMBOS MALLOY: Welcome.

20 Excellent. So with that, welcome to the staff.

21 And we will move into our second action item,
22 which is the consideration of one additional temporary
23 staff at the Program Analyst AGPA level, which would be
24 effective through September 1st, so let me give you a
25 summary and some of the options we've been considering

1 around this. Between the time of our last meeting and
2 today, we had designated Commissioner Filkins Webber in
3 conjunction with staff to work with CCP on revising what
4 we anticipated to be their role, which was, I'll remind
5 you, very significant, and also very expensive in terms
6 of our overall CRC budget. Because of the wise decision
7 that was made to internalize some of the functions that
8 CCP and CCE would have in the lead on, those functions
9 have to go somewhere and they've gone to our CRC staff,
10 who is more than capable to take this on with some
11 combination of their existing staff and overtime, and an
12 additional temporary position that would take us through
13 the beginning of September.

14 Other options are being explored. Our staff has
15 been extraordinarily persistent and creative in figuring
16 out how to augment their capacity. As I think it has
17 been mentioned informally, there's a student assistant,
18 Kermit Torres, and I don't know if he is here today, I
19 have not met him personally, I don't think he's here with
20 us in the room. He has joined as a student assistant for
21 a brief period of time. They are looking to add an
22 additional student assistant. We had discussed as a
23 commission the possibility of adding a CORO Fellow onto
24 the staff; because of the location of the CORO Fellows
25 that were available in Los Angeles, it was determined

1 that it would be cost prohibitive, that for the same
2 dollar amount, we could actually hire on a temporary
3 staff person that would be here in Sacramento where we
4 needed them vs. having to incur all those additional
5 costs around travel.

6 So, with all that discussion in mind, our
7 committee recommendation is that we do approve an
8 additional temporary staff at the AGPA level, which are
9 the salary levels that we approved some time ago, that
10 this position would be effective through September 1st.
11 So, at this point, any further feedback from the
12 Committee?

13 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

14 COMMISSIONER DAI: Yeah, I just wanted to comment
15 that there's going to be every attempt to hire a Retired
16 Annuitant, I think we've been doing really well with
17 Retired Annuitants, so we're definitely going to go back
18 to that pool, but that is not a restriction on the hire,
19 and at this point I'd like to make a motion that we
20 approve the additional hire of - I'm not even going to
21 try to say that - at the AGPA level through September 1.

22 COMMISSIONER GALAMBOS MALLOY: Second.

23 CHAIRPERSON FILKINS WEBBER: Any further
24 discussion on this motion? And assuming that it was
25 discussed in the full Commission, Ms. Sargis can - oh,

1 I'm sorry, Commissioner Di Giulio.

2 COMMISSIONER DI GIULIO: I was just going to say
3 I appreciate the Finance Advisory Committee's reflection
4 on this and the work that they had done with CCP and
5 staff, and coming to the realization that this would not
6 only be a cost savings for us, but I think it would, as
7 we've seen in some of the other outreach materials, staff
8 is more than capable and I think providing them the
9 resources to continue that would just be beneficial for
10 the Commission and the work that we're going to be moving
11 forward with.

12 COMMISSIONER GALAMBOS MALLOY: The only thing I
13 would add in regards to roles, just so Commissioners are
14 aware, is that the thought behind this hire is that, as
15 the staff is going to take on the role of essentially
16 doing all the logistics for our hearings across the
17 state, some of them will be coming on the road with us,
18 and having this additional hire will enable us to have a
19 staff person on the home front, manning things here in
20 Sacramento, being responsive to the public, and ensuring
21 that all our operations continue seamlessly, even while
22 we're on the road.

23 CHAIRPERSON FILKINS WEBBER: One comment I would
24 like to make, just to fill in the gaps and fill in the
25 holes, during our last meeting I was delegated with the

1 authority to take a look at CCP's description of
2 activities and to work in conjunction with staff, and Mr.
3 Wilcox and I did have fairly detailed conversations and
4 several of them in the week immediately following our
5 last meeting, and in so doing, we really took a look at
6 every possible activity we worked out and looked at every
7 potential avenue to utilize to use CCP in their
8 coordinated other faculties at CCE, I think, is what it
9 is, and we looked at it from every possible angle, and
10 Mr. Wilcox had several meetings with them, and several
11 discussions, even with Mr. Claypool and the members of
12 CCP, and we really struggled over this, in really
13 identifying a balance between how we could use staff
14 appropriately and effectively, and also make a
15 determination as to what's in the financial best interest
16 of moving forward with this Commission. So, just to fill
17 in that hole, I did do my due diligence based on the
18 delegated authority conveyed by this Commission in
19 conjunction with staff, and certainly have appreciated
20 the recommendations and how several other Commission
21 members have stepped up, Commissioner Ward and all of his
22 work with the videos you'd heard about before, and I'm
23 certainly pleased with Mr. Wilcox identifying the needs
24 for this Commission to fill and step in the shoes that we
25 were looking at, may have been filled by CCP, so I wanted

1 to let the full Commission know what action had been
2 taken over the course of the last several weeks regarding
3 that delegated authority. And I thank you, and hopefully
4 I did well for the Commission. Commissioner Yao.

5 COMMISSIONER YAO: CCP certainly has helped this
6 Commission in many many ways. I think they brought to
7 our attention the details of the work that are needed to
8 do the outreach. They gave us many many good ideas, they
9 got us going on the right foot. And while we didn't
10 select them as our vendor, I do want to publicly
11 acknowledge that their assistance to this Commission is
12 greatly appreciated and we want to thank them publicly
13 for their contribution to our cause.

14 CHAIRPERSON FILKINS WEBBER: I certainly agree.
15 Any other Commission members have any discussions on the
16 motion on the floor? Seeing none, Ms. Sargis, will you
17 please read it back?

18 MS. SARGIS: The motion is to approve an
19 additional staff position at the Associate Governmental
20 Program Analyst level through September 1st, 2011.

21 CHAIRPERSON FILKINS WEBBER: Okay, and as I
22 stated before, this was discussed in the committee
23 meeting, so I will go ahead and just have - as I
24 understand, this was an issue discussed at the advisory
25 committee level, and if there is any motion with no

1 substantial change, there is no further public comment
2 and we will just move forward with the vote. And, again,
3 if any member of the advisory committee corrects me to
4 the extent there has been no substantial change in the
5 present motion, then we'll move forward with the vote.
6 Then, I will just again for an affirmation by hand and
7 voice, all in favor, say "Aye."

8 (Ayes.) All those opposed? Seeing none and no
9 abstentions, the motion carries. Thank you.

10 COMMISSIONER GALAMBOS MALLOY: That concludes our
11 action items. So, with that, I'll transition into the
12 information items and I'll ask staff to please distribute
13 our budget. I have a handful of information items that
14 are related to the budget. So, what I will do is I will
15 run through all of these information items, and then we
16 can open the floor for a broad discussion of all of these
17 things together.

18 CHAIRPERSON FILKINS WEBBER: Just keeping in mind
19 the time, you are now back on your regular schedule, we
20 were ahead of the schedule, but -

21 COMMISSIONER GALAMBOS MALLOY: Oh, yeah, no
22 problem.

23 CHAIRPERSON FILKINS WEBBER: Thank you.

24 COMMISSIONER GALAMBOS MALLOY: So, your Finance
25 and Administration Committee spent some time yesterday

1 reviewing what you have in front of you now, which is a
2 significantly scaled-back budget from what we had
3 reviewed the last time that we met. This budget now
4 shows us operating at under \$3.5 million, between now and
5 August.

6 There were a number of different changes that
7 were made to the budget. There was, I believe, an email
8 that was circulated to the Commissioners from staff that
9 you can go into more detail about all of the changes,
10 including but not limited to our removal of CCP as our
11 vendor. After August 15th, we would need a passed budget
12 to the tune of about \$1 million total to round out our
13 remaining contractor fees, and to fund our activities
14 through the year's end. And this would include
15 activities such as archiving of our data, evaluation of
16 our process, the development of our Commission's
17 recommendations for any Constitutional changes, and
18 dealing with Public Records Act requests.

19 As Mr. Claypool mentioned in his report, we do
20 already have the budget request in for the \$1 million
21 that is already reflected in our current year budget,
22 which, if you translate, means the money that is already
23 owed us, in effect. We believe that the 30-day clock by
24 which we should have a response back began ticking this
25 past Monday, so we anticipate by the middle of April, we

1 will have an answer on that, if not sooner. Mr. Claypool
2 does feel confident that we've received positive signals
3 that the request will be granted based on a need that
4 we've been able to demonstrate. However, even if it is
5 not granted, mid-April is plenty of time in order for us
6 to be able to scale back different aspects of our
7 outreach, our Input Hearings, and all other aspects of
8 our operations in a way that will accommodate this
9 decreased amount.

10 The Budget Change Proposal, which is, to
11 translate, the additional monies that we'd like to
12 request in addition to what we already have, which is
13 known as the Spring Finance Letter, will be submitted
14 next week and the thought behind waiting on that was we
15 really wanted to have confirmation on the action
16 regarding the Voting Rights Act attorney and regarding
17 the technical team, so that could be included.

18 Other Budget information items to flag for you,
19 as the one member on the Finance and Administration
20 Committee who sat with the Legal Committee last night
21 during the interview and discussion process related to
22 the Voting Rights Act attorney, I did want to flag that
23 part of that discussion was an acknowledgement that the
24 line item we currently have in the budget for our legal
25 services exclusive of litigation may not, in fact, be

1 sufficient to meet our VRA needs. The Legal Committee
2 hopes that, with the engagement of the full Commission
3 today, we will be able to identify the strongest
4 candidate or team that can fill the VRA position, and
5 then we can come back to revisiting any budget
6 implications before we close this meeting, in order that
7 we're still on a timeline to get that Spring Finance
8 Letter in.

9 Ms. Johnson was able to update us that our
10 expenditures to date have been \$240,000. That includes
11 all salaries, it also includes any travel and per diem
12 requests that have been received and processed by CRC
13 staff. I say that as an entrée to remind Commissioners
14 that regular and timely submissions of your requests
15 would really help us to get a better handle on our burn
16 rate and enable Ms. Johnson to do her job. Staff has
17 requested that Commissioners do submit their TEC forms
18 broken out by trip, they informed us that, when
19 Commissioners bundle trips into a single form, that if
20 there is a problem on any one aspect of one trip, that it
21 actually holds up the entire bundle of reimbursements, so
22 for future submissions, please keep that in mind. They
23 also requested that the per diem forms be submitted on
24 either a bi-weekly or a monthly basis. Staff is able to
25 work with Commissioners individually to set up a

1 structure, a form that will be individualized, that can
2 minimize errors on your specific trips. I think there
3 has been a variance among Commissions on how many errors
4 we've had in our individual forms, so it would greatly
5 behoove us each to just reach out to staff. I believe
6 Raul is point - this is correct? Raul is point on
7 creating those forms? Christina, okay. So, working with
8 Christina to have those created.

9 We've also been instructed that, rather than hold
10 our forms until the next meeting to submit them, that we
11 should submit them by mail so that we can continue to
12 process them as quickly as they become available. So,
13 with that, are there any budgetary information items that
14 either Commissioner Yao or Commissioner Dai would add?

15 COMMISSIONER DAI: Just to clarify, remember we
16 originally had a budget of \$6 million for all the
17 periods, and basically this just separates, again, the \$1
18 million that has already been appropriated vs. the
19 overage for that. By eliminating CCP, we saved about
20 \$1.4 million, so just to let you guys know.

21 CHAIRPERSON FILKINS WEBBER: Wonderful. Any
22 further - Commissioner Yao.

23 COMMISSIONER YAO: We also learned that we have
24 spent just a little bit under \$250,000 up to this point
25 in time with the best information that we have, so it's a

1 very small amount compared to the total budget that we
2 have.

3 CHAIRPERSON FILKINS WEBBER: Ms. Davis, did you
4 have anything to add?

5 MS. DAVIS: Yes, just one to the information
6 provided, I think the name mentioned was Johnson?

7 COMMISSIONER GALAMBOS MALLOY: I'm so sorry.

8 MS. DAVIS: That's fine, just trying to clarify
9 for the record.

10 COMMISSIONER GALAMBOS MALLOY: Thank you, thank
11 you so much.

12 CHAIRPERSON FILKINS WEBBER: Anything further for
13 the Finance Advisory Committee?

14 COMMISSIONER BLANCO: I just really want to
15 commend both the committee and the staff. I mean, to
16 look at this budget now and, actually, I hope that we get
17 our spring money, but to look at the fact that we're
18 functioning within our budget is just really outstanding.
19 I mean, I'm very impressed. Thank you very much.

20 COMMISSIONER GALAMBOS MALLOY: So, if there are
21 no further questions regarding the budget, there are two
22 additional information items in closing. One is that, in
23 accordance with our Governor's efforts to deal with
24 California's budget situation, the CRC will be moving in
25 the coming months from our current office space at 1130

1 K. Street into the Bonderson Blvd., which I understand
2 are fairly spacious accommodations, so I would ask Mr.
3 Claypool to please, if we can get our floor plans of the
4 new space, and if you could say a few words regarding
5 that transition?

6 MR. CLAYPOOL: Certainly. We were approached
7 actually two weeks ago by the Department of General
8 Services about moving our spaces out of a State leased
9 facility, along with, I understand, the Commission on
10 Economic Development is also moving. The savings that
11 they said to us are significant to the State, it's about
12 \$38,000 a month on space, so it's a move that needs to be
13 made, we have space available for us, and for them within
14 State owned Buildings. The Bonderson Building is right
15 around the corner from the Secretary of State's Office,
16 so it will be virtually about a block down and a block
17 over. The actual address, which isn't on here, is 911 P.
18 Street, which would be at the 10th Street entrance as you
19 see it on our floor plan. All of the space starting from
20 the lobby and going in to where the line starts here, it
21 says to the restrooms, that whole space is designated for
22 staff. We have a very large meeting room at the front
23 portion, there are two offices, and then there are,
24 according to this, 30 modular cubicles, which if your
25 staff gets that large, then we need another budget

1 augmentation.

2 [Laughter]

3 MR. CLAYPOOL: However, we have a very large
4 meeting room next to the break area and DGS assured us
5 that they would make sure, to the best of their
6 abilities, that we had the same communications set up
7 that we have in our current office. The only possible
8 hold-up in this move would be our wireless communications
9 which took us a little bit of an effort to get set-up in
10 our current offices, but Raul Villanueva, our Business
11 Manager, is working with them closely to make sure that
12 that's there when we move in because it's critical to not
13 having our website go down again.

14 All in all, we're looking at, they said, an end
15 of April move. I don't know that - they're coordinating
16 a lot of moves, so end of April could be end of May,
17 could be a little ahead of time. And then, we've decided
18 to just kind of internally that we will - we don't have a
19 lot to move. Because we've only been around for two
20 months, we haven't accumulated a lot. So, we'll probably
21 be doing a lot of this move, just as staff, just getting
22 things over and getting set up. As soon as we get an
23 opportunity to get you in to see the space, hopefully
24 we're thinking, well, I don't know, we're going to have a
25 busy schedule on the 24th, I don't know if it's going to

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1 be possible then. If it is, perhaps we could get you
2 over for just a very quick view of the space. It looks a
3 lot like our current space, only it has natural lighting.
4 And then, well, actually, any questions.

5 CHAIRPERSON FILKINS WEBBER: Commissioner
6 Ancheta.

7 COMMISSIONER ANCHETA: In terms of the map, Mr.
8 Claypool, the upper left quadrant is not our space,
9 right? That's another office?

10 MR. CLAYPOOL: Right, and actually the structure
11 is an interesting one, if you see that line that goes
12 toward the bathrooms, you'll actually be walking through
13 a Department of Energy --

14 COMMISSIONER ANCHETA: That was my other
15 question, which is the line - well, where you go to the
16 restroom, our offices, you're cutting through somebody's
17 space, you are?

18 MR. CLAYPOOL: You're cutting through somebody's
19 space, and actually, you're cutting through a lot of
20 files because there are - it's more of a contracting
21 unit, it appears to be a contracting unit there, and the
22 same thing with above that line, that space is occupied,
23 and then there's really just a parking structure above
24 this building, we're not quite sure whether parking will
25 be available to us, but we're looking into that. But

1 it's at the ground floor and then parking above. And
2 parking is going to be a little bit of a challenge, so
3 hopefully we will get access to the parking there, but
4 we'll know more of this detail as it develops. Yes, sir?

5 COMMISSIONER ANCHETA: And just a question
6 regarding security of the building and the offices, how
7 are those set up?

8 MR. CLAYPOOL: The security will be by card, by
9 magnetic card to get in on the 10th Street. If you come
10 in on the 9th Street entrance where the restrooms are,
11 there's actually a Security Guard at that entrance, and
12 that guard - and then DGS has facility maintenance
13 personnel throughout the building, so the security is
14 good there and it's right across - on this side where the
15 legend is, is Roosevelt Park? There's a park right
16 across there, and there are some places to eat around
17 there. That's always a critical thing.

18 CHAIRPERSON FILKINS WEBBER: Could we take the
19 tour another time and we can move forward?

20 MR. CLAYPOOL: You bet, okay.

21 CHAIRPERSON FILKINS WEBBER: Anything further?

22 COMMISSIONER GALAMBOS MALLOY: Yes. So,
23 regarding our Ethics and Sexual Harassment Training, as
24 per our request, the CRC staff has established a
25 mechanism for us to complete both of those trainings

1 online, and they have suggested for us an April 30th
2 deadline by which we should complete them. There is a
3 CRC training report that will have more details, it's
4 available at Wedrawthelines.ca.gov, under Downloads,
5 Meeting Handouts, you'll see it listed there along with
6 all our other meeting handouts. Commissioners should
7 budget at least two hours in order to complete the Sexual
8 Harassment training, according to Commissioner Yao, he
9 did indicate that these type of trainings, you need to
10 make sure you are logged in for a full two hours, so to
11 not finish before two hours, or else you may not be seen
12 as having completed your full training obligation under
13 the law. And regarding the Ethics Training, that may
14 very - in length, there is an interactive format that is
15 available online, you can also print out a PDF and read
16 it at your own leisure. In either case, there is a
17 certificating process. If you do it online, Christina
18 will be emailed a confirmation that you completed it, but
19 she asked us to actually provide her with our
20 certificates with the confirmation because of how deluged
21 she is with emails, just to make sure she is able to
22 track that.

23 So that is our final information item. Again,
24 welcome, and my apologizes, Ms. Davis on having misspoke
25 your name, and please let us know what we can do as

1 Commissioners to help you do your job most effectively.

2 MS. DAVIS: Thank you very much.

3 CHAIRPERSON FILKINS WEBBER: One clarification.

4 You said that the access to the websites are through our
5 website on the meeting handouts? I know you handed out a
6 meeting - or, a handout, but I've already lost it.

7 COMMISSIONER GALAMBOS MALLOY: No, let me
8 clarify, and I apologize for not having copies here now,
9 we can actually have them available later in the day. I
10 was noting for the Commissioners and for the general
11 public that, if you go to the Wedrawthelines website,
12 under Meeting Handouts, there is a PDF file called "CRC
13 Training Report," and in that report, it has background
14 links and log-in information, so it has all the details,
15 it's a one-pager, take a look at it, we'll have it
16 available later here today, but it's fairly self-
17 explanatory.

18 CHAIRPERSON FILKINS WEBBER: I see, so that was
19 put up on the website to advise the public so they could
20 follow and see the training we were provided.

21 COMMISSIONER GALAMBOS MALLOY: Yes, and if
22 Commissioners would like to take a look at it before we
23 have the physical copies available, it is there for your
24 review.

25 CHAIRPERSON FILKINS WEBBER: Terrific. Anything

1 further?

2 COMMISSIONER GALAMBOS MALLOY: No, that concludes
3 our report.

4 CHAIRPERSON FILKINS WEBBER: Any further
5 discussion or questions or recommendations for the
6 Finance Committee by any other Commission member? Seeing
7 none, we'll move on to the two final Advisory Committee
8 reports which we would like to get to before we go to
9 lunch, and there is a lot to discuss in both of these
10 advisory reports as I understand. We'll move on to
11 Outreach Advisory Committee. And who will be providing
12 us - thank you, Ms. Davis.

13 COMMISSIONER ONTAI: I will be doing that.

14 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai.

15 COMMISSIONER ONTAI: Okay, good morning,
16 everyone. Okay, so Aloha Awakea, it's a new word, that's
17 good morning when you're like half way between early
18 morning and the afternoon.

19 So, I have two action items to report that the
20 Outreach Committee has met and made a motion on, and we
21 would like to make a recommendation to the full
22 Commission on.

23 The first item is an event that's coming up on
24 March 31st, and this is sort of a kick-off to our input
25 meeting process. This event will be held in San

1 Francisco, Doubletree Hotel, again, on March 31st, and
2 it's being done in conjunction with Common Cause and a
3 number of other supportive partners. So, I'm going to
4 ask Rob if he can tell us a little more detail about this
5 event.

6 COMMUNICATIONS DIRECTOR WILCOX: Yes, thank you.
7 Redistricting California held a very successful
8 redistricting conference that some our Southern
9 California Commissioners participated in. In January,
10 they're going to have another one, this time, as was
11 stated, in San Francisco, and part of that will be -
12 they're going to have a media briefing in the morning
13 that Commissioner Ancheta is already scheduled to
14 participate in with *New America Media* and the ethnic
15 media across the state. And the Commission will be
16 featured during the luncheon. This is a great
17 opportunity for the Commission to be highlighted and to
18 be out there in a very public way, especially with the
19 media, in a key time before our public input meetings.
20 So, we are very thankful to Redistricting California for
21 everything that they have done, and also with their
22 partnership, in putting together the toolkit which we're
23 going to talk about, but this is a great opportunity for
24 the Commission to, as you said, sort of kick-off as we go
25 into this next phase.

1 COMMISSIONER ONTAI: And part of that event,
2 we're actually going to have - we're going to disseminate
3 at that time the schedule of the Input Meetings that
4 we'll be having throughout between now and August. We'll
5 go through that next. Anything else you want to add on
6 to that, Committee members? Subcommittee members? Or
7 questions?

8 COMMISSIONER YAO: You mentioned that was an
9 action item. Is there a proposal before the Commission?

10 COMMISSIONER ONTAI: Yes, I would like to have a
11 motion to go forward by the full Commission to endorse
12 this event.

13 COMMISSIONER WARD: I'm sorry, we couldn't hear.

14 COMMISSIONER ONTAI: I was thinking that we
15 should have a motion to endorse this event, maybe it's
16 not necessary, but I'll -

17 CHAIRPERSON FILKINS WEBBER: Did the Committee
18 feel that it was necessary?

19 COMMISSIONER ONTAI: Not necessarily.

20 CHAIRPERSON FILKINS WEBBER: Okay, is there a
21 second?

22 COMMISSIONER GALAMBOS MALLOY: Could I ask for a
23 clarification, just what your thinking is, what is - this
24 is the first time this type of a request is coming before
25 the Commission, so what do we mean by "endorsement" in

1 this regard?

2 COMMISSIONER ONTAI: The sense was that, since
3 we're going to begin this whole process of going out
4 throughout the state in regional meetings, that this
5 would be sort of a formal announcement of this event that
6 we're beginning this process. And so, by endorsing it as
7 a motion, it's a way of saying we're ready to begin this
8 formal process.

9 COMMISSIONER PARVENU: And may I add, too, I
10 think that the idea is that as many Commissioners that
11 are available, that they attend this, make an attempt to
12 attend this event, and show a full force if at all
13 possible.

14 CHAIRPERSON FILKINS WEBBER: Commissioner
15 Aguirre.

16 COMMISSIONER AGUIRRE: Yes, perhaps we could have
17 Mr. Wilcox chime in.

18 COMMUNICATIONS DIRECTOR WILCOX: Yes, we are
19 working with Redistricting California as far as how many
20 Commissioners that we need, as far as what is
21 appropriate, and in the presentation with the lunch, so I
22 don't want to do a broad call for Commissioners all from
23 the state, I appreciate that. And so, you know, this
24 event is a vehicle that we are able to use and to promote
25 ourselves and what we're doing, and I don't think it is

1 necessary that we have - because we have this
2 relationship with Redistricting California, we will be
3 featured, the Commission has been featured before at the
4 conferences, so...

5 CHAIRPERSON FILKINS WEBBER: Commissioner Yao.

6 COMMISSIONER YAO: I think it's good that we have
7 this discussion on this particular conference because
8 it's really a change in the direction that was given to
9 the Commission since the beginning. If you recall, it
10 was mentioned at the first business RedistrictingCA
11 Conference was in January, and three of us were present
12 to give the welcoming address, but we were given the
13 direction that we cannot stay and receive the
14 Redistricting information. And I believe that this time
15 around, we're being encouraged to participate and not
16 just be present to address the audience in terms of
17 welcome to the conference. So, I want to call attention
18 to that, number one; and number two is, I do believe,
19 having sat through the advisory committee, we may want to
20 be an active participation in terms of having a booth, in
21 terms of distributing material, and on and on, so the
22 change in direction, I want to bring before the
23 Commission is that we are going to be an active
24 participant in this as compared to just showing up
25 presence at the conference.

1 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

2 You were next in line.

3 COMMISSIONER DAI: I'm going to go ahead and cede
4 to Commissioner Raya.

5 CHAIRPERSON FILKINS WEBBER: Okay. Commissioner
6 Raya, then Commissioner Aguirre.

7 COMMISSIONER RAYA: Okay. I'm on the Outreach
8 Committee and I think right now we're - there are some
9 words floating around that I don't think accurately
10 convey what I understand to be our role and our - not
11 even really a decision, you know, it's someone else who -
12 it's their conference, it's not our conference. I think
13 endorse - you know, I understand, you know, yes, we think
14 it's a great idea - is that an endorsement, so to speak,
15 but I think "endorse" carries a meaning that we don't
16 necessarily want to use because it is not, again, our
17 conference, we're just invited to participate and to
18 participate not as "the Commission," so we had this
19 discussion yesterday about not having - this was not
20 something that everybody needs to show up to, or that
21 it's really even perhaps advisable, but that we would
22 have some people actively attending. Yes, you know, "I
23 am a Commissioner, I'm here at the Conference" - not me,
24 just saying that, but - so I think we need to go
25 cautiously, we're not, you know, we still have the

1 prohibition against taking information that is not in our
2 public meeting, and so I think we need to be cautious
3 about our understanding of what our role is going to be
4 at this particular conference.

5 CHAIRPERSON FILKINS WEBBER: Commissioner
6 Aguirre.

7 COMMISSIONER AGUIRRE: Yes, and I would, you
8 know, echo what Ms. Raya just mentioned. Regarding our
9 participation, I would ask Mr. Wilcox what the request
10 for participation is. As I understand, I understood from
11 the discussion that we were - Commissioners were being
12 featured during the lunch time and being presented to the
13 public, and then we would kind of gracefully bow out.

14 COMMUNICATIONS DIRECTOR WILCOX: Yes, and then
15 you could take questions and answers just as a panel, but
16 would not be taking input, very similar to other events
17 that the Commissioners have participated in panels.
18 There is no formal - this is not an input meeting, we are
19 not taking input from the public, and Redistricting
20 California doesn't want that as part of their conference.
21 This is an educational conference to be able to give the
22 groups out there, and it's a great opportunity for us, to
23 be able to get them up to speed before our public input
24 hearings, in helping them testify before our Commission.
25 So, it's a great kind of training, educational

1 opportunity, not an input meeting.

2 CHAIRPERSON FILKINS WEBBER: Then, what it sounds
3 like to me, essentially, is that you're bringing this
4 forward, that this is an event that is going on, that we
5 are going to participate in. And I caution any
6 Commission in endorsing something, especially if we don't
7 know anything about it, but we're just a participant.
8 So, if there isn't any further information that we need
9 to provide to the Commission regarding the event, I would
10 suggest that we move on to another -

11 COMMUNICATIONS DIRECTOR WILCOX: We will be
12 prominently featured, yeah, but that's all.

13 CHAIRPERSON FILKINS WEBBER: Wonderful. Anything
14 else from Outreach?

15 COMMISSIONER ONTAI: Yeah, the second one, which
16 is the most important one, is an action item that I would
17 like to put before the Commission, and it's the timetable
18 or the schedule for the CRC Input Meetings for between
19 now and August 15th. So, I'm going to ask staff to handle
20 the revised - oh, as we speak, it's on its way.

21 CHAIRPERSON FILKINS WEBBER: Is there anything
22 else you can address while they're bringing that to us?

23 COMMISSIONER ONTAI: Yes. Let's talk about the
24 toolkit. Part of the format that - oh, right in the nick
25 of time.

1 COMMISSIONER AGUIRRE: I would advise
2 Commissioners to number the pages so that we could make
3 reference to them quickly because - okay, all right.

4 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai,
5 or Commissioner Aguirre.

6 COMMISSIONER ONTAI: Okay, everyone has a copy.

7 CHAIRPERSON FILKINS WEBBER: Commissioner Ontai?

8 COMMISSIONER ONTAI: So, to start -

9 CHAIRPERSON FILKINS WEBBER: Is everybody okay,
10 so we can move forward, please.

11 COMMISSIONER ONTAI: So, to start the
12 conversation on this, I asked Mr. Claypool and Mr. Wilcox
13 to give us some introduction of what this is about.

14 MR. CLAYPOOL: Certainly. So, Janeece and Rob
15 and I were working on this all week, trying to
16 incorporate the plan that we've approve slowly, this
17 really took shape at the Capitol sessions. The budget
18 reflects 38 Input Meetings. The Act and the Constitution
19 require that you have three Input Meetings and post-Input
20 Meetings. The reddish color are your pre-Input Meetings,
21 the purple colored as it says in the legend are your
22 post-Input Hearings. And then, green is everywhere that
23 we envision that you would be meeting in an open session
24 with your Line Drawer. I should tell you that you'll see
25 a lot of that in there, those aren't necessarily

1 mandatory meetings, we're just noticing those meetings to
2 make sure that, if you need that time with your Line
3 Drawer, you have that time with your Line Drawer. Yellow
4 signifies Business Meetings and we're noticing Business
5 Meetings along with the Line Drawer meetings to give you
6 that type of flexibility. Where you see an asterisk,
7 it's if necessary, where you don't see an asterisk, for
8 instance, on the very first page on April, when you see
9 Region 4, the meeting is in Los Angeles, Pico Union,
10 Watts area. We would have a business meeting that day,
11 try to secure the facility for the entire day, you could
12 have your Business Meeting ahead of time, and then we
13 could meet. So, clearly, if there are items of business
14 that have to be concluded, we're going to need the full
15 Commission, or at least a quorum of the Commission, in
16 order to be able to transact business.

17 Running through this, I received input for the
18 locations, some from persons who are actually bidding for
19 line drawing, I just asked for input from them as to what
20 areas would be logical and what areas would be needed as
21 opposed to other areas, because even with this rather
22 robust plan, you're not going to have enough time to go
23 everywhere, and that was the whole idea behind Rob's
24 media campaign to get this Commission out to different
25 sites, so that we could augment the Commission going

1 places with the Commission also making appearances in
2 areas that we're not going to be able to go to.

3 In the first round, all four Section 5 Counties
4 are visited, so if you go to April 13th and April 14th,
5 actually, Yuba City is not in the County, itself, it is
6 across the river from Yuba County, but it had the
7 facilities that we needed in order to have the meeting.
8 Then, there's Salinas on the 14th, coming over to May 5th,
9 we go to Hanford, which is in Kings County, and where was
10 the last one? Salinas, Merced, yes, on May 3rd. This all
11 rolls out that you have more meetings in pre than you do
12 in post meetings by, I think, two, one or two. And it
13 all rolls up into a meeting on May 25th, which we envision
14 to be in Northridge, for gathering the information not
15 only - this says organized groups, it's an organized
16 group engagement, similar to the engagement we had in our
17 last session for the groups here in Sacramento. The
18 concept is these groups are going to need a longer amount
19 of time to present things that have been worked on in
20 some cases for, you know, one or two years prior to this
21 occurring.

22 We will certainly also take public comment from
23 anybody wishing to come into the Northridge area because
24 it gives us some coverage, as well. But we're going to
25 try to separate the two engagements, first the organized

1 groups, from the other individuals, mainly to give
2 individuals coming in an opportunity to give their
3 testimony without having to wait in an extremely long
4 line behind the organized groups who are taking larger
5 blocks of time. On the 26th and 27th, it was envisioned
6 that you would - those would be open in the Northridge
7 area, as well, we understand from Commissioner Barabba
8 that the Northridge campus now has an extraordinary
9 state-of-the-art facility. We're hoping that we can take
10 advantage of that so that this can be projected to the
11 public, and so forth, and that's why we're having the
12 three-day venue similar to when we were in the Claremont
13 Colleges. And if we get this same level of
14 considerations we got from Claremont, we'll be very
15 lucky, indeed.

16 We start off after that - let's see, we're in
17 May, we have the 26th and 27th, on the 28th and 29th we
18 adjourn around the Memorial holiday while the Line Drawer
19 has the opportunity to work with your instructions, and
20 then it was envisioned that we would come back on
21 Wednesday, the 1st of June, to continue your
22 deliberations, where you direct the Line Drawer and we
23 would come out hopefully by June 6th with the release of
24 your first draft maps.

25 Then, we have a public review period and I think

1 we've heard very loudly from the different groups that
2 we've discussed that it would be unfair to just
3 immediately go back out to a round of public hearings
4 because the first areas that you went to following your
5 release are not going to have the time to digest that
6 information and to give you credible response. So, we're
7 adjourning there -- or, not adjourning -- we're giving a
8 break on input for six days, then coming back with your
9 post-input hearings. And that's a tight schedule through
10 that area. We go back to, again, Section 5, Monterey,
11 and we continue through just really a tour of all the
12 major metropolitan areas that have - where we believe
13 there is going to be significant activity. We get to the
14 June 20th meeting and we have the end of your 14-day
15 noticing period on your first draft maps, we continue
16 through, and then we come back to Sacramento to work with
17 your Line Drawer. Now, we place Sacramento in here
18 because we have facilities here, and this is a hub where
19 we can establish a natural connection for working with
20 some place, not necessarily the Capitol, again, you're
21 going to need to have a media center, something where we
22 can project these maps up where people can see them. And
23 we're working on that. The Legislature has been gracious
24 in providing these facilities, but they don't - unless
25 they give us one that's larger and has a better

1 projection capability, we would probably be better off
2 looking for a different facility, and Janeece is working
3 on that.

4 We have two dates that are fairly significant on
5 the bottom, the 29th and 30th, because if you just put the
6 June map over the July map, you'll see that we have two
7 dates on the 13th and 14th of July that haven't been
8 determined yet. Those are open dates that we're holding
9 for going to any area where we suddenly realize there's a
10 significant issue where this Commission wishes to meet
11 directly with individuals before you start the
12 deliberation on the final drafts of your map.

13 So, going back to June, the last date that we
14 could notice those are on the 29th and the 30th, then,
15 we're envisioning on the 1st of July, you release your
16 second draft of the maps and, as important, your first
17 report drafts, so that the public can see the reports
18 that are going to be attached to these maps.

19 We go into a second review period, a shorter
20 break, through the 6th, and then you go through your last
21 six public hearings, and then you have the end of your
22 14-day noticing period for the second draft maps on July
23 15th. Then, we've blocked out the entire rest of the
24 month for you to work with the Line Drawer and your VRA
25 attorneys, and then, on Tuesday the 26th, we would

1 envision that you would release your final draft maps and
2 reports.

3 The rest of this month, until that noticing date
4 period ends, is pretty much staff work. There could be
5 no revisions. So, there will be no necessity for you to
6 meet unless you wish to participate in the process of
7 archiving records, and then we would gladly take your
8 assistance on that.

9 Finally, you see that we've got the 10th, 11th,
10 and 12th for putting this process together as needed with
11 the Commission being here, that could also -- I could
12 envision that you may need your Line Drawer and your VRA
13 Attorney there, I'm not sure of the process at that
14 point. And then the 15th, we turn these in for
15 certification with the Secretary of State.

16 CHAIRPERSON FILKINS WEBBER: Commissioner
17 Ancheta, did you have -

18 COMMISSIONER ANCHETA: Well -

19 CHAIRPERSON FILKINS WEBBER: You were the first
20 one up.

21 COMMISSIONER ANCHETA: Well, the question - I'm
22 sure there are many other questions coming up - well,
23 thank you to the committee and, you know, to the staff
24 for working on this. This is very thorough and very very
25 ambitious, obviously, I think it's a great way to start

1 and I think it's very helpful to have a Master Calendar,
2 I think, just as a basic starting point I think it's very
3 useful. I'm available for most of these days, I'm not
4 sure if I'm going to go to all of these, but I do have a
5 question in terms of how we're approaching attendance of
6 the meetings, which is obviously we can't - I wouldn't
7 expect that we would have a quorum, obviously, at all of
8 the meetings. Certainly, for the business meetings, we
9 would expect a quorum just because they're business
10 meetings. I did have one question on a couple of the
11 days where - and this is specifically on the May
12 Calendar, the 26th and 27th, and maybe this is a question
13 for Mr. Miller, which is that line drawing -- decisions
14 regarding -- in working with the Line Drawer are, I
15 think, decisions, and are those days where we need to
16 have a quorum, all those days, I think there's overlap
17 between most of the green boxes and the yellow boxes,
18 which are business meetings and line drawer meetings, so
19 these are the only two where there are no business
20 meetings scheduled, so do we need a quorum on those two
21 days? Because that's - we need a quorum in order to work
22 with the consultant is the basic question. And is that -
23 I mean, if you need to check into that, that's fine, but
24 I wanted to flag that as a question.

25 MR. MILLER: Well, I think we really need to

1 discuss a little bit further what the expectation is for
2 the meeting. The fact that the Commission says to the
3 Line Drawer, "We'd like you to amend a map in a
4 particular way," it's still a draft map at that point, I
5 believe, so I think they can take that kind of input
6 without a quorum necessarily being present, but I think
7 we need to be perhaps more precise about how we want to
8 operate and what the expectation for the result would be.

9 COMMISSIONER ANCHETA: And the second question I
10 had was revolving around the May 25th meeting, which is
11 again a meeting where we would accommodate the groups
12 that are presumably statewide maps or regional maps. I'm
13 wondering, and I don't think we've gotten any signals
14 regarding how many of those maps we might be expecting.
15 I'm wondering if it might be appropriate for the
16 Commission to at least sort of put out fairly soon some
17 sort of notice that, "If you are planning to present this
18 map, could you let us know that?" Because I'm not sure
19 if one day - it might be sufficient - but I don't know if
20 one day in Northridge would be sufficient. But I don't
21 have a good handle on how many groups will be presenting
22 those types of maps and I think if we're going to give
23 them - and we have to worry about the timing of each
24 presentation and what we would - presumably there would
25 be reports accompanying them, as well - I don't have a

1 good sense of what we're dealing with right now in terms
2 of those numbers. Again, one day may be sufficient, or
3 it might be too short, I'm not really sure. But it might
4 be good to think about whether we should get some
5 information prior to - or more signaling from outside so
6 we get a sense of how many we might actually be dealing
7 with at that point.

8 CHAIRPERSON FILKINS WEBBER: Mr. Claypool.

9 MR. CLAYPOOL: I just would say that this plan
10 evolved out of a couple of conference calls with
11 different groups around the state and the conference
12 calls were facilitated by the League of Women Voters, and
13 we very much thank them for that, but as we discussed the
14 idea of having this type of a venue, we discussed the
15 need for these different groups to have a little bit
16 longer time, and so I think what you would see, I believe
17 that would you would see would be a similar presentation
18 and a similar turn-out, to the one that we had in our
19 last session.

20 COMMISSIONER ANCHETA: Well, did that include the
21 major parties? And I think there were members of the
22 Legislature, various other groups and individuals that
23 might be submitting statewide maps, I'm not sure if that
24 encompasses all of the potential statewide maps that
25 might be submitted. And, again, I'm merely suggesting we

110

1 might want to get more information so we would be able to
2 properly schedule, that's my main concern.

3 MR. CLAYPOOL: It was our intention to go out to
4 our 1,300 as soon as we had approval to go out to our
5 1,300 person mailing list, which includes the Chamber of
6 Commerce and many offices of Assemblymen and Senators who
7 have asked to be on that list. I mean, it's our
8 intention to go out as far and as wide as we possibly
9 can, and very early, to make sure that we have as large a
10 turnout at this event as possible. It was also suggested
11 to us that we needed to make an arrangement for any group
12 that came at any other meeting that couldn't attend this,
13 to give them a similar block of time if they gave us
14 advance notice, so that, if it weren't possible to meet
15 the schedule in any group in the state, that we would
16 then accommodate them, and that sounded reasonable to us,
17 and that's something we would present to the Commission
18 as an idea and an option.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Di
20 Giulio was next.

21 COMMISSIONER DI GIULIO: Actually, I had a
22 comment, but before that, I wanted to say I know the
23 discussion yesterday, in concern to Commissioner Ancheta,
24 you'll notice there is two days for the Line Drawers,
25 well, the input day, and then there's two line drawer --

1 and then there's almost the week break, and then we come
2 back. I think the initial thought was we, as a
3 Commission could get our ideas together after getting
4 some of that information, give some direction to the Line
5 Drawers, but really the opportunity for them to process a
6 lot of that material, but give us an opportunity to come
7 back then, later, in the first week of June to start the
8 line drawing.

9 But, the other comment I just wanted to make was,
10 and this was a discussion point in the Outreach
11 Committee, was we touched on it again and, as I
12 understand, that Outreach Committee had recommended that,
13 whether we needed to have - there were some ideas of,
14 well, we have to have at least the minimum of three
15 people, but the idea is to get as many as possible, but I
16 think we went, as I understand, the committee went beyond
17 that and said this really is what we see as our
18 representation for meetings for as many Commissioners as
19 possible, of course there will be exceptions, but it's
20 not just, "Well, I'll try and get as many as I can," but
21 this is our duty for the next few months, that it is
22 incumbent upon us, and this is why we are here, this is
23 what we knew we were here for, was to be at as many
24 meetings as possible. There was an intentional lack of
25 overlap with meetings so that we could get all the

1 Commissioners at as many meetings as possible. Of
2 course, this is a big imposition, I'm sure, on everyone's
3 schedule and we'll have to find ways to work through it,
4 but the idea is that we will - we as a commission, even
5 though it's not a yellow - designated as a business
6 meeting - that we should consider these as our required
7 events to attend.

8 CHAIRPERSON FILKINS WEBBER: I have next
9 Commissioner Barabba.

10 COMMISSONER BARABBA: To Commissioner Ancheta's
11 point, it seems to me, if we're going to be there three
12 days, we could certainly make part of the 26th be a
13 continuation of the previous day's activity, and as soon
14 as you start getting - as soon as the staff starts
15 getting feedback about how many want to come, at that
16 point we're sort of backed up with some green days there
17 that we could turn into whatever color that is.

18 [Laughter]

19 CHAIRPERSON FILKINS WEBBER: Commissioner Yao was
20 next.

21 COMMISSIONER YAO: This is really a question by
22 implication. Are we discouraging the groups from
23 attending the other input meetings? In other words, we
24 want them to come to this particular meeting on the 25th,
25 but we're discouraging them from making a formal

1 presentation to the group on the previous meetings?

2 COMMISSIONER ONTAI: No, I don't think we're
3 implying that at all. Anyone that could come would be
4 welcome to.

5 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco,
6 you were next in line, I thought.

7 COMMISSIONER BLANCO: Yeah, I have just a few
8 points. One, I want to agree that one day may not be
9 sufficient for what we're calling organized groups. My
10 experience the last time around is you have all kinds of
11 organized groups that become groups just for the purpose
12 of redistricting, that you know, just surface, and so
13 they may not be even people that we know how to reach
14 right now through our messaging because they just form
15 for the purpose of drawing maps, and we want to hear from
16 them, you know, so I just want to echo that, so we may
17 need more time since we're already in one place.

18 I know that you probably thought about all this,
19 but I still want to raise it. For Northridge, if that's
20 going to be the first place where we have this big group
21 meeting along with very public line drawing, I'm
22 wondering if Northridge is accessible to folks. I mean,
23 we were going to look at transportation issues, all of
24 that, because you will have people coming not just from
25 L.A., but from all over to do this, and I know it's

1 sounds like they've got great facilities, but I really
2 really urge us to think about accessibility as an issue
3 for these big public meetings that are going to draw a
4 lot of attention. So, I have a concern about that. I
5 don't know my way around yet very well, but my instinct
6 is that Northridge is a little remote, I don't know if
7 that's true.

8 CHAIRPERSON FILKINS WEBBER: Yes, it is.

9 COMMISSIONER BLANCO: And even in terms of flying
10 in and all that stuff. So, forget public transportation.
11 I have a sort of similar concern about the fact that,
12 from then on out, all of our business meetings are
13 envisioned in Sacramento. I know we've been doing that,
14 but these are meetings that are specified that we're
15 going to be here with Line Drawers, and those are, again,
16 going to be incredibly - we're going to want and get a
17 lot of attendance at those meetings and I think we may
18 think about alternating between North and Southern
19 California for a lot of that high visibility map drawing
20 business work.

21 CHAIRPERSON FILKINS WEBBER: Next was
22 Commissioner Raya.

23 COMMISSIONER RAYA: Okay. I want to follow-up
24 first on Commissioner Blanco. I guess remoteness is in
25 the eyes of the beholder to some extent. I don't

1 personally consider Northridge remote and, as much as
2 Commissioner Parvenu encourages us and Commissioner Yao
3 to use public transportation in Los Angeles, you know, to
4 a large extent that just, you know, we're not going to be
5 able to build our locations around public transportation,
6 okay, that's one response there. The other thing is, I
7 think we need to address - I'm not sure -- Mr. Claypool
8 mentioned the times that we're considering holding - that
9 these are evening meetings, the hearings - you know, so
10 your calendar looks like your whole day is blocked out,
11 but it's really evening meetings beginning perhaps at
12 6:00 and going on as long as needed.

13 MR. CLAYPOOL: That's correct and the only
14 possible exception to that would be the Northridge venue,
15 itself, because then we could block the evening for the
16 general public, which would be more convenient to them,
17 and hopefully have any group that wishes to present in a
18 day time venue.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Dai was
20 next - from some time ago. Okay, Commissioner Aguirre
21 was next.

22 COMMISSIONER AGUIRRE: Yes, thank you.
23 Certainly, we want to thank staff for all the great work
24 that they did in this regard. I agree with Commissioner
25 Blanco's comments regarding the public accessibility to

1 the line drawing process, itself, specifically June 1st
2 through June 6th, and perhaps we could work out some kind
3 of North/South arrangement where we could do three of
4 those in Sacramento and maybe three down south at a
5 location that has some facilities for us to go live. The
6 other thing was that, in order for us to - and this is a
7 very aggressive schedule. Ms. Di Giulio mentioned that
8 our Committee recommends as full participation as
9 possible and somebody said, you know, well, maybe if we
10 have at least one Republican and one Democrat, one
11 Declined to State, then we don't really want to go with a
12 minimum number because, really, as we stated, this is the
13 primary duty that we have of going out into the community
14 throughout California and getting the assistance and
15 input on the line drawing itself, so the motion by our
16 committee was to recommend acceptance of the schedule
17 itself, which we might be tweaking somewhat, but overall,
18 I think that the overall design and dates are very
19 strong. We need -- in order to do that, then, we need to
20 go to our Google calendar and update our unavailability
21 on any of those dates so we can anticipate what the
22 participation level is going to be, hopefully 14 or close
23 to 14, and then, because of the shift from CCP over to
24 the staff in terms of developing or handling all the
25 logistics associated with that, then we would be calling

1 on Commissioners to help with the identification, the
2 securing, and the organization or the organizing of
3 venues for all of these hearings. So, certainly, we
4 could expect our staff to be doing all these calls, but
5 being from diverse areas of California, we probably have
6 a good idea of where a good place for such hearings might
7 be, understanding that not all those areas and locations
8 are going to have facilities for actual livestreaming.

9 CHAIRPERSON FILKINS WEBBER: We do have five -
10 well, into our lunch break, technically, I knew we were
11 going to do it, and we were ahead of schedule this entire
12 time! I do have Commissioner Forbes and Commissioner
13 Galambos Malloy for further comments, but I would like
14 some direction from the advisory committee as to what -
15 is there any particular action that you wish to be taken?
16 We do have a very big afternoon and I took the liberty of
17 going ahead and considering pushing the Legal Advisory
18 Committee's report back for the afternoon, given that
19 it's topic-related, so that's why I didn't push this
20 further. But is there a particular action that we need
21 to be taking on this calendar? Is there an opportunity -
22 I have a lot of comments I'd like to make, as well - but
23 is there something that you would like us to consider,
24 given that we're meeting next week, would you like
25 further input from the Commission members before your

1 advisory committee meeting on this calendar? Is there
2 any particular action that the Commission must take
3 before we proceed, just because of the volume of activity
4 we have for the afternoon? I don't foresee us having
5 real option to pick this back up after lunch.

6 COMMISSIONER AGUIRRE: Well, let me ask Mr.
7 Claypool, is there any item that we should consider
8 before I make any final recommendations? Because my
9 recommendation would be to move and approve this schedule
10 in concept, and then work out some minor modifications
11 later on. Otherwise, if you can think of anything else
12 that might preclude that -

13 MR. CLAYPOOL: The only thing that we would ask
14 as staff or this commission is to approve some of the
15 initial first dates so that, because of the 14-day
16 noticing period, we could start on those venues. I would
17 say that, if we could, at least agree in principle
18 through April, that would be very helpful. And then, the
19 following week, if we could get the rest of the calendar
20 approved, because it just takes so long to schedule up a
21 venue and all the things that go with it and, most
22 importantly, we want to get started on outreach and
23 letting people know where we're going to be, so that
24 would be our request.

25 CHAIRPERSON FILKINS WEBBER: I certainly

1 understand that, so I appreciate you narrowing it down
2 and I would like to provide Commissioner Forbes an
3 opportunity, he's been waiting for some time. If your
4 comments could be brief?

5 COMMISSONER FORBES: It will be brief.

6 CHAIRPERSON FILKINS WEBBER: Then Commissioner
7 Galambos Malloy had further comments, and then I would
8 like to just finish that up before we consider, and if
9 the Commission would be agreeable, we could just go ahead
10 and vote on the first month. Commissioner Forbes,
11 please.

12 COMMISSIONER FORBES: Yes, I just want to concur
13 that it behooves us, as many to be at each meeting as can
14 be. Also, I think that I agree with the idea that the
15 six to eight meetings in Sacramento should be split. And
16 then, I wanted to confirm, I thought this was said, but
17 these meetings - are these colored dates insofar as
18 they're outreach meetings or input meetings, are they
19 starting at 6:00 or 7:00 in the evening? Is that the
20 plan?

21 COMMISSIONER BLANCO: Yeah, what's the time?

22 COMMISSIONER FORBES: What's the time on these
23 days?

24 CHAIRPERSON FILKINS WEBBER: Six.

25 FORBES: Six o'clock? And is that true of the

1 meetings days? Of the business meeting days? No. Okay,
2 so 6:00, then.

3 CHAIRPERSON FILKINS WEBBER: Commissioner
4 Galambos Malloy.

5 COMMISSIONER GALAMBOS MALLOY: So, as an urban
6 planner, this issue around transit accessibility, and I
7 don't want to speak on behalf of Commissioner Parvenu,
8 but I think it behooves us as a Commission to recognize
9 what the ridership statistics around public
10 transportation are. And the majority of bus riders are
11 low-income individuals, often individuals of color, and
12 to not prioritize transit accessibility for our hearings
13 is going to dramatically impact the public's ability to
14 participate who is at the table as we make these
15 decisions, and what our final product is going to look
16 like. So, while I know it's not going to be perfect, it
17 does need to be one of our top criteria as we evaluate
18 meeting sites.

19 COMMISSIONER PARVENU: Briefly follow-up?

20 CHAIRPERSON FILKINS WEBBER: Briefly, you know, I
21 get cranky when I'm hungry, I said that on the Legal
22 Advisory Committee yesterday.

23 [Laughter]

24 COMMISSIONER PARVENU: Very brief, in response to
25 Commissioner Galambos Malloy's point. I happen to have

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1 worked for LADOT and designed the DASH around the
2 Northridge campus area, but it's serviced by LADOT's
3 DASH, as well as MTA, and there's an Orange line;
4 however, with the DASH, that stops running around 9:00
5 p.m., the MTA runs throughout the evening, but
6 intermittently on a one-hour schedule later in the
7 afternoon. It is accessible, it is remote, though. But
8 there is some public transit.

9 CHAIRPERSON FILKINS WEBBER: This is a discussion
10 that needs to continue. And I think that, given that
11 this is the first time I've had an opportunity to look at
12 this schedule, as well, I have a number of comments that
13 I would like to make. But, in the interest of time and
14 in the interest of the agenda, what I would suggest, do
15 we - Mr. Claypool, you were saying you would like us to
16 consider a motion on at least the month of April?

17 MR. CLAYPOOL: Okay, so I'll negotiate. At -

18 CHAIRPERSON FILKINS WEBBER: The reason I ask is
19 because I don't know - I'd like to focus some of our
20 discussion, in the interest of time, to this particular
21 month. I would like the other Commissioner members to
22 realize that we are meeting next week, and we have a lot
23 of time set aside for full report backs, and we can have
24 a better discussion, everybody can absorb and make all of
25 their comments, either the subcommittee or in the full

1 Commission meeting next Thursday. So -

2 COMMISSIONER BLANCO: And I would say they can
3 also, in the mean time, one of the ways we've been
4 funneling stuff to staff to discuss for the following
5 meeting, you could do that in between now and the next
6 meeting, as well.

7 CHAIRPERSON FILKINS WEBBER: Well, generally
8 they're funneling it to the Chair.

9 COMMISSIONER BLANCO: Yeah, but -

10 CHAIRPERSON FILKINS WEBBER: She just invited
11 that, you heard all that, so, please, if you could
12 provide us a direction as to what would be necessary for
13 this Commission to act on before we break and proceed to
14 our VRA issues in the afternoon.

15 MR. CLAYPOOL: The most important thing for us is
16 to have an agreement in principle on April.

17 CHAIRPERSON FILKINS WEBBER: Are there any
18 comments or concerns regarding April's schedule, only in
19 nothing further, and we can save transportation issues
20 and locations for another time, which would be handled by
21 staff. But, at least in concept, for the locations. Is
22 that right?

23 MR. CLAYPOOL: And we have your direction on
24 transportation, we know it's important to you.

25 CHAIRPERSON FILKINS WEBBER: Thank you. Any

1 further comment from the Commission members regarding the
2 month of April?

3 COMMISSIONER AGUIRRE: I'll make that motion.

4 COMMISSIONER ANCHETA: Can I - make the motion,
5 that's okay.

6 COMMISSIONER AGUIRRE: I move that we approve the
7 schedule for April to give staff advance time to set up
8 the venues and to do related organizing regarding these
9 hearings.

10 COMMISSIONER BLANCO: Second.

11 COMMISSIONER ANCHETA: I did want to note, in
12 case any of you are looking at your emails, and I think
13 there should be public comment, there is at least one
14 public comment regarding the schedule online. I haven't
15 had a chance to - I can read it, I can read some of it
16 out, it's up to you whether you want me to do that, and I
17 think we have some members of the public here who are
18 commenting, but just to alert us to that because I think
19 it might go to the motion.

20 CHAIRPERSON FILKINS WEBBER: Well, if it does,
21 and you're the only one that has access right now, is it
22 lengthy? If it goes to the motion, I think in the
23 interest of the public comments that have been made
24 regarding the opportunity for real time discussion,
25 please share.

1 COMMISSIONER ANCHETA: Sure. This is from Deanna
2 Kitamura, who is with the Asian Pacific American Legal
3 Center, and I'll ask Commissioner Galambos Malloy to see
4 if there are other ones that are popping up as I
5 highlight these. And let me see if she's speaking on
6 behalf of anybody else, officially -

7 CHAIRPERSON FILKINS WEBBER: Well, if there's any
8 focus on April? I mean, rather than the specific
9 calendar.

10 COMMISSIONER ANCHETA: Well, there are concerns
11 about - because a couple of these do go to choices of
12 cities and the absence of weekend meetings, which would
13 include April, as well as the lack of hearings in Region
14 5, which maybe, again, that may not be specific to April,
15 but it's a concern that could impact April if we're
16 targeting particular areas of the state. So, Region 5
17 being San Luis Obispo, Santa Barbara, and Ventura, and
18 suggesting that there should be at least one - there
19 should be pre-map hearings in that area of the state.
20 Again, reinforcing no weekend meetings that may limit
21 accessibility. So, choice of cities, again, none are
22 scheduled - none of the three that are scheduled in
23 Region 1, which I believe Region 1 is Northern
24 California? None are scheduled for Sacramento. And
25 then, for Region 8, which is the Bay Area, no hearings

1 are held in San Francisco, or populace areas of the East
2 Bay, areas with large populations.

3 COMMISSIONER BLANCO: And Region 5, she mentions.
4 So at least -

5 COMMISSIONER ANCHETA: Right, which is what I
6 mentioned upfront, right. And I don't know if we have
7 any additional - these have just come in really within
8 the last few minutes.

9 COMMISSIONER GALAMBOS MALLOY: That's the only
10 one we've been provided with.

11 CHAIRPERSON FILKINS WEBBER: So, we have a motion
12 on the floor. Any further discussion from any of the
13 Commission members regarding the motion?

14 COMMISSIONER BLANCO: I do.

15 CHAIRPERSON FILKINS WEBBER: Okay, Commissioner
16 Blanco.

17 COMMISSIONER BLANCO: I do think that, on
18 principle, I don't know that I can vote for this without
19 consideration of weekends. You know, we had talked about
20 that extensively in the past, that even if we did nights,
21 that's difficult for many families to come after work to
22 these meetings, and I think we had kicked around often
23 the idea of weekend meetings, and I'm not sure why they
24 fell off. I did notice it, and yet I know we had talked
25 about it in the past when people had said, "Well,

1 Saturdays there's soccer, but maybe these days," and we
2 have talked about this on and off in the past. So, I
3 wanted us to think about the weekend before we approve
4 the April in concept.

5 CHAIRPERSON FILKINS WEBBER: Any further
6 discussion from any Commissioner member? Okay, then I
7 would open - okay, briefly, please.

8 COMMISSIONER AGUIRRE: Yes, just one comment,
9 that I think the issues that have been brought up, we
10 could probably handle next month in looking at the
11 remaining months for accommodating those desires.

12 CHAIRPERSON FILKINS WEBBER: Okay. Anyone else?
13 Commissioner Di Giulio.

14 COMMISSIONER DI GIULIO: I was just curious maybe
15 if staff wanted to address if that Region 5 - was it just
16 an oversight that it wasn't an option? All the other
17 regions have an opportunity for an input hearing, and
18 Region 5 was the only one who didn't. I didn't know if
19 staff could address that in terms of us looking at April?

20 MR. CLAYPOOL: Well, Region 5 was actually fairly
21 prominent in the post-hearing phase in June, particularly
22 Oxnard, Santa Paula area, on the 17th, and San Luis
23 Obispo and Santa Maria on the 16th. AS we juggle these
24 back and forth, part of the rationale was that we were
25 trying to -- or I was trying to -- make sure that there

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1 was a clear way for you to travel, that it made sense
2 that you would link city to city and not go north and
3 south and north and south, it not only holds down travel
4 expenses, but it also holds down wear and tear on
5 Commissioners. And so, we were sensitive to that. And
6 so, you know, it's possible to juggle these. We can move
7 them around. As we do, it would make sense to move them
8 around in a way that still allowed you a fairly good flow
9 of travel, so we weren't ignoring Region 5 as much as we
10 were making sure that it was there, and we knew, in
11 particular, from a discussion with one of the individuals
12 who had bid for the Line Drawing, that Oxnard and Santa
13 Paula was a very critical area for this redistricting
14 process, so we wanted to make sure that it was in the
15 post- -- kind of the post-era -- after the individuals in
16 that, or the community groups in that area had seen the
17 maps. And then, with regard to the weekends, the only
18 thing I would like to say is we've had a really
19 inconsistent time with this Commission insofar as the
20 dates that you wanted to be available. One of the dates
21 that we dealt with were Mondays and Tuesdays, and another
22 date was not wanting to meet on Fridays, and so this kind
23 of condensed it into an area where we felt like it would
24 give you some movement and some flexibility. However,
25 these dates can be pushed into those weekends. That's,

1 you know, we can make that spread, but you have to make
2 that decision for us.

3 CHAIRPERSON FILKINS WEBBER: Any further
4 discussion from Commission members?

5 MS. SCHAFER: Madam Chair? I recognize that you
6 have a rule that, if there was no change from the
7 Committee that there would not be public input, however,
8 there were correct hearings yesterday -

9 CHAIRPERSON FILKINS WEBBER: I understand, I
10 haven't gotten to public comment yet. We're still in
11 discussion and I certainly recognize that. I am going to
12 get to you just momentarily. Any further discussion from
13 any Commission members on the floor? Seeing none, the
14 floor will be open to public comment regarding this
15 substantial change from the recommendation from the
16 subcommittee.

17 MS. SCHAFER: Thank you. I'm Trudy Schafer
18 representing the League of Women Voters. And as I said,
19 we were not able to watch this meeting yesterday and did
20 not know whether the question of weekend meetings falling
21 off the map had been brought up during that discussion,
22 but it was a surprise to us when we saw this, this
23 morning. And from the very beginning, even from the
24 beginning of the meetings and hearings that the Bureau of
25 State Audits had on the regulations and the selection of

1 the Commission, we have felt very strongly that your
2 upper most principle must be the accessibility to the
3 public. And we would like to echo the fact that we hope
4 you would at least consider weekend meetings mixed into
5 the mix. Thank you.

6 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.
7 Schafer.

8 MR. WRIGHT: Good morning again, Jim Wright.
9 Your consideration of evening meetings precludes people
10 that work second shift from participating. So, if you
11 were to start earlier, let's say 3:00, take a break for
12 dinner, and then go on into the evening, you might be
13 able to accommodate a greater portion of the population.
14 I'd also like to suggest that if you specify time periods
15 for the meeting, that whether there's anybody waiting to
16 speak or not, you remain in session for the full time
17 period in order to accommodate late arrivals and you're
18 very likely to have a few of these. So, 3:00 to 5:00,
19 maybe, 6:00 to 9:00, 6:00 to 10:00, would be good hours
20 for your meetings. As far as days are concerned, these
21 days seem pretty good for most people, but I do agree
22 that some weekend meetings should be held to accommodate
23 people who simply cannot get there during the week.
24 Thank you.

25 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.

1 Wright. Further comment on the motion that is on the
2 floor? Seeing none, then I'll pull it back to the full
3 Commission and ask for a roll call vote. Oh, I'm sorry,
4 please read the motion back and then we'll have a roll
5 call vote.

6 MS. SARGIS: The motion is to approve the
7 proposed input hearings scheduled for April 2011.

8 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

9 COMMISSIONER DAI: Yes, I want to know if it's
10 necessary to amend this to ask, to direct staff, I mean,
11 I don't know exactly what we mean by approving this as a
12 concept, but if we can direct staff to put a weekend mix
13 in this, then it would be a motion that I could support.

14 CHAIRPERSON FILKINS WEBBER: So are you asking
15 for an amendment? Are you proposing a substitute motion
16 before we call for this vote?

17 COMMISSIONER DAI: I would like to amend the
18 motion to add some weekends into this mix. I'm assuming
19 staff will consult with the groups to figure out which
20 regions make the most sense to do that.

21 CHAIRPERSON FILKINS WEBBER: Refresh my memory
22 who made the initial motion?

23 COMMISSIONER AGUIRRE: I did.

24 CHAIRPERSON FILKINS WEBBER: Okay, Mr. Aguirre,
25 do you have any objection to that amendment?

1 COMMISSIONER AGUIRRE: No, I don't have any
2 objection.

3 CHAIRPERSON FILKINS WEBBER: Okay, seeing none,
4 is there a second?

5 COMMISSIONER BARABBA: Second.

6 CHAIRPERSON FILKINS WEBBER: Any further
7 discussion on the amendment? Commissioner Yao.

8 COMMISSIONER YAO: I welcome a recommendation in
9 terms of how many weekends, and so we can really quickly
10 bound it, as compared to floating the issue for a total
11 discussion again. If you could perhaps identify one
12 weekend, I can go along with it, but if you just
13 basically float it saying that we shall consider the
14 weekends, that will just open the floor to all the
15 discussion that we have had previously.

16 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

17 COMMISSIONER DAI: Yeah, I mean, I would say make
18 it 50/50.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes.

20 COMMISSIONER FORBES: I would actually suggest
21 that we just direct staff to have one weekend meeting per
22 region, that will at least give everyone a weekend
23 opportunity in every region to -

24 CHAIRPERSON FILKINS WEBBER: Commissioner Di
25 Guilio.

1 COMMISSIONER DI GIULIO: On a logistical note,
2 I'm just looking at the calendar, is this a decision that
3 we can make at our next meeting on the 24th?

4 CHAIRPERSON FILKINS WEBBER: We counted it back
5 and that is why I was wondering if there was a
6 possibility of at least approving two weeks, maybe
7 breaking up April, and I'm not suggesting that
8 necessarily as a motion, but if that's one way to address
9 the public's concerns, we could still consider a
10 potential amendment of just requesting approval of the
11 first two weeks from January [sic] 1st through January
12 [sic] 17th, at least in concept as to locations, and
13 leaving discretion to staff for some of those meetings to
14 occur on a weekend, that might be one possibility of us
15 moving quickly, and rather than looking at the full
16 month.

17 COMMISSIONER DI GIULIO: I would just, yeah, I
18 don't understand the notice -

19 CHAIRPERSON FILKINS WEBBER: We have to notice by
20 the 24th, which would be next week, which you would not
21 have time.

22 COMMISSIONER DI GIULIO: So can we ask for
23 another amendment, maybe for it to be a consideration of
24 the first two weeks?

25 COMMISSIONER AGUIRRE: Yeah, I think our

1 Executive Director just signaled that would be okay? All
2 right, so that would be fine with me.

3 CHAIRPERSON FILKINS WEBBER: May we have someone
4 state the proposed amendments and then it would be an
5 amendment to Mr. Aguirre's original motion, of which he
6 had originally approved. Commissioner Di Guilio?

7 COMMISSIONER DI GUILIO: I was just asking if it
8 would be amended for consideration for a vote for the
9 approval of just the first two weeks of April.

10 CHAIRPERSON FILKINS WEBBER: Is there a second?

11 COMMISSIONER BARABBA: Second.

12 MR. MILLER: Just to clarify the record, maybe
13 the first two motions could be withdrawn and we'll try a
14 clean hit at the ball.

15 CHAIRPERSON FILKINS WEBBER: Okay. Is there a
16 motion to withdraw?

17 MR. MILLER: Well, those who have made the
18 motions can withdraw their motions -

19 COMMISSIONER AGUIRRE: I will withdraw my motion.

20 COMMISSIONER DAI: And I withdraw my amendment.

21 COMMISSIONER DI GUILIO: I will withdraw my
22 amendment, as well, too, and let us just start all over.

23 CHAIRPERSON FILKINS WEBBER: Okay. Please, Mr.
24 Aguirre.

25 COMMISSIONER AGUIRRE: I would re-move - I would

1 move that we approve the first couple of weeks as
2 scheduled for April to accommodate the noticing
3 requirements and also for the staff to have some lead
4 time for setting up the venues and related organization
5 for these input hearings.

6 CHAIRPERSON FILKINS WEBBER: And that would also
7 be to stretch them out onto the weekends?

8 COMMISSIONER AGUIRRE: Yes.

9 CHAIRPERSON FILKINS WEBBER: So, essentially, in
10 concept, it's as to the locations. And for those first
11 two weeks? Okay. Do I have a second?

12 COMMISSIONER ANCHETA: I think Commissioner
13 Aguirre should restate the motion first because I think
14 you casually amended it and with several phrases.

15 CHAIRPERSON FILKINS WEBBER: I casually amended
16 it? I was asking for clarification.

17 COMMISSIONER AGUIRRE: I would just be very
18 specific that we approve the first two weeks of April as
19 scheduled for, due to noticing requirements, and for -
20 that's it. That will do it.

21 CHAIRPERSON FILKINS WEBBER: Is there a second?

22 COMMISSIONER DI GUILIO: Second.

23 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

24 COMMISSIONER RAYA: As I understood all the
25 discussion that went before, and concern about weekends,

1 it would seem to me the motion, if it's going to reflect
2 the discussion, it has to include something about, you
3 know, we approve going to the four places listed on the
4 first two weeks of the April Calendar, with the idea that
5 staff will adjust the dates to accommodate weekends. Is
6 that -

7 COMMISSIONER AGUIRRE: I don't see a signal from
8 our Executive Director that we should be that loose in
9 this, in this motion. So, I would argue that, you know,
10 it's really about noticed hearing requirements, that
11 unless we want to discuss a particular weekend, or
12 weekends at this time, then I would hold to the motion
13 just because of notice hearing requirements. The rest,
14 the latter part of April, and into the future could
15 accommodate weekends, so -

16 CHAIRPERSON FILKINS WEBBER: Commissioner Di
17 Guilio.

18 COMMISSIONER DI GUILIO: In terms, as I
19 understand the motion, I could vote on this motion based
20 on the two weeks as it is written, with the understanding
21 that the Outreach and staff will continue to work, taking
22 the considerations of the discussion that's been made by
23 the Commission, as well as the public, in the future
24 moving forward, but that this motion is simply for these
25 two weeks, and that's what I could vote on.

1 COMMISSIONER AGUIRRE: Exactly.

2 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco.

3 COMMISSIONER BLANCO: I would have to vote
4 against the motion because I think, particularly with the
5 two Section 5 counties, knowing the population in those
6 counties we have large agricultural populations. I think
7 weeknights even are going to be very - if there are any
8 counties that really need to be on the weekend, it's
9 these - you know, there will be others - but these are
10 really weekend type regions. And I think to start off on
11 the right foot with these Section 5 counties, we really
12 should be looking at weekends.

13 CHAIRPERSON FILKINS WEBBER: Mr. Claypool.

14 MR. CLAYPOOL: If the Commission wants, if it's
15 your desire, we can move these dates onto the weekend
16 because, by moving them to the weekend, Commissioner
17 Aguirre, we will be moving them further out onto the
18 calendar, thereby giving ourselves more time in the
19 noticing process. So, we can do that, and it's your
20 choice.

21 COMMISSIONER AGUIRRE: Okay, so what you're
22 saying is that we would keep the hearing of April 12th in
23 Auburn?

24 MR. CLAYPOOL: Actually, we would just shift the
25 whole thing. Auburn could be the 15th, Yuba City could be

1 the 16th, and Salinas could be the 17th, Redding could be
2 the 9th. I mean, we can move all these dates onto the
3 weekend if that's what the Commission wants, and we'll
4 move the business meetings over.

5 COMMISSIONER AGUIRRE: Do we have an amendment?

6 CHAIRPERSON FILKINS WEBBER: No, there is no
7 amendment, it's your motion.

8 COMMISSIONER AGUIRRE: I withdraw the motion.

9 CHAIRPERSON FILKINS WEBBER: Any other motion on
10 this particular issue.

11 COMMISSIONER RAYA: I'm going to try a new motion
12 and see if -

13 CHAIRPERSON FILKINS WEBBER: Please, Commissioner
14 Raya.

15 COMMISSIONER RAYA: -- and see if we can go eat.

16 Okay, I move that we adopt a schedule for the first two
17 weeks of April, of hearings to begin with business
18 meetings on the 7th and 8th of April, a meeting in Redding
19 on Saturday the 9th, a meeting in Auburn on Friday the
20 15th, Yuba City, Saturday the 16th, and Salinas Sunday, the
21 17th of April.

22 CHAIRPERSON FILKINS WEBBER: Do I hear a second?

23 COMMISSIONER DAI: Second.

24 CHAIRPERSON FILKINS WEBBER: Any discussion?

25 Commissioner Ward.

1 COMMISSIONER WARD: I'm just curious, I was in
2 the office working this week and I saw Janeece
3 frantically working hard to arrange for places to pull
4 this off at, and I'm just wondering, is it facility-wise
5 possible, Janeece? Do we have the places that you've
6 lined up and scheduled for these places? Are they
7 available on the weekend and things like that? Has
8 anything changed?

9 MS. SARGIS: There are venues available on the
10 weekend, nothing has been confirmed or reserved for sure,
11 so we just called and said, "If the Commission were to
12 hold a hearing in your area around this part of the month
13 of April, would you have something available?" And that
14 was the direction I was taking. So, we can still move
15 forward.

16 CHAIRPERSON FILKINS WEBBER: Any further
17 discussion on the motion that's on the floor? Seeing
18 none, then - Commissioner Yao.

19 COMMISSIONER YAO: A question for clarification.
20 Are we still talking about evening meetings - now, are we
21 talking about the daytime meetings now? And what is the
22 - what is it that we're voting on, I guess, is really the
23 question, because the discussion on weekends - the
24 schedule for meetings on weekends has not been discussed
25 at all in today's session.

1 COMMISSIONER RAYA: I don't know what the answer
2 is. I mean, it would seem to me it's subject to the
3 availability of venues and trying to do our best, you
4 know, I don't think there's any problem with Mr. Claypool
5 picking up the phone and asking any one of us for some
6 input on what we think would work in those areas? Would
7 that be -

8 CHAIRPERSON FILKINS WEBBER: I agree. Based on
9 the motions that - the motion on the floor and the prior
10 motions that have tasked staff with calendaring, I
11 believe an approval of this motion would leave it to the
12 discretion of staff to accommodate the Commission and the
13 public regarding location and time. And based on the
14 full public comment, and that would be permissible based
15 on the motion as it exists now. So, any further
16 discussion on this motion for approval? Seeing none, I
17 would like to open it to the public for any comment on
18 this particular motion. Seeing none, I would bring it
19 back to the full Commission and ask Ms. Sargis to read
20 the motion back for a vote.

21 MS. SARGIS: The motion is to adopt the schedule
22 of input hearings for the first two weeks of April. The
23 business meetings will be moved to April 7th and 8th,
24 Redding meeting to April 9th, the Auburn meeting to April
25 15th, the Yuba City meeting to April 16th, and the Salinas

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1 meeting to April 17th.

2 CHAIRPERSON FILKINS WEBBER: So stated. Roll
3 call vote, please.

4 MS. SARGIS: Commissioner Yao - No; Commissioner
5 Ward - Yes; Commissioner Raya - Yes; Commissioner Parvenu
6 - Yes; Commissioner Ontai - Yes; Commissioner Galambos
7 Malloy - Yes; Commissioner Forbes - Yes; Commissioner
8 Filkins Webber - Yes; Commissioner Di Guilio - Yes;
9 Commissioner Dai - Yes; Commissioner Blanco - Yes;
10 Commissioner Barabba - Yes; Commissioner Ancheta - Yes;
11 Commissioner Aguirre - Yes.

12 The motion passes.

13 CHAIRPERSON FILKINS WEBBER: Thank you.

14 COMMISSIONER ONTAI: We had no further business.

15 [Laughter]

16 CHAIRPERSON FILKINS WEBBER: Wonderful. Okay.
17 The time is 12:25. I would like us to come back as close
18 as possible as our 1:00 schedule, but given that I'm not
19 familiar with our ability to do that, we will re-adjourn
20 at 1:10, so a little leeway there based on this last
21 minute motion. Thank you, we are in recess.

22 (Recess at 12:25 p.m.)

23 (Reconvene at 1:15 p.m.)

24 CHAIRPERSON FILKINS WEBBER: The afternoon
25 session of March 18th, 2011, Citizens Redistricting

1 Commission. In accordance with the agenda, we did have
2 technically a Legal Advisory Committee report back
3 scheduled for the morning, but given that that is the
4 topic of discussion for our agenda this afternoon, at
5 this point -- I would like Mr. Miller here, but he will
6 be here shortly as I understand it -- in the mean time, I
7 will turn it over to Commissioner Ancheta, who was
8 expecting to provide a summary and report back from the
9 Legal Advisory Committee meeting from yesterday, March
10 17th.

11 COMMISSIONER ANCHETA: So, let me just - and this
12 is basically sort of a report back, but let me just sort
13 of summarize the work we've done as we're leading up to
14 our discussion of the selection of the Voting Rights Act
15 Attorney, and that's pretty much all that the Legal
16 Committee has been working on, so this is essentially our
17 report back.

18 As you know, the Commission has been conducting a
19 search for the VRA counsel. There was a Request for
20 Information put out a couple of weeks ago, as well as a
21 job announcement for a salaried position that was put
22 out. We received nine applications in response to the
23 Request for Information. We also received, I think, a
24 small number of job applicants, via the other vehicle.

25 Staff made a determination that, among those

1 applicants, there simply wasn't anyone suitably qualified
2 to make sort of a first cut. So, we dealt primarily - or
3 exclusively - with the nine applications that came in via
4 the RFI. We broke this up into two sets of discussions.

5 We had an initial meeting on Tuesday where we,
6 all of us on the committee, as well as Commissioner Ward
7 because Commissioner Filkins Webber was not able to
8 attend on Tuesday, he was sort of subbing in and
9 primarily because of partisan affiliation, to make sure
10 the Republican Party was represented at the meeting.

11 We did a number of things at that meeting, we
12 narrowed the pool down, so we went from nine applications
13 down to four, which we advanced to interview on Thursday.
14 I think we were all pleased with the pool, at least, in
15 terms of the overall pool, a really good set of
16 applicants, fairly diverse, a number of large firms that
17 have political or election law and Constitutional law
18 practices, at least one sort of specialty firm that
19 focuses on political law and election law, as well as a
20 couple of individual or small consulting practices where
21 individuals who actually were former Justice Department
22 attorneys were applying.

23 And as we advanced four, we basically - and let
24 me mention them - the four that we advanced were Federal
25 Compliance Consulting, GRD Consulting, Gibson, Dunn &

1 Crutcher, and Nielson, Merksamer, Parrinello, Gross &
2 Leoni, and I'll shorthand that as we go forward. Two of
3 those were sort of the former DOJ attorney applicants.
4 Neilson Merksamer, again, more of - a good size firm,
5 certainly, but more of a specialized practice; Gibson,
6 Dunn a very large firm, with a practice in, among other
7 things, areas of election law and voting law. So, we all
8 felt that was a good pool to advance forward for
9 interviewing purposes.

10 So, in addition to that, on Tuesday, we also in
11 terms of looking at the budget and looking at the work
12 that we would be expecting from the Voting Rights Act
13 attorney, we did articulate a work plan, and I
14 distributed copies at the last break, but they may have
15 been lost in your pile of papers. I'm hoping they are
16 somewhere, but I put a little "VRA" in the right-hand
17 corner, hoping that will help you. And this is available
18 to the public, and it's also online in the Meeting
19 Handouts, it's under CRC VRA Legal Budget. I'm not going
20 to go through all of this, but basically what we tried to
21 do is figure out both in terms of actual work and how
22 this might be budgeted, and we did ask the candidates to
23 sort of, well, "What do you think about this plan, and
24 how are you going to spend the money?" Or, "How are you
25 going to spend your time and how does that reflect in

1 terms of budget," to go through each of these. And we
2 did try to go through this in pretty good depth with each
3 of the candidates we interviewed we interviewed on
4 Thursday.

5 So, again, we advanced four candidates, two of
6 them who are California-based were able to attend the
7 meeting yesterday afternoon and early evening, two of
8 them, Federal Compliance Consulting and GRD Consulting,
9 who are based actually on the East Coast, both of them
10 are actually in Maryland, we did by telephone, obviously
11 not the best in terms of interviewing settings, but we
12 felt we had to just move forward and interview the by
13 telephone.

14 And what we're planning to do is sort of have
15 each of the committee members, as well as Commissioner
16 Ward, sort of present their individual preferences, and
17 have some discussion about that, so I'll leave that to
18 each of us to sort of raise.

19 But, as we went through the four and had some
20 initial discussion, there was pretty much agreement that
21 the two California firms were the ones we wanted to keep
22 moving forward in the process, but there were a number of
23 concerns that were raised about capacity of the two
24 smaller consulting firms and questions about
25 subcontracting, and the identity of subcontractors, for

1 example. So, I don't think that necessarily eliminated
2 them, but again, I think as a group we were feeling much
3 more comfortable moving forward with the remaining two.

4 Now, ideally, what we wanted to present to you
5 today was a consensus candidate, who came under budget,
6 we're not quite there, but I think we made a lot of
7 progress, certainly. And I think there are probably two
8 issues we want to certainly discuss and one of them will
9 be an action item, which at some point we would like a
10 motion that we retain one of these firms - well, I say at
11 least one, I guess, but one or some combination, or some
12 action regarding the hiring of the firm.

13 The second, which I think might be a discussion,
14 but there might be an action, is - and Commissioner
15 Galambos Malloy mentioned this earlier - there may be a
16 need to augment the budget. And we didn't reach closure
17 on that, and we tossed around a few figures, but I think
18 we said we'd bring it up for discussion and if that's
19 something the Commission wants to act on, we can do that,
20 if there isn't sentiment to change the budget, we'll just
21 leave it at that. And I think that's it. And, again,
22 ultimately - and we'll let each individual Commission
23 speak for a few minutes, which I think is the process
24 that we want to follow. The Commissioners basically
25 split 3 to 2, in terms of these particular firms, so

1 three members, myself, Commissioner Blanco, and
2 Commissioner Forbes favored Gibson, Dunn & Crutcher, and
3 then Commissioners Filkins Webber and Ward favored the
4 Nielson, Merksamer firm. Okay, and we did try - we went
5 through some discussion and tried to figure, you know,
6 can we reach a consensus on this. I think we ultimately
7 said, "Well, I think we have significant differences
8 here. Ultimately, this is an Advisory Committee, the
9 full Commission has to vote on it anyway, let's simply
10 advance these two, have some discussion." And, again, I
11 think the procedure for now is to have each of the
12 Commissioners who were involved in the process to express
13 - in just a couple minutes - express what I think would
14 be the strengths and weaknesses, or simply state
15 preferences and why they would want to move one or the
16 other forward, and then open it up for more questions and
17 discussion. And we're willing to take questions on the
18 process, as well.

19 CHAIRPERSON FILKINS WEBBER: Just one further
20 follow-up, Mr. Ancheta, is if you could explain to the
21 public, as they've been watching this procedure since
22 Tuesday, just a little bit more as to where the Legal
23 Advisory Committee did have a consensus, which was the
24 determination of the other two individual firms that we
25 interviewed, if you could - because of the fact that they

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1 were former DOJ attorneys, and obviously, giving the
2 appearance of impartiality, could you explain to the full
3 Commission as to what consensus was reached by all of us
4 on the Legal Advisory as to why we could not make a
5 recommendation of those firms to the full Commission?

6 COMMISSIONER ANCHETA: Right. And, certainly,
7 other Commissions can add on to this. You know, and let
8 me preface this by saying, I think when I and others were
9 sort of thinking about this position, we were thinking,
10 what would be a really good VRA counsel to have, what is
11 sort of the ideal counsel? And I think we sort of were
12 thinking, well, someone who had some work with the Voting
13 Section of the Justice Department would be good, someone
14 who has both Plaintiff and Defense side experience, can't
15 always get that, obviously, because you're typically
16 representing one set of clients, or the other, but again,
17 ideally maybe someone who had done Plaintiff work, and
18 then perhaps had been working more recently - and this
19 goes to our needs, you know, working with a governmental
20 body, say local government or state governmental body, an
21 agency. But that, you know, that might be a really good
22 candidate. So, they all had variations on that.

23 So, in looking at the two candidates who are
24 former Justice Department attorneys, both of whom, from
25 what we could gather, were engaged in solo practices, or

1 consultancies, we had a number of concerns regarding
2 capacity, what does it mean given that you may be new to
3 this in terms of consulting on this type of work, or 2)
4 you already have a lot of clients that you're helping,
5 and what role, or how big of a task are you taking on if
6 you're going to take on the California responsibilities?
7 Would you be able to give us the attention we need? And
8 I think all of us were not feeling as strongly or as
9 confident that the needs of the Commission would be best
10 served through these particular candidates,
11 notwithstanding, and I should say this about all of the
12 candidates, very very highly skilled, excellent
13 reputations, all of them, very knowledgeable, certainly
14 the four we had advanced, very knowledgeable and quite a
15 bit of experience in litigation, as well, particularly
16 with the Justice Department attorneys' litigation and
17 work reviewing submissions.

18 So, again, we all agreed that we just, as much as
19 it might have been ideal, it wasn't quite right for us
20 and we decided to move the other two forward. I think
21 that sort of captures it.

22 CHAIRPERSON FILKINS WEBBER: Certainly, thank
23 you. Commissioner Dai.

24 COMMISSIONER DAI: Yes. I was able to attend the
25 Legal Advisory Committee meeting also on Tuesday and

1 observed the committee. And one of the things that I
2 requested at the time, and the Advisory Committee spent
3 quite a bit of time discussing, is a matrix which was
4 available to the public at that time, but it was an
5 evaluation matrix to look at, at the time, nine firms as
6 part of the narrowing process, and I would just request,
7 when we get to the point where each Advisory Committee
8 member speaks about it, if you would actually speak to
9 the matrix so that we can understand, you know, kind of
10 where you would rank one firm higher than the other, and
11 just be a little -

12 COMMISSIONER ANCHETA: And I didn't distribute
13 that, but let me just highlight - I apologize that I
14 didn't distribute that, but I can highlight the basic
15 criteria and this is - there is both a matrix form, which
16 I think was posted, as well as an outline form. But the
17 major things that we were looking at included Voting
18 Rights Act experience, including both Section 2 of the
19 Voting Rights and Section 5, they're different sections,
20 specific redistricting experience because often VRA may
21 not be tied to redistricting, some experience working
22 with public boards, commissions, clients similar to our
23 Commission, the ability or capacity to respond to various
24 types of needs, including meetings that we're conducting,
25 working with the consultant, certainly, and obviously

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1 working with the Technical Consultant will be a major
2 part of the work, as well as working with the community
3 groups and the public.

4 We looked at cost and we did ask - we can mention
5 them specifically as we discuss each one - we did ask
6 them in the original application to indicate at least the
7 hourly rates, or not to exceed rates, as we'll discuss in
8 our other topic. None of them came in significantly
9 under budget, none of them went quite a bit over budget,
10 but we did ask them to, given this budget, what could you
11 do for us, and we got some, I think, good data in terms
12 of how that would work.

13 And then we were also looking at the general
14 litigation experience and how well they've done, and did
15 they win most of the time when they litigate, and then
16 conflicts. And we did sort of include this as part of
17 the matrix. To remind the Commission, we did adopt a
18 policy that tries to parallel the Commissioner conflicts
19 of interest provisions of the Voters First Act. It is,
20 however, not as strict in terms of requiring in all cases
21 that those criteria be applied to all staff and
22 consultants. There's, as you remember, there's some
23 discretion built in. But certainly, conflicts were a
24 major consideration in reviewing the firms. So, those
25 are the big criteria that we went through.

1 CHAIRPERSON FILKINS WEBBER: Commissioner Dai.

2 COMMISSIONER DAI: Yeah, and I just wanted to
3 expand a little bit on the conflicts. We got quite a bit
4 of public comment at the meeting on Tuesday, and it kind
5 of expanded that to the only reason we're concerned about
6 conflicts is concern about the ability of a particular
7 candidate to engender public trust, so we just wanted to
8 provide that other way of looking at it.

9 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

10 COMMISSIONER RAYA: I don't know if you've
11 decided how you're going to present the opinions of each
12 Commissioner, but I think it would be helpful, from my
13 point of view, to deal with one candidate and then the
14 other, so that we can kind of keep the - do a little
15 summary of your comments for our own notes. Or do you
16 prefer to do it otherwise?

17 COMMISSIONER ANCHETA: Well, I think we're trying
18 to avoid sort of a debate to that extent. It will end up
19 being a debate, no doubt, if there - for other
20 disagreements on the Commission in terms of one vs. the
21 other, but we have - I think the recommendation was to
22 move as - the suggestion was just to have two to three-
23 minute summaries from each Commissioner and we can change
24 that, obviously, if the Commission wants to. But that
25 was our recommendation. And, Mr. Miller, if you wanted

1 to add anything in at this point?

2 MR. MILLER: After a long evening and a very
3 thorough discussion, the one consensus of the committee
4 was that the best way to present here was for each
5 committee member to simply summarize how he or she came
6 out after that long debate, and I think that is a good
7 format from which to have this discussion.

8 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes.

9 COMMISSIONER FORBES: Yes, I just want to follow-
10 up on Commissioner Dai's comment. To emphasize that the
11 conflicts issue was expanded to be an ability to generate
12 public trust, I mean, it really became more than just a
13 mere conflicts issue.

14 CHAIRPERSON FILKINS WEBBER: Commissioner Blanco.

15 COMMISSIONER BLANCO: Yeah, for the public, on
16 the conflicts issue, just to reiterate, I know that we
17 think everybody knows what we know, but there are new
18 members, perhaps, in the audience. Where we have landed
19 on the conflicts issue as a Commission, after a lot of
20 discussion, is that some of the conflicts that
21 disqualified, or, you know, were disqualifiers for
22 Commission members, after much discussion, we decided
23 they would not be automatic disqualifiers for staff or
24 consultants or experts that we would hire, and that even
25 if they were not automatic disqualifiers, we would look

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1 closely at some of the things that would have been
2 disqualifiers, the more sensitive the position was that
3 we were hiring for. So, it was both a combination of
4 trust and a combination of looking at some of the factors
5 that were in the Regulations, and going through those,
6 and deciding whether they rose to the level that, even
7 though they weren't an automatic disqualifier, that
8 people had concerns about them.

9 CHAIRPERSON FILKINS WEBBER: Commissioner
10 Di Giulio.

11 COMMISSIONER DI GIULIO: I just - before we heard
12 from individual committee members, I just had a point of
13 clarification I was hoping to get. I thought, in terms
14 of those who were actually on the Committee, who were
15 registered committee members, it was Commissioner Blanco,
16 Filkins Webber, Aguirre, and Forbes, and I know that
17 Commissioner Ward was there early on - I'm sorry,
18 Ancheta, I'm sorry - Commissioner Ward was there early on
19 in the process, I didn't know if he was officially
20 reporting out, and I know Commissioner Galambos Malloy
21 was there, as well, I didn't know if we were going to be
22 hearing from them as part of the reporting out, or if it
23 was simply the committee members?

24 COMMISSIONER ANCHETA: We're not voting, we
25 didn't have a vote out, I think it was important for

1 Commissioner Ward, since he was part of the initial
2 process -- and Commissioner Filkins Webber did review
3 them and conveyed to Commissioner Ward some of her
4 preferences on the initial nine, again, she wasn't able
5 to attend on Tuesday. And, I think, again, since we're
6 an advisory - I thought it was simply for discussion
7 purposes, to try to move applicants forward, we sort of
8 went with those five, again, Commissioner Dai was at the
9 Tuesday meeting, Commissioner Galambos Malloy was at the
10 Thursday meeting -

11 CHAIRPERSON FILKINS WEBBER: Yesterday.

12 COMMISSIONER ANCHETA: Yeah, which was Thursday,
13 but instead of just saying three vs. two, it is not in
14 that set of numbers.

15 CHAIRPERSON FILKINS WEBBER: Commissioner Ward.

16 COMMISSIONER WARD: Thank you. Just for the
17 Commission back to a meeting, I believe it was two weeks
18 ago, and when this was being discussed, it was actually
19 more than that. What the Commission had said was that
20 they felt, because of the public light on this process,
21 and to help ensure transparency, that they wanted equal
22 numbers of Democrats, Republicans, on that panel, so not
23 only did I fill in for Commissioner Filkins Webber, but
24 at the time, Gil had offered his Republicanism, if you
25 all recall, to sit on that panel and on that Board. I

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1 had previously asked to do that, and between Gentlemen's
2 Agreement, Gil gave me the nod to do it. So, the way I
3 understood it, it was more than that. And we did have
4 Commissioner Dai there for the process and she was able
5 to participate, so it was certainly open to everyone, and
6 it was a great thing that that was the case. But I also
7 wanted to say that, that aside, I guess the point is that
8 I didn't want it to look like me being there was any less
9 legitimate than - I understood that I was there to
10 balance out the process, and make it appear clear,
11 balanced, and fair. And I believe it was. I think we
12 accomplished that, and that's to our credit.

13 And then I'd like to say that the way we left it
14 yesterday, I thought we were going to open up with a
15 simple presentation, it seemed like there was a lot of
16 framing going on and I don't know that conflicts of
17 interest framing and things like that, and I just take
18 objection to it because, personally, I voted for us to
19 apply the conflict of interest standards in the way that
20 we did for a reason, I was against it until I heard an
21 argument that said, again, being a citizen not
22 experienced in this, that many of the experts we're going
23 to need are in a specialized field and that requires them
24 to have worked with - there's two major parties, one of
25 them or the other, and if we apply a strict reading to

1 it, we might find ourselves in a position with nobody who
2 meets that requirement to provide expertise. That was
3 the argument that was made back then that persuaded me,
4 and that's why I chose to vote that we give ourselves the
5 flexibility to apply conflicts of interest. I don't
6 agree that the conflict of interest, the way I applied it
7 in that meeting, was to expand that now to other things,
8 it was simply conflict of interest was a pretty
9 straightforward standard to me, and I would think that it
10 would take a committee census to go ahead and start
11 expanding upon that and making it larger than what it was
12 agreed to be in the past.

13 CHAIRPERSON FILKINS WEBBER: I don't want this
14 discussion to digress, I think we're all in agreement
15 that Mr. Ward has participated this entire week and we
16 will certainly hear from him, and just on that last
17 point, Commissioner Ward, I was not privy to this matrix,
18 and as I understood it, we were not placing any one of
19 these categories higher than another, it's just it
20 appears that Commissioner Dai would like to hear what the
21 rest of the legal advisory committee - where these firms
22 fit within that matrix, so I certainly appreciate that,
23 again, I don't want the conversation to digress, and I
24 understand that some people may have had some comments,
25 but let's just move forward. Commissioner Blanco, why

1 don't you start this two to three-minute summary of the
2 two firms that we had proposed to recommend to this full
3 Commission, and we'll start the discussion in that
4 manner?

5 COMMISSIONER BLANCO: I don't think that's how we
6 were going to proceed. I think we were going to proceed
7 with our views about - we weren't going to summarize,
8 right? We were going to do whatever - it's like we're
9 preparing for a vote, basically, it's not a summary of
10 the presentations. I thought that's what we had agreed
11 upon.

12 CHAIRPERSON FILKINS WEBBER: I'm sorry, I
13 understood that Mr. Miller - and correct me if I'm wrong,
14 that you had agreed that each member of the Legal
15 Advisory Committee would provide a summary of their - of
16 each of these firms and commence the discussion in that
17 manner? I'm sorry.

18 MR. MILLER: I'll restate -

19 CHAIRPERSON FILKINS WEBBER: Please.

20 MR. MILLER: -- what I understood.

21 CHAIRPERSON FILKINS WEBBER: Okay, process is
22 everything.

23 MR. MILLER: It's not necessarily a shared view,
24 but my understanding was that each Commissioner would
25 describe for the other Commissioners why he or she came

1 out in his or her personal deliberations the way he did.

2 CHAIRPERSON FILKINS WEBBER: Okay, that was my
3 understanding.

4 MR. MILLER: I don't know if that's different
5 than what anyone else has said, but that was my
6 understanding is it would be a way of summarizing on an
7 individual basis the totality of the evening's learnings,
8 considerations, and debate, and reflect only a personal
9 opinion as to that Commissioner, and that we felt that
10 was an expeditious way and an easy way to broadly inform
11 the whole Commission about what was taken in that evening
12 and the divergence of views reflected after hearing the
13 same information, following which the Commission would be
14 invited to inquire of any of the others about any subject
15 relating to the firms. I hope that's a fair
16 characterization of where the committee came out.

17 COMMISSIONER BLANCO: Yeah -

18 CHAIRPERSON FILKINS WEBBER: It's perfect.

19 COMMISSIONER BLANCO: And I'm prepared to do
20 that. So, the two firms, Gibson, Dunn, I'll tell you
21 where I ended up, which was I felt very strongly that the
22 concerns that I had raised and others have raised in
23 public comment and that came out in the meeting about the
24 fact that the - I've got to get the complete names
25 straight - the Nielson, Merksamer, Parrinello, Gross and

1 Leoni firm - I was, in particular, concerned that the
2 firm itself is a registered lobbying firm, and you know,
3 I also had an initial concern about the work - the bid is
4 for Ms. Leoni herself and one other person at her firm to
5 conduct the work, and I had some concerns about her
6 having been a registered lobbyist within the last 10
7 years. I think that concern -- she described what the
8 purpose of her lobbying was, which was to work with the
9 State Board of Education, and I was not as concerned with
10 that. But the fact that the firm is and has been a
11 registered lobbying firm, for me, was something I could
12 not overcome.

13 As I expressed to the Advisory Committee
14 yesterday, I think the firm is very qualified and knows
15 both Federal and State law. As regards voting, I know
16 there were concerns raised by the public about having
17 done mainly defense work, and maybe some cases that had
18 the impact of - defended against claims that Claimants
19 brought that were about increasing minority strength, but
20 those were not, you know, that was not the basis for my
21 decision. I ended up saying I think they are a highly
22 qualified firm, but that I did not believe that the sole
23 product of this Commission is the maps that we're going
24 to produce and whether those maps are good, because we
25 have good counsel and good expert consultant line

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1 drawers, that the other product that this Commission
2 produces and is here to do is inspire public trust, and
3 that if, in one of our first important -- and not to say
4 the staff hires weren't important -- but in one of the
5 most watched and essential hires we're going to make,
6 which is the Voting Rights Attorney for this Commission,
7 that we hire a firm that is a registered Lobbyist firm,
8 and as many have indicated in their public comments, more
9 closely affiliated with one party than another, I thought
10 we will have lost half of our - we will have lost on
11 doing part of our job, which is the public trust
12 component of our job, we would have failed there.

13 If we had discussed all the candidates at the
14 Tuesday meeting, one of the candidates that didn't get
15 very far was a candidate that had very strong ties to the
16 Democratic party as an attorney and, for that very
17 reason, I had not included in my list, and luckily nobody
18 - we didn't have to discuss him, but I would have raised
19 the exact same concern because of what I think this
20 Commission has to do, which is engender trust - along
21 with producing good maps.

22 In terms of the Gibson - so I - that's why I
23 just, no matter what the qualifications, that conflict
24 for me was a deal killer. With the Gibson, Dunn firm, I
25 thought not only is - I didn't move them forward because

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1 I thought they were the only one left; I was actually
2 very impressed with their presentation. They presented a
3 four-person team for us. I thought it was an interesting
4 presentation because the two partners that came and
5 presented, one, Mr. Kolkey, contributed language and
6 dealt with the structure of Prop. 11, and actually
7 drafted Proposition 20, and I thought that could
8 potentially contribute if we ever come into a moment of
9 having to engage in statutory construction, it would be
10 very helpful to have the attorney who drafted one of
11 those initiatives and helped with the other as part of
12 the team. He squarely addressed the issue that was
13 raised about concerns about his bias because there have
14 been concerns raised about his membership as a - I can't
15 remember, it's in the State Republican Central Committee
16 - there's two categories and he's a member, but it's some
17 kind of special - an Associate Member. But I think he
18 did address that it's Associate, and that's limited, but
19 he addressed that, but he also spent time explaining what
20 his role was when he was tasked under Governor Wilson to
21 work on the redistricting plan, that in his view, he was
22 brought on to - that his party supported the Special
23 Master's plan that had ultimately been adopted, and that
24 his work with the Governor was part of that process of
25 trying to create fair districts at the time, and it was

1 a very contentious bipartisan situation like we had in
2 the last round.

3 When we got to the question, the legal issues
4 that we posed to them, I was very pleased with the
5 knowledge of the field. We asked them what were the
6 biggest challenges we would have legally facing the
7 Commission. Mr. Brown discussed particular areas in
8 California where you're going to have two distinct
9 minority groups with possibly Majority-Minority districts
10 and those are going to be complicated areas, and that
11 we're going to have to look at that when we discuss - ask
12 them for challenges. We also went into a long discussion
13 about the Supreme Court cases and both Mr. Brown and Mr.
14 Kolkey, you know, pointed out to us sort of the fine
15 lines between doing what's permissible to do in terms of
16 drawing influence districts, or crossover districts, but
17 understanding that what the Supreme Court has said about
18 what is permissible is not required and also that it's
19 important to keep other criteria in mind and show that
20 you've included other criteria if you are also going to
21 be looking at Section 2.

22 So, I thought they demonstrated a very
23 sophisticated knowledge of both Constitutional law and
24 Voting Rights law, and a lot of these challenges are
25 Constitutional as well as Voting Rights Act challenges.

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1 I felt that the response that we had asked about, you
2 know, what they viewed - what we should do with
3 incarcerated -- with prisoners, where those populations
4 should be counted -- was a very substantive answer. We
5 asked questions about what, you know, the relevant
6 population was in terms of the Section 2, whether it
7 should be Citizen Voting Age Population, or Voting Age
8 Population, and Mr. Brown had a good description of the
9 difference between it when just redistricting, and CVAP
10 when you're doing Section 2.

11 So, the bottom line there is that I appreciated
12 their perspective, which was that we are the client, and
13 they repeated this several times, they are here to advise
14 us, we are the client, we are the ones, you know, we need
15 to understand the law, the data, etc., and ultimately
16 we're going to make the tough decisions, all they can do
17 is advise us.

18 And then, I think they did come in over our
19 \$150,000 budget that we had allocated and that was
20 something we should discuss. To get to the \$150,000, to
21 stop at \$150,000, would not include writing the report
22 that we need to submit with the maps. That, to do the
23 report, and assist the AG with the Pre-Clearance process,
24 that would add additional hours. The total was \$500 if
25 we included the report, and the work with the AG for Pre-

1 Clearance, which comes out to \$250,000. Their rate is a
2 blended rate, they have different partners with billing
3 different rates and they would discount and blend the
4 rates of the four persons on the team. I did have
5 reservations about the membership in the Republican
6 National - the California Central Committee of the
7 Republican Party. I think the thing that put me sort of
8 over the hump on that was Mr. Kolkey having been an
9 Appellate Judge for the State of California, and I felt
10 that that gave me some confidence in his ability to be
11 impartial and fair.

12 CHAIRPERSON FILKINS WEBBER: Commissioner Ward.

13 COMMISSIONER WARD: Can I request that the same
14 disclosures were made during the subpanel be made to the
15 full Commission?

16 CHAIRPERSON FILKINS WEBBER: Certainly, please.

17 COMMISSIONER BLANCO: Oh, sure, sure. So, I
18 mentioned both on Tuesday and yesterday that, when I was
19 the Executive Director of the Lawyers Committee For Civil
20 Rights, Mr. Brown served on our Board and he also, on a
21 pro bono basis, litigated cases with the Voting Rights
22 Attorneys in the firm. As Executive Director of the
23 Lawyers Committee, I authorized all litigation and all
24 settlements, and so, you know, I know Mr. Brown. I also
25 should have mentioned, and I know I always get in

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1 trouble, that I know Mr. Merksamer, as well, he and I
2 both serve very well on the Board of the Public Policy
3 Institute of California, I have a great deal of respect
4 for him. I haven't worked with him; I've been on that
5 board a few months. So, those are the disclosures.

6 CHAIRPERSON FILKINS WEBBER: Commissioner
7 Ancheta, do you have any?

8 COMMISSIONER ANCHETA: Oh, my turn?

9 CHAIRPERSON FILKINS WEBBER: Just disclosures.

10 COMMISSIONER ANCHETA: I'm sorry, I thought
11 Commissioner Ward was going next, forgive me. Well, I
12 want to incorporate by reference just about all that
13 Commissioner Blanco said -

14 CHAIRPERSON FILKINS WEBBER: No, I'm sorry, just
15 disclosures, only because we still technically have all
16 nine firms before us, even though we're only discussing
17 the two that we're putting forward, and Commissioner Ward
18 had asked and I failed this morning in asking that this
19 be done earlier, and so I'm asking, do you have any
20 disclosures based on the Voting Rights Attorneys who have
21 submitted proposals for this Commission's consideration.

22 COMMISSIONER ANCHETA: Yeah, and none to the two
23 we're looking at today. Mine was only simply I had been
24 on a panel at a Voting Rights and Election Law Conference
25 with Gilda Daniels, who is the principal of GRD

1 Consulting, and we know each other from that experience,
2 and that's about it.

3 CHAIRPERSON FILKINS WEBBER: Okay, thank you.

4 COMMISSIONER BLANCO: Well, I didn't know we were
5 doing it on the nine. So - no, I didn't. So, Mr. Brad
6 Phillips, who is a partner at Munger, Tolles - MTO - is
7 also one of the firms that applied, they didn't make it
8 to the final round, by I do know Mr. Phillips, as well.

9 CHAIRPERSON FILKINS WEBBER: Anyone else? Okay.
10 Do you have a disclosure, Commissioner Yao? Please.

11 COMMISSIONER YAO: One of the firms that
12 submitted their proposal to us was the Best, Best &
13 Krieger, they are the State's biggest municipal law
14 firms. Two of the partners were identified as part of
15 the team that would provide services to us, Mr. John
16 Brown, and also Sonia Carvalho. I know Mr. John Brown
17 through a number of tasks that he had performed for the
18 City of Claremont. He was assigned to come in and
19 address some of these unique cases that we experienced
20 and Sonia Carvalho was our City Attorney, so I know her
21 very well, I worked with her for eight years in total.
22 Thank you.

23 CHAIRPERSON FILKINS WEBBER: Any other
24 disclosures? Commissioner Parvenu.

25 COMMISSIONER PARVENU: As a former Project

1 Manager for the MTA, I worked with representatives from
2 Gibson, Dunn, and they represented the MTA in a class
3 action lawsuit brought about by the residents and
4 merchants along Hollywood Blvd. We had issues with a
5 project, ground settlement, a sink hole, methane
6 exposure, some other issues, they represented us, and
7 they did a fine job, but I have not worked directly with
8 Mr. Kolkey or Mr. Brown directly.

9 CHAIRPERSON FILKINS WEBBER: Thank you. Anything
10 further on disclosures? Commissioner Ward.

11 COMMISSIONER WARD: Yeah, again, just because it
12 was raised in the subpanel, and it's out there in the
13 public, just so that I think the whole Commission should
14 know, and I want to make it clear, I think there's no
15 problem here, but it was stated in the subcommittee and
16 that is that Commissioner Blanco invited Gibson, Dunn to
17 put in their proposal, they were - it was a phone call
18 that invited them to submit, which was something that was
19 stated and I think that's a relevant piece of
20 information.

21 CHAIRPERSON FILKINS WEBBER: Certainly, and,
22 again, I don't want to digress. In Legal Advisory, we
23 had already asked, with permission of our Chief Counsel,
24 Mr. Miller, that we would solicit, and obviously, as part
25 of almost our outreach for consultants, to actually

1 broaden our available pool, and so we certainly recognize
2 that.

3 COMMISSIONER WARD: Again, nothing wrong with it,
4 it's just - it bears relevance to the discussion and,
5 since it was mentioned in the subpanel, I just want to
6 make sure the whole committee understood that that was
7 out there, but it's an accepted -

8 CHAIRPERSON FILKINS WEBBER: Practice.

9 COMMISSIONER WARD: -- and appreciated thing that
10 was done.

11 CHAIRPERSON FILKINS WEBBER: Thank you.
12 Commissioner Ward, would you like to continue, then?

13 COMMISSIONER WARD: Thank you. Like I said the
14 other day, I'm not a lawyer and I'm not going to play one
15 on TV. I'll leave the legalese to the professionals.
16 I'm concerned about the process. I feel strongly that,
17 as I have from the beginning, that the procedures and
18 policies we do as a Commission are merit-based. Proving
19 the merit of the people we hire is what is going to
20 create public trust. Doesn't it in your personal lives?
21 Do you hire someone to work for you based on merit? Or
22 based on appearances and perceptions? When you go for a
23 job interview, does your resume highlight your relevant
24 experience, knowledge of the job, and capability to do
25 the job? Or does it highlight perceptions about you, or

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1 what other members of your past job, or current
2 employment do, or does it highlight you, your experience?
3 I'm confident it highlights, again, your accomplishments
4 and your experience in a given area. Why? Because
5 that's what matters outside of this bubble. Perceptions
6 are important, or perceptions change in the light of
7 facts. Experience and proven track records don't become
8 invisible to the majority of Californians just because
9 some people state a perception of fear. Mr. Munger, this
10 morning, stated that we're likely going to be challenged
11 -- no way around this. And he also said something that I
12 think is very interesting - he said that there will
13 likely end up being 20 different ways to draw a map, all
14 of which are equally valid. So, just imagine, 20 valid
15 options to draw a line and 14 Commissioners to each pick
16 a different way.

17 The experience and success of the firm we choose
18 must have a proven track record of facilitating legal
19 guidance to a Commission with moving parts. There is not
20 often a right or a wrong in this, but a best option, and
21 what we choose each time impacts communities. We are a
22 first time Commission. Do we want a first-time Federal
23 Voting Rights Act Redistricting legal team? When you
24 stack these proposals that we received on a scale of
25 experience, of experience with the Federal Voting Rights

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1 Act, with the litigating Federal Voting Rights Act
2 issues, with the unique capabilities to provide mapping
3 software and a whole host of options to deal with the
4 issues that we're going to face, we didn't even disagree
5 at the subpanel that the scale is very highly weighted.
6 The issue was appearance issues, what someone else does
7 at a firm. But there was not a debate about the scale.

8 CHAIRPERSON FILKINS WEBBER: Weighted in favor
9 of...? I'm sorry, just for clarification.

10 COMMISSIONER WARD: Leoni, Merksamer, Parrinello,
11 Gross & -- yeah. And also, cost, cost counted, and they
12 came in at the cheaper cost. I know I seem passionate,
13 but it's because this is the core of why I'm here. I
14 don't want to be a part of a popularity contest. If I
15 wanted to be part of a popularity contest, I'd go smoke
16 in the boys room and skip first period, but that's not
17 what I want to do, I want to do things based on merit and
18 that's what's going to build the public trust. Public
19 commentators got it right this morning, qualifications
20 and experience and the process counts. We, as a
21 committee agreed on guiding criteria, we agreed that we
22 were looking for the most qualified, tested track record,
23 and the capacity to support the Commission's rigorous
24 demands and timelines. But, at the end of the night, it
25 felt like deliberations had an appearance of being boiled

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1 down to a partisan play, on both sides. And I have to
2 admit, I don't understand it. Regardless of what the
3 color of their webpage is, we all want the best. I
4 believe that you want the best. And I know California
5 wants the best, and despite my personal exhaustive
6 attempts to elicit a discussion last night on the merit
7 of how Gibson, Dunn could be construed, as the best
8 choice between the two, and Federal Voting Rights
9 experience, there was little.

10 There was actually agreement, again, as I stated,
11 that Nielson, Merksamer was the most technically
12 qualified, so why, then, why would this Commission not
13 choose them? They were good enough for Arizona's lauded
14 Redistricting Commission. They were good enough for
15 Florida. They've been good enough to work for both
16 political parties. It turns out one of them hired them
17 more often. What would make them not good enough for us?
18 Was the 30 years of Federal Voting Rights Act
19 Redistricting experience that this firm has successfully
20 completed without challenge, somehow solely because they
21 worked for Republicans in the past? Because part of this
22 huge law firm does lobbying? Prior to us Commissioners,
23 redistricting was a political process and this firm is
24 the premier redistricting firm. There are only two
25 sides, you cannot get to the level of experience we need

1 for this Commission without experience with one side or
2 the other. That is why I'm concerned when we
3 collectively could consider be truly novel and ignore the
4 clear merit, to err on the fluidity of perception.
5 Commissioners, perception changes. A wise man once said
6 it's in the eye of the beholder, but merit is a bedrock
7 and you have to ignore it completely to not select this
8 firm to make a merit-based argument -- or make a merit-
9 based argument against them.

10 If public opinion is going to be won or lost on
11 this one decision, if only one decision makes or breaks
12 public perception of fairness, then we're doomed, it
13 appears. This is a false perspective. Public confidence
14 is earned with a fair process that is transparent,
15 inclusive, and breeds results. We have done everything
16 in our power to meet the first two requirements; the
17 third one, results, can be made or missed with the proper
18 legal guise. This decision breeds results that matters.
19 Thanks.

20 CHAIRPERSON FILKINS WEBBER: Thank you,
21 Commissioner Ward. Commissioner Ancheta.

22 COMMISSIONER ANCHETA: So, I apologize, I sort of
23 jumped the gun earlier. But let me repeat - since
24 Commissioner Blanco, I think, summarized a lot of the
25 pros and cons of each firm, and I have a few things to

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1 add, but I'll leave it to that to say that I really agree
2 with much of what she said.

3 I have favored Gibson, Dunn over the Nielson,
4 Merksamer firm. I think that both are fully qualified to
5 do the work in terms of base qualifications to do the
6 job. I should say that up front. Again, as I stated
7 earlier, I would have loved to have had a former DOJ
8 attorney do it, it didn't work out that way, but that
9 would have been my preference, certainly. But, given
10 these two firms, I believe that Gibson, Dunn presents a
11 more balanced legal team, I think they have both
12 plaintiff and defendant side experience, which is
13 lacking, I think, in the Nielson, Merksamer firm, in
14 terms of balance of different sides of litigation. I
15 would certainly acknowledge that Nielson, Merksamer has
16 extensive experience over many years in this area, but I
17 don't feel that Gibson, Dunn is not qualified to do it.

18 If you look at the State Contract Manual, you
19 will note that there are exceptions to the regular
20 contracting process, one of them is for hiring lawyers
21 and legal services, and I think there's a reason for
22 that. We are certainly looking at the merits of these
23 applicants, again, this is why I'm incorporating
24 Commissioner Blanco's statements, but when you hire a
25 lawyer, you are hiring - this is often the phrase - you

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1 are hiring your best friend, or a best friend, and I
2 think you have to go with your gut in a lot of ways,
3 again, I'm not discounting all of the various criteria,
4 again, I incorporate them by reference. But you have to
5 sort of go - "Who do I really want to go with, because I
6 have to trust them to really be my lawyer for the next
7 several months?" And I felt that Gibson, Dunn earned my
8 trust, based on that. And I think, again, the Nielson,
9 Merksamer is a highly qualified, very experienced firm,
10 again, almost entirely defense in terms of this area, if
11 they had more balance, I might have been more -- or less
12 concerned about imbalance.

13 Another highlight, again, I did have some
14 concerns about potential conflicts with the Nielson,
15 Merksamer firm as a firm, as firm, not simply Ms. Leoni,
16 who would be the proposed lead, is a lobbying firm. So,
17 as a whole, I think that raises significant issues. A
18 number of their clients, as I've reviewed the current
19 list, includes counties that may, in fact, be advocating
20 in front of this Commission - again, maybe very different
21 areas of representation, but those are there as potential
22 conflicts; even though Ms. Leoni has indicated there she
23 would try to have firewalls in place, I don't think that
24 you can create enough firewalls when the entire firm is,
25 in fact, a lobbying firm. So, that was a strong concern

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1 of mine.

2 I did have a concern as Commissioner Blanco
3 mentioned, regarding one of the members of the Gibson,
4 Dunn team, Mr. Kolkey. I'm satisfied that, after looking
5 at the Republican -- State Republican Party Bylaws last
6 night -- that his relationship with that party is pretty
7 distant from the core of the Central Committee in terms
8 of being an Associate Member. He was an Associate
9 Justice on the Court of Appeals, he stood for election
10 for retention election, it's a nonpartisan office, I
11 think all of the Judges have to stand for retention, so
12 to the extent he's an elected official, I had no problem
13 with that.

14 And, again, I think - and this is not the only
15 reason I'm saying - I'm making this decision - but,
16 again, I think you have to go with sort of a gut
17 approach, as well, because when you're hiring a lawyer,
18 you want to trust that lawyer, and I feel that I could go
19 with Gibson, Dunn over the other firm.

20 CHAIRPERSON FILKINS WEBBER: Thank you,
21 Commissioner Ancheta. Commissioner Forbes.

22 COMMISSIONER FORBES: Yes, I, too, was supportive
23 of Gibson, Dunn, and I would like to also incorporate
24 what Commissioner Blanco said, with just the caveat that
25 I thought that their presentation was very sophisticated,

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1 it was very knowledgeable of the law and, I mean, I could
2 have listened to them for hours, it was so interesting.
3 I mean, it was just a level of knowledge and
4 understanding of the court cases, which is really very
5 enjoyable, actually.

6 The way I approach this is, I mean, I was
7 convinced that both firms can do the work, it is true
8 that the Merksamer firm has a longer list of cases, but I
9 looked at those cases again last night after we adjourned
10 and most, not all, but most are relatively small, you
11 know, a water district here, a small school district
12 there, and a lot of them dealt with - I think they are
13 drawing districts from an at-large voting system. In
14 other words, I didn't think that the experience was
15 directly relevant to ours. There were some that were and
16 I don't deny that. But I was convinced in my own mind
17 that, given the quality of the law firm of Gibson, Dunn,
18 we are going to get whichever firm we get, good legal
19 advice that I believe will help us come up with maps that
20 will withstand challenge.

21 So, that brings me to the second issue. You
22 heard enumerated here several times this morning that
23 it's vital that this Commission engender trust in what it
24 does. We have two purposes, and I understand drawing the
25 maps that are considered fair is clearly one, but really

1 engaging the public, helping create a process that the
2 public has trust in is, I think, equally as important as
3 the maps. And I think that it's a little bit like when
4 you want a neutral broker, you want to have someone here
5 who represents the Swiss, and they just feel as if
6 they're nonpartisan. And I think Gibson, Dunn does that,
7 they feel much more nonpartisan, yes, they have a
8 Democrat and, yes, they have a Republican, but you didn't
9 get the sense that partisanship was what they were about,
10 they don't have a history, they don't have a reputation
11 of representing one side or the other.

12 Another thing I wanted to bring up was the
13 lobbying issue and I did have the same problem with
14 Commissioner Blanco's characterization of it, I had a
15 real hard time getting past it. I kept seeing in my
16 mind's eye, well, let me step back one statement, in
17 proving Prop. 11 or Prop. 20, the public wants things
18 done differently, they don't want the same people running
19 the show that have always run the show in Sacramento.
20 So, I had this image in my mind's eye if we were to pick
21 Ms. Leoni's firm, "Commission Hires Lobbying Firm Located
22 Across the Street from the State Capitol." This is not
23 the headline I want to see happen. And I think that's
24 what we're going to get back. And I appreciate this,
25 Commissioner Ward, about how you engender trust by the

1 product, but I think if you put what is a perceived - and
2 maybe it is just a perception - a perceived partisan firm
3 as your Voting Rights Act attorney, you will create a
4 noise factor that I think will harm the process of coming
5 up with the lines because the noise now will focus on who
6 you hired, not on the process of drawing the lines. And
7 so, I just - I think the fact that they're a lobbying
8 firm, Ms. Leoni may not be, she may not have been, the
9 other participant may not have been, but I don't want to
10 have to hire somebody who has firewalls, I mean, maybe
11 that's a standard thing that's done, but in the public's
12 mind, why are you having to have firewalls? And so, I
13 think the fact that they're a lobbying firm, to me, just
14 creates - and have a reputation as a Republican firm, I'm
15 sure they can do the work, but given the opportunity to
16 have, as I said, the Swiss vs. a perceived partisan firm,
17 I have to go with the Swiss because they both will do the
18 work.

19 CHAIRPERSON FILKINS WEBBER: Thank you,
20 Commissioner Forbes. I'm also a member of the Legal
21 Advisory Committee, I was not present on Tuesday for the
22 narrowing of the list, but did provide my ranking. I was
23 not familiar with the matrix, but I did the same,
24 essentially, and did provide the list, and did
25 participate yesterday in the interviews.

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1 I believe Commissioner Dai's suggestion that we
2 take a look at this matrix and each of the firms is
3 important, because this Commission as a whole put this
4 matrix together and for a particular purpose, and in
5 looking at both of these firms, it's my understanding,
6 first of all, this matrix does not carry - and the matrix
7 that I'm referring to is one that Commissioner Ancheta
8 put together, or I mean, outlined - summarized earlier
9 today. As I understand it, there is not one item on this
10 matrix that carries any greater weight than any other.
11 And so, in that regard, you are basically to look at
12 these important factors and determine how high a
13 particular firm would have in a ranking based on these
14 factors, and I'm afraid overwhelmingly, the Nielson firm
15 stands out far ahead of Gibson, Dunn in each one of these
16 categories, and for the following reasons. The VRA
17 experience for Section 2, Section 5, I'm assuming each
18 Commission member as reviewed this lengthy packet
19 provided by each of the firms, and it's undeniable that
20 the experience from the Nielson firm is they are,
21 unfortunately, we have reference in the materials
22 submitted by Gibson, Dunn as to only, I believe, two
23 cases and certainly they could have experience in more,
24 but they didn't highlight it among their materials. And
25 when you take a look at the two other young gentlemen who

1 will likely be assigned to us the most, I'm afraid their
2 background doesn't identify in their summaries - not one
3 reference - to the Voters Rights Act at all. In fact,
4 both are very qualified for where they're at in their
5 career, absolutely exceptional, no doubt, but they are
6 General Commercial Litigation Associates. Another
7 gentleman works in Litigation, Department for Complex
8 Litigation, consumer legal remedies, focus is on
9 securities and derivative litigation, consumer and wage
10 and hour action - now, these two associates would be
11 certainly supervised by the other primary partner of
12 Gibson, Dunn, which is George Brown, again, his focus, as
13 I understand it, which we did discuss in Advisory
14 Committee yesterday, has been primarily focused around
15 the California Voting Rights Act, and not necessarily
16 entirely Federal. And if I'm not mistaken, and I
17 certainly can be corrected, I don't see any litigation
18 involving redistricting except for maybe one matter with
19 Mr. Kolkey, but he does have a lot of redistricting
20 involvement, so I do give him that credit. But, when
21 you're talking about actual VRA experience, I don't see
22 it as much as exists with the Nielson firm.
23 Redistricting experience, unquestionably, I concur in
24 everything that Commissioner Ward has said regarding the
25 Nielson firm's 30 years experience in that regard, in

1 comparison to the complete lack thereof that I see in
2 Gibson, Dunn.

3 In regard to Commissioner Ward's contention that
4 he thought that the experience of the Nielson firm was
5 not directly related, I draw your attention to the first
6 qualification and selected non-litigation matters for
7 which the Nielson firm participated, which was with the
8 State of Arizona Independent Redistricting Commission.
9 It couldn't be more closely related as far as the
10 statewide experience than what they have to offer to this
11 Commission for the entire State of California. Is there
12 is not more directly relevant experience, they have it.
13 And I don't see that comparable for the Gibson, Dunn
14 firm. The experience of working with public Boards and
15 Commissions, the laundry list is there with the Nielson
16 firm; the Gibson firm, again, highly qualified on
17 litigation matters.

18 And, again, conflicts exist as to each of these
19 candidates. We've already recognized as the full
20 Commission that - and I've heard it said and it was Ms.
21 Leoni that said this, if you're going to attract
22 competent counsel and actually a competent individual to
23 serve our purposes, they are going to have deep seated
24 roots in this process of public law, and likely deep
25 seated roots on one side or another.

1 Unfortunately, as I stated earlier in my
2 introductory remarks this morning, we did what we could
3 to expand the pool of potential respondents to our
4 invitation, and the pool that we got, it was limited, we
5 had nine firms, and distinct differences in their
6 capacities and their abilities to serve us, and we've now
7 narrowed it down to two, and both of them have been
8 criticized and both of them have supporting references,
9 so this is why I had stated this morning that these
10 decisions will be difficult to make.

11 One final factor - cost. Unfortunately, maybe I
12 misunderstood Commissioner Ancheta, but the Nielson firm
13 came within our budget, including, if I'm not mistaken,
14 if I recall correctly, the report to the - I think it did
15 include the report. There was additional costs, maybe,
16 for coordination with the Secretary of State, but it
17 included meetings, it included the training that we had
18 requested, it included a lot, advising staff on the
19 Section 5 submission, which, by the way, I don't see that
20 Gibson, Dunn has any Section 5 experience whatsoever as
21 far as trying to assist in pre-clearance with the
22 Department of Justice, which I believe the Nielson firm
23 has had. So, again, if we look at - not one of these
24 categories necessarily having greater weight than
25 another, I find it troubling that any Commission member

1 can sit here with the difficult decisions that we have to
2 make, to state that anything would be a "deal killer"
3 [quote unquote]; there should be nothing that would be a
4 deal killer, it's a compromise, and a necessary
5 compromise, and in taking a lot at all of these factors,
6 and not one of them should persuade us against that. If
7 the conflict was going to be a deal killer, then this
8 Commission should have voted in the manner in which I had
9 proposed, that we would strictly apply the statute based
10 on an interpretation that I felt, but this Commission
11 decided not to do that, and I feel it's very disingenuous
12 to now state that a conflict would be a deal killer when
13 that was not the manner in which any of the Commissioners
14 that are using it now ever wished to use it previously.

15 I do also believe in that regard on the concept
16 with what Commissioner Ward's statement was, is that
17 perceptions can change based on an understanding of
18 facts. Firewalls exist, Commissioner Forbes, and for all
19 the other Commission members, as an appropriate manner
20 and an acceptable, level manner, by which a firm can
21 protect their present clients' concerns and avoid
22 conflicts of interest. And so they are an acceptable
23 form of dealing with conflicts. And the manner in which
24 Ms. Leoni had presented how her firm would create the
25 firewall, I find, to be greater than I have ever seen

1 suggested by a firm of her size, and I commend her on
2 that regard because I've never seen it - there are
3 certain lesser protections that could be taken, and
4 likely be accepted by the State Bar for conflict
5 purposes, than what she is suggesting. And I find that
6 incredible.

7 Finally, one other distinct thing; there is a
8 distinct difference between both of these firms and the
9 manner in which they have presented their proposals to
10 the Advisory Committee. There is a distinct difference.
11 I was fascinated with Mr. Kolkey's approach, by the way,
12 Mr. Kolkey from Gibson, Dunn, his approach for what he
13 was recommending to this Commission. In particular, and
14 he wasn't committing necessarily to anything, but he had
15 put together an idea that he basically would be providing
16 advice on the law, providing choices to this Commission,
17 and bringing those ideas back to the Commission, helping
18 us understand demographics, and district differences,
19 basically essentially giving this Commission what we
20 understand to be legal advice based on the issues that
21 they can spot, and provide us choices and options, and I
22 certainly don't think there would be anything less than
23 what we could expect from counsel. But the distinct
24 difference that I find from the Nielson firm, and I may
25 have missed it in their initial proposal, and I

1 apologize, but it certainly was clarified yesterday, they
2 have *Maptitude*, and they have the technical expert who is
3 also an attorney, and what I find fascinating and it is
4 precisely what we need, when we direct our technical
5 expert to draw the lines on the maps in this entire
6 project that we're doing, I mean, charged with the duties
7 that we give them, the Nielson firm can offer us a
8 situation where our technical consultant can turn over
9 those electronic maps and, in so doing, Ms. Leoni already
10 has an identification of the areas, based on the Census
11 Data that has already come out, of what is going to be of
12 concern in the State of California. And she can actually
13 use the expertise of her technical expert and look and
14 see if it can comply with the Voting Rights Act, review
15 the maps, make recommendations to the extent in which
16 there are any problems with whether we've reached the
17 benchmark for Section 5, and whether we've reached the
18 benchmark for Section 2, where those issues are, and how
19 we can likely correct them and work with the technical
20 expert. That is not at all contained among the proposal
21 that was made by Gibson Dunn, and I don't know, nor do I
22 have any confidence that they could help us with those
23 recommendations. And again, on the final factor
24 regarding cost, there is a \$100,000 difference between
25 the two firms for what was substantially the same thing

1 with the exception of the reporting. I just want to make
2 sure I have that clear. [Pause] If I'm not mistaken, I
3 think it did include the reporting; the separate
4 additional cost would be additional full responsibility
5 to follow with the DOJ from the Nielson firm. But, for
6 everything that was offered, the \$100,00 is significant,
7 so I was pleased to see the quality and the substantive
8 offer provided by the Nielson firm for within our budget.

9 One final comment, which I've seen from many of
10 the public comments that have been made about the Nielson
11 firm, and the contention of conflicts, or the contention
12 of partisanship. In the materials that have been
13 provided to us throughout all of the maps and the
14 redistricting and Voting Rights laws for the last 30
15 years, according to the Nielson presentation, not one of
16 their maps has been challenged, and no Section 5
17 objection. That, to me, despite the contentions of
18 partisanship, despite the contentions of them being a
19 lobbying firm, or whatnot, not one advocacy firm in the
20 State of California, as I understand it, as has been
21 presented to me, has ever challenged the work that they
22 had done. And what does that tell you, but that they
23 have created fair and impartial maps throughout their
24 redistricting experience, which can only lead one to
25 believe that they have applied the law appropriately,

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1 fairly, and honestly. Thank you.

2 I'll open it up for the rest of the Commission
3 that have any other questions of the Legal Advisory
4 Committee. Commissioner Galambos Malloy.

5 COMMISSIONER GALAMBOS MALLOY: Thank you. I was
6 not able to participate in Tuesday's meeting, I was late
7 into the night with the Legal Committee yesterday, mainly
8 as an observer, and I'd like to share my thoughts which
9 are fairly brief.

10 We have received many number - I don't know the
11 actual number, dozens, of public comments regarding this
12 particular decision that we have to make as a Commission.
13 We also received verbal public comments from many
14 interested parties who did stay late into the night and
15 until after the interviews. When we initially discussed
16 some weeks ago how to interpret and apply the issues
17 around conflict of interest, I was one of the people who
18 thought we should retain flexibility so we were actually
19 able to look at the full pool and, once we had the pool
20 in front of us, then make those tough calls that we were
21 all selected to make. I do think, now having seen the
22 pool, I do side on us needing to use the conflict of
23 interest standard as a guide for hiring our consultants
24 and I'm saying this in the context of our VRA hire
25 because that's the conversation we're having now, you'll

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1 likely hear me say it again tomorrow when we approach the
2 line drawing consultants.

3 So, for me, as I looked at the VRA applications,
4 all along the way from the initial nine, down to the four
5 that made it to the interviews, to the two that we're
6 discussing now, it's really been a process of
7 elimination. And if I was to simplify and zoom right
8 past the very deep legal and technical conversations we
9 had with the interviewees yesterday, you know, for the
10 Commissioners, how can we in good conscience even
11 consider hiring a partisan lobbying firm for the role of
12 our VRA attorney?

13 And we decided, and you know, I would feel
14 differently if we had left on the table the option -- and
15 maybe that's something that folks want to consider --
16 around having two partisan firms and having balance
17 between the two major parties in California. And if
18 there was a peer for the Nielson firm that was bringing a
19 Democratic perspective, that might be a team that I would
20 feel comfortable considering in terms of outward
21 appearance and public trust. But being that I come from
22 the Independent pool, I am a Decline to State voter, and
23 given the history of redistricting in California, quite
24 frankly, I would say the same thing if that Democratic
25 firm that Commissioner Blanco mentioned that was in the

1 earlier pool, if they were one of the two that we were
2 considering now, I would want to apply the same
3 principle, even though I think the implications are
4 different for a Libertarian firm, or a Green Party firm,
5 because we historically have had two-party rule in
6 California and across the country, in principle, I would
7 suggest that we use the same standard.

8 You know, this is not the first time that I've
9 had the opportunity to learn about the firm's work, the
10 Nielson firm's work, I think it's not an issue of
11 qualifications, it is an issue of public trust and being
12 able not to say it either/or, but do we have an option
13 within the pool that allows us to balance both of those
14 considerations? I think that's what we were brought here
15 to the table to do because many of the issues that will
16 be facing us are not clearly one way or the other. You
17 know, in my comments again, just going back to how could
18 we in good conscience consider hiring any partisan
19 lobbying firm, I think that's an important question to
20 echo here, and for the public to hear, and I thought that
21 it was very timely in our discussion, one of our public
22 commenters late last night, he did bring to our attention
23 a quote from the *California Journal* that is on Nielson,
24 Merksamer's webpage, and it says, "Nielson, Merksamer has
25 become a powerful force in state and national politics.

1 It is safe to say that very little, if any consequence,
2 occurs in state political and governmental circles
3 without the knowledge, or active involvement of the
4 firm." So, that quote, to me, encapsulates the history
5 of California politics, potentially it could be implied
6 of redistricting and, much as Commissioner Forbes
7 expressed, I'm interested in what can we do now and every
8 step of this journey that we're on together to chart a
9 different course. And there are many trade-offs in that,
10 the Nielson, Merksamer firm brings great expertise, I'm
11 not denying that, but we will be in good hands with the
12 Gibson firm and we will be able to avoid some of these
13 other issues around conflict of interest. I left
14 yesterday's interview feeling very strongly that there is
15 no firewall big enough, or wide enough, to offset the
16 conflict of interest issues that we would encounter and
17 the public perception issues that we would encounter if
18 we hired this firm.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

20 COMMISSIONER RAYA: While you were talking,
21 Commissioner Filkins Webber, particularly about the
22 firewall, and since some of us were not able to be at the
23 Advisory Committee sessions, if you could describe to us
24 how that was described to you, and why you think it would
25 be an effective barrier?

1 CHAIRPERSON FILKINS WEBBER: As I recall, there
2 are two, possibly three, individual attorneys that would
3 be segregated out. Also, what I found to be more
4 particularly of concern is that each of the other
5 attorneys would be signing a statement that they would
6 not be involved in the redistricting, or the
7 representation of the Redistricting Commission.
8 Additionally, there is security, email -

9 COMMISSIONER GALAMBOS MALLOY: I have some fairly
10 detailed notes on this. Each of the people brought on
11 the case would be approved first by some combination of
12 our legal counsel and/or the full Commission before they
13 came on to the case. There would be a written policy
14 signed by all lawyers in the firm that would establish
15 the firewall. The firm would also establish a dedicated
16 password protected area where only the attorneys who were
17 working on the matter could have access to the data,
18 opinions, etc. The VRA offices would be secured so that
19 nobody else could go in and review information. The
20 emails are password protected so that other attorneys in
21 the firm do not have access to each other's email
22 accounts, and there was also the offer that, where there
23 were other elements of a firewall that had not been
24 anticipated, that they were expressing a willingness to
25 work through those.

1 CHAIRPERSON FILKINS WEBBER: Certainly more
2 complete than my notes. Thank you. Any other questions
3 or comments? Commissioner Ward. Commissioner Di Giulio.

4 COMMISSIONER DI GIULIO: I just had a couple
5 questions or concerns that maybe the Legal Committee
6 could clarify for me. And I appreciate the
7 thoughtfulness of all the Committee members in presenting
8 their information. One of the additional issues that I
9 haven't heard the Committee talk about was, in the
10 Nielson, Merksamer - one of the information that they
11 presented was they also represent a number of California
12 Counties at this time, so I saw - and I am not a legal
13 person - but just understanding that some of those
14 Counties may or may not have issues with the Commission
15 or with what's happening, I'm not even sure exactly the
16 extent to which the issues they're dealing with, but it
17 occurred to me that there's another - I don't know if I'd
18 say potential conflict - but there's an issue there for
19 me if we hire a firm that's representing Counties that
20 may or may not be in conjunction or opposition to us,
21 again, the appearance, as well as just potential conflict
22 that would put us in, in terms of a firm. So, that was
23 one question I had for the Legal Committee, if that was a
24 point of discussion at all.

25 And the second one is, again, as someone who is

1 another Independent, a Decline to State, and not someone
2 who had participated in the legal discussion, I am more
3 than comfortable having read the information, watched as
4 much as I could online of your first session, as well as
5 hearing you reporting out, to be able to take the
6 recommendations of the Legal Committee. But one thing
7 I'm concerned about, and I have an issue with the
8 Nielson, Merksamer conflicts for both those reasons, I
9 think it would be very difficult for me to go down that
10 path, but in terms of the Gibson, Dunn, \$250,000 is what
11 I heard you say, \$100,000 over budget. I'd like to hear
12 the Legal Committee's perspective. Is that something
13 that is negotiable? Is that something that is
14 reasonable? I know we have to have a discussion about
15 the budget, but I'd like to hear recommendations from the
16 Legal Committee about whether that's a reasonable amount,
17 or if that's something that is an option for negotiation.

18 CHAIRPERSON FILKINS WEBBER: I took detailed
19 notes on Gibson, Dunn, and then we'll get to Commissioner
20 Blanco on the conflict issue. The way that - the manner
21 in which they presented it was that this was a
22 substantial discount. They took a blend of their
23 customary hourly rates and then just said that they would
24 do it at \$500.00 per hour, recognizing that the lead
25 attorneys, Mr. Kolkey and Mr. Brown, charge between \$800

1 and \$910.00 per hour, so a substantial discount, and
2 given that I'm recognizing it already as a substantial
3 discount, I don't necessarily see that they would be in
4 line for further negotiation. Essentially, they included
5 for the \$150,000 the training, just going off of the work
6 plan, the training, one designated person for regular
7 interaction, a checklist for the public, work on
8 geographic regions, and then doing the intense review
9 with the technical experts, and then minimum attendance
10 at five meetings, and you're already at \$150,000. And
11 that didn't include record development, the additional
12 work with staff, and the reports necessary for the
13 Secretary of State, and preclearance, which was another -
14 just by themselves, another \$100,000. So, I did not get
15 the impression whatsoever in the manner in which they
16 presented to us that their \$250,000 proposal was
17 negotiable, but anybody else certainly can have a
18 different impression.

19 COMMISSIONER DI GIULIO: I suppose another
20 question with that is, from those who are lawyers, not
21 being a lawyer, obviously being in the wrong field -

22 [Laughter]

23 COMMISSIONER DI GIULIO: -- but is that
24 negotiable, is that to be expected?

25 CHAIRPERSON FILKINS WEBBER: I'm sorry, is what

1 to be expected?

2 COMMISSIONER DI GIULIO: Is that price, is that a
3 reasonable price in the field?

4 CHAIRPERSON FILKINS WEBBER: No, it's pretty
5 high, from my perspective it's pretty high. Commissioner
6 Blanco. And then Forbes.

7 COMMISSIONER BLANCO: Yes. I'll start with, I
8 guess, the cost first, and then go to each of the
9 counties. I think these are high rates, even the
10 blended, I mean, they are - obviously, they're a large
11 firm and people are willing to pay them these rates, so
12 they must be going rates for some folks, but they are
13 high. I don't think they're padded, I mean, I think it's
14 a question of the rate. But I was very pleased that they
15 went through the work plan and actually went, "This will
16 take this many hours, this will take this many hours,"
17 the only place where I saw in terms of - there was room
18 on - they allocated 175 hours to give advice, you know,
19 our regions that we - so they would work on each of those
20 regions and give advice on each of those regions, and
21 they came up with 175 hour figure for working. They're
22 going to assign people to the different regions. They
23 had a very methodical sort of work plan. There might be
24 some - there might be hours that could go up or down, but
25 it's the rate and not the hours that are high, I think.

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1 I would hope that there could be some negotiation, I
2 really do. As to the county, I'm glad you brought that
3 up, we had - in Ms. Leoni's presentation, she had a slide
4 dedicated to addressing the concerns that had been raised
5 Tuesday at the Advisory Committee meeting and I guess
6 also maybe partially based on the public comments that
7 are posted, but she did not address the concern about the
8 counties. And I am also concerned about that. She did
9 mention that the other clients were smaller, they were
10 Water Districts, Cities, School Boards, but we didn't get
11 a discussion from them about the four counties that are -

12 COMMISSIONER DI GIULIO: And which counties were
13 their clients?

14 COMMISSIONER BLANCO: The Appendix has them as
15 Merced County, Monterey County, San Diego County, and
16 Tulare, that those are clients for this current
17 redistricting cycle for the firm. But there was no
18 discussion of that.

19 COMMISSIONER ANCHETA: If you go - the listing -
20 whenever a firm is registered as a Lobbyist, they have to
21 list their clients, and I don't have it in front of me,
22 but I think if you were to go to that, you'd see the full
23 list of clients they represent. And that would include -
24 because I think the one Commissioner Blanco is looking at
25 is one in their application which focuses on the

1 redistricting clients -

2 COMMISSIONER BLANCO: Right.

3 COMMISSIONER ANCHETA: -- as opposed to the
4 Counties they represent as Lobbyists.

5 COMMISSIONER BLANCO: Yeah, these are
6 redistricting clients.

7 CHAIRPERSON FILKINS WEBBER: Commissioner Forbes.

8 COMMISSIONER FORBES: Yes. With regard to the
9 costs, I would invite Mr. Miller to comment on that, as
10 well, because he operates on that level of legal work.

11 [Laughter]

12 COMMISSIONER BARABBA: Formerly.

13 COMMISSIONER FORBES: The two other East Coast
14 applicants, one was under - not more than \$200,000, and
15 the other one was not more than \$210,000, and so those
16 were higher numbers and that was an issue we brought up
17 with them, but in their initial applications, the
18 \$200,000 figure was on the table.

19 CHAIRPERSON FILKINS WEBBER: Commissioner Ward.

20 COMMISSIONER WARD: I think what this highlights
21 is what I was cautioning of, what I'm afraid of, this
22 Commission, the way we're handling this, to me, seems
23 like we're acting in fear. It seems like we're afraid to
24 do what we're assigned to do, come up here and make the
25 hard decisions in the light of what's best for all of

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1 California. And I say that because look at what we're
2 talking about - we're talking about paying more for less
3 because I don't like this perception. And I say
4 "perception," we can say that because there's a track
5 record, there's a track record. We don't have to guess.
6 They've done this. They've done this already. There's a
7 track record of 30 years. The quote that was read from
8 their website, again, I think that that's painting us in
9 a false box. I heard that quote and that tells me that
10 30 years of being a premier California law firm means
11 that they know what they're doing. And, clearly, other
12 states have felt so, Arizona, Florida, 30 years
13 unchallenged maps. And we're sitting here deliberating
14 how can we pay more for less. It doesn't make sense.
15 And if it doesn't make sense to me, it's not going to
16 make sense to everybody watching. And that's why I
17 cautioned us to have a merit-based debate. Help me
18 understand, help California understand, how on merit this
19 firm is not the most qualified and not the best to
20 assist, again, this first time Commission because - and
21 I'd also like to say a couple things about - I think my
22 good friend, Commissioner Forbes, raised some good
23 points, but I don't think they were completely a
24 reflection of what the panel went through. As far as
25 there being a choice between Switzerland and not

1 Switzerland, that's not exactly accurate, there is a lot
2 of public comment against Gibson, Dunn, and one of the
3 panelists was against Gibson, Dunn all the way up until
4 the end last night, unless there was a firewall placed
5 against Mr. Kolkey. So, this is not - we're not looking
6 at Switzerland vs. something else. This is two firms
7 that, again, if you dabble in the business, you're going
8 to be tied to one side or the other. One has done it for
9 30 years, and they've done it well, they've done it
10 without challenge, they've advised Boards like us, the
11 other one hasn't. When we talk about running the show,
12 we don't want to have the headline tomorrow saying, "Hey
13 Folks, We Run the Show." "We run the show, that's what's
14 different." These guys are not going to be hired to go
15 into a cave somewhere and secretly draw maps. That is
16 what impressed me about this firm. If you look at their
17 actual presentation, look at their handout, they had the
18 most detailed plan for not just what they're going to do,
19 but how the Commission can elicit community support in
20 this, they're the only one of the four people that
21 interviewed that had a plan, an experienced plan, on how
22 to go out, reach out to communities, and get buy-in,
23 they've done it already. They planned that in - and into
24 the price. Again, the public is going to question all
25 kinds of things, I mean, this is just the start. What's

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1 going to show Californians that we are looking out for
2 them, and that we are truly a nonpartisan group, is how
3 can we stand before them on the merit and justify the
4 decisions we make, and if we want to make them out of
5 fear, or make something, I guess, of a gut approach, I
6 don't think that's what we've been sent here to do. I
7 think we've been sent here to come together as a group
8 and set our own personal things aside and evaluate that.
9 And I'd like to also say that, you know, I don't
10 personally - there's been some comment that we're digging
11 in, you know, I'm a Republican, and you know, they've
12 been tied to Republican firms, or whatever the case may
13 be, I'm not a lawyer, I don't know any of these people,
14 but I know that we have two VRA experienced people on the
15 Commission, they have - in the case of Mr. Ancheta, I was
16 the leading advocate for him. The panel, as you recall,
17 had voted and was moving in a different way, but I
18 championed Mr. Ancheta's selection largely for one
19 reason, his merit, he brought more capability, he brought
20 an experienced eye and background to the Commission, and
21 we all agreed, that was more important than other
22 perceptions, or other things. And we got it right. We
23 benefitted from the VRA experience on this panel. But
24 also, that experience comes with some ties. We're lucky,
25 we're lucky enough to have two VRA experienced lawyers on

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1 this Commission. Do we not trust that they're being the
2 vote makers, being the actual decision-makers, capable of
3 ensuring a fair process with our VRA representation? I
4 would challenge, no, that's again why I was so excited to
5 have Mr. Ancheta join the team, because I trust that with
6 that kind of experience, this Commission can't fail. And
7 so, again, stacking up the merit of it, and considering
8 the experience that we have, and looking at what is
9 California really going to evaluate us by, is one
10 decision? Or by how fair our maps are? By how they
11 impact the communities five, seven, 10 years down the
12 road, and they're not going to remember this debate, but
13 they're going to remember what their districts look like,
14 and clearly this firm has the most experience to do that
15 and, again, we have - we are the vote-makers, we can't
16 operate out of fear, we have to own the process and we
17 have to do what we were sent here to do, and that is make
18 merit-based decisions. Thank you.

19 CHAIRPERSON FILKINS WEBBER: Thank you,
20 Commissioner Ward. Commissioner Ancheta. Oh, I'm sorry,
21 Commissioner Aguirre, sorry.

22 COMMISSIONER AGUIRRE: I kind of look like Mr.
23 Ancheta.

24 [Laughter]

25 COMMISSIONER AGUIRRE: Let me just say that I

1 happen to represent a community that is quickly becoming
2 the majority in California, that is a minority community,
3 and if we're talking about fear, I am afraid. And he
4 reason that I am afraid is because, when we look at the
5 Voter Rights Act, it's specifically set to protect the
6 interest of minorities to not dilute their
7 representation, to give them the chance to elect
8 representatives of their choice, and I have a problem
9 with a firm that works against that. So, specifically,
10 if we're talking about redistricting counties as those
11 counties that have been identified by the Department of
12 Justice as having done things that were inappropriate,
13 that worked against the interests of minorities, and
14 then, if we're - I have a problem with hiring that firm
15 to represent us, being that that seems to be contrary to
16 what the VRA is trying to do, and what we as a Commission
17 is trying to do. So, I have a problem with that.

18 In terms of sometimes you have to go from the
19 gut, from this minority gut, it has to be that way, you
20 know, so between the two firms, not having any experience
21 with the Gibson firm, looking at their application,
22 comparing it to the Nielson application, yes, I feel that
23 both of them have some strengths, some weaknesses, but I
24 think that they can both do the job. The Nielson firm,
25 for me, the only connection that I have with the Nielson

1 firm was the time that we spent with Ms. Leoni when she
2 applied for the position of our General Legal Counsel,
3 and at that time when she presented, when she presented,
4 when Ms. Leoni presented to us her proposal and explained
5 the intricacy of redistricting, we felt like, you know,
6 this was the girl, that this was the firm that could
7 probably do it. However, when we talked about the
8 registered lobbyist issue, the fact that she was going to
9 be unable to pull herself out of her commitments from her
10 firm and pull out of those commitments and put all of
11 that work on the other partners in the firm, when we
12 talked about the fact that she was representing, as I
13 recall, the County of Merced -

14 CHAIRPERSON FILKINS WEBBER: Well, again, you're
15 not discussing anything that was in closed session.
16 Counsel, I would like some clarification regarding
17 whether or not discussions that were held in closed
18 session would be permissible for us to discuss presently.

19 MR. MILLER: There's a different report out
20 procedure for closed sessions and it's simply a summary
21 of not the transcript of what transpired, but the fact of
22 what's transpired. I think it would be a better practice
23 not to go into what occurred in detail in the closed
24 session.

25 CHAIRPERSON FILKINS WEBBER: Thank you.

1 Commissioner Aguirre, do you have anything to add based
2 on the advice of counsel?

3 COMMISSIONER AGUIRRE: Yes, I apologize for that.
4 So, but the issue getting back to the Voting Rights Act,
5 as somebody who is representing a redistricting
6 Committee, I think it would be contrary to what we're
7 trying to do as a Commission. And as a Commission, we're
8 here to make sure that we ensure that the Voting Rights
9 Act, the letter of the law is followed, and applied, and
10 that would be my objective.

11 CHAIRPERSON FILKINS WEBBER: Thank you.
12 Commissioner Galambos Malloy. I had you up next. The
13 discussion has gone on so long that you've probably
14 fallen off. Commissioner Dai.

15 COMMISSIONER DAI: Yes, I did actually. So, I
16 have a couple of points. I think, being one of the many
17 non-lawyers on this Commission, that I trust that the
18 legal eagles on our Legal Advisory Committee - I'm
19 satisfied that both of the candidates that we're looking
20 at are qualified. But the reason I had asked each of the
21 Committee members do go through all of the different
22 factors in the matrix is that we are looking at a number
23 of different factors, and it's not simply experience.
24 So, in terms of experience and understanding the law, it
25 sounds like both firms gave a great presentation, so I'm

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1 not going to question that. I think that means a lot of
2 those other factors start to weigh a lot more, in my
3 mind. There was a comment that, you know, perceptions
4 don't matter and perceptions can change. As a marketing
5 professional, my motto is "Perception is Reality," and I
6 think that all of us volunteered to be on this Commission
7 because we would like to restore faith in the electoral
8 process and in State Government, and so I think
9 perception is unfortunately a very important factor that
10 we must consider. And I was one of the folks that voted
11 to not apply the Conflicts Policy strictly at the
12 beginning, and the reason was precisely as was stated
13 before, that up until this first independent Commission,
14 this has always been a partisan process, so we were bound
15 to have a small pool of qualified applicants who are
16 going to be working on one side or the other, and I
17 wanted to make sure we didn't restrict the pool before we
18 started the selection. Given that a lot of work was done
19 to get a good pool, you know, I think that we do have the
20 luxury of applying the Conflicts Policy at this point. I
21 do think that - and I said this on Tuesday when we were
22 just looking at paper applications, that I was impressed
23 by the fact that one firm clearly had tried to take a
24 balanced approach, and I know that some members of the
25 public have still objected to one partner on the team,

1 Mr. Kolkey, but I stated on Tuesday, and I still believe
2 this, and I think the fact that he was very involved in
3 the drafting of Prop. 11 and was, in fact, the Drafter of
4 Prop. 20, to me, is very much a mitigating factor. I
5 also, again, defer to my legal colleagues, the fact that
6 his being an Appellate Judge means that he had to pass
7 fairly strict peer review about his ability to be
8 impartial. So, I clearly think one firm has a more
9 balanced approach.

10 The other thing that I think a concern that was
11 raised that is a concern to me because I'm on the Finance
12 Advisory Committee is our budget and it sounds like we
13 were not offered an apples to apples number here on cost.
14 And I would certainly hope that there is room for
15 negotiations, it does not sound like they gave us fixed
16 costs, it sounds like they gave us an hourly rate, and so
17 that there would be an opportunity to manage the scope.
18 And I want to remind everyone that we have an in-house
19 crack legal team between Mr. Miller and Ms. Johnson, and
20 we hired them because they're generalists, highly skilled
21 generalists, with a lot of experience in managing outside
22 counsel. So, I would hope that, between the two of them,
23 that they would be able to work extremely effectively
24 with outside counsel to manage and contain costs, and
25 ensure that we're getting the best value for our money,

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1 so I would not take any number thrown out at the
2 beginning of a negotiation as our final cost. That's all
3 I have to say.

4 CHAIRPERSON FILKINS WEBBER: Thank you,
5 Commissioner Dai. It has been some time, but the next in
6 order was Commissioner Di Guilio.

7 COMMISSIONER DI GUILIO: I have a quick question
8 for the Committee, as well, but maybe it's been addressed
9 a little bit with Commissioner Dai, which was I
10 understand there's the individuals maybe with Ms. Leoni
11 and Nielson, Merksamer, and there was a discussion about
12 her having a firewall, and some of the issues with her.
13 I'm also hearing to some extent that Mr. Kolkey - there
14 may have been some issues with him, with Gibson, Dunn,
15 but maybe not because there's - maybe if the Committee
16 feels there's not really the issues in terms of a need
17 for firewall, or was that presented yesterday? Was there
18 any discussion in terms of does the committee think
19 there's any need to have Mr. Kolkey remove himself a
20 little bit? Or was that because of his affiliation as a
21 Judge, and the lesser role in the Republican Central
22 Committee that Mr. Ancheta looked at? I'm just curious
23 as to the need for Mr. Kolkey.

24 COMMISSIONER BLANCO: My sense is, by the end of
25 the discussion last night, we did not feel a need to have

1 any particular special structure for the Gibson, Dunn
2 firm, that the team presented was the team that we would
3 be supporting.

4 CHAIRPERSON FILKINS WEBBER: So, it was fully
5 discussed. Next in order. Commissioner Ontai.

6 COMMISSIONER ONTAI: I don't know if this is
7 appropriate, but if we could have - are both firms here
8 in the audience?

9 CHAIRPERSON FILKINS WEBBER: Representatives from
10 each, yes.

11 COMMISSIONER ONTAI: I would like to hear from
12 each one in a very brief manner who you would describe
13 your firewall.

14 CHAIRPERSON FILKINS WEBBER: Next in order is
15 Commissioner Galambos Malloy. We'll discuss that
16 momentarily, Commissioner Ontai.

17 COMMISSIONER GALAMBOS MALLOY: To go back to the
18 budget numbers, my sense from having observed the
19 interviews yesterday was that the \$150,000 amount that
20 was presented by the Nielson firm - I'm sorry,
21 Commissioner Ancheta, I had the Powerpoint here - but
22 there were some questions, and I think the reason the
23 budget issue came up on the committee was that the sense
24 was that we might need more than what was included in the
25 \$150,000, so, again, I don't think we're exactly

1 comparing apples to apples if we look at \$150,000 vs.
2 \$200,000. The \$150,000, we have a menu, I believe this
3 Powerpoint is available, we certainly have a copy I can
4 pass around, but it only actually included for our VRA
5 counsel to be a three total Commission meetings over the
6 course of the coming months. Of course, there was the
7 option, services at additional cost would include
8 attending more meetings, additional legal written
9 memoranda, etc., etc., so, again, I think in both cases
10 the numbers are soft.

11 CHAIRPERSON FILKINS WEBBER: Thank you,
12 Commissioner Yao.

13 COMMISSIONER YAO: This is a question for
14 counsel. It's my understanding that we have to evaluate
15 both contractors, potential contractors, based on what
16 they have submitted to us. The discussion that we have
17 had periodically about negotiating the rate, and on and
18 on, that really should not be part of our consideration.
19 I'm hoping that whoever we select after the selection
20 will better the proposal rate, but to any discussion
21 about lowering the rate, and on and on, I don't think we
22 can take that into consideration as part of our
23 discussions. I'd like a reading on that, please.

24 MR. MILLER: The first thing I'd say, this is
25 different than the next discussion we're going to have

1 about the line drawers, where there are more strict
2 rules, if you will, around the selection process. So,
3 you do have more latitude in your discussion here than in
4 the next one, although we'll talk about the rules for the
5 next one when we get there. It would be nice if there w
6 as a jury instruction we could read to you that says
7 you're limited to the evidence that was presented in the
8 trial, and you can't go out to the accident scene and
9 make your own determination. The fact is, it's not that
10 strict. I would suggest that it is useful, however, to
11 follow something like that because those are all the
12 facts that we actually have, is what was presented to the
13 committee, and in the papers, so that your admonition is
14 probably a useful one, that when we go outside of those
15 presentations, we are speculating a bit.

16 Now, without wishing to make a comment on either
17 of the two firms that are present, I just think that it's
18 useful - I believe it was Mr. Ancheta who made the
19 reference to, or maybe it was Mr. Forbes - the proposed
20 costs submitted by the Washington firms. Those firms
21 have a fraction of the overhead of either of the two that
22 are being considered here, and at the same time, their
23 upper number was about \$200,000, so I think it's useful
24 to have in mind the fact that we have an extraordinarily
25 tight budget when we're thinking in terms of \$150, and I

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1 use the other firms as a measure of that.

2 CHAIRPERSON FILKINS WEBBER: Thank you. Just in
3 response to Commissioner Ontai's suggestion, I would like
4 to comment that the Legal Advisory Committee did discuss
5 in detail whether we would have representatives from each
6 of the firms come before this Commission, and we felt
7 that it was a most efficient manner for us not to do that
8 because there was no necessity to reiterate everything
9 that we had done yesterday in the Legal Advisory, and we
10 certainly did not want to waste the Commission's time, so
11 that was fully discussed and the recommendation was that
12 we would not ask for them to make any presentation today,
13 given that we were not coming before you with a
14 recommendation of only one firm, which we had agendized
15 for presentation from proposed counsel if the Legal
16 Committee could make a single recommendation, but since
17 we could not do that, we felt it was fair for the
18 Commissioners' time, staff time, public time, and the
19 firms themselves, not to reiterate what we had put them
20 through yesterday.

21 So, I'd like to hear from anybody else who has
22 not commented, which would be Commissioner Barabba.

23 COMMISSIONER BARABBA: I found both arguments
24 quite compelling, I could understand why you were there
25 so late last night. And the one issue that I think you

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1 raised, Commissioner Webber, was the two younger members
2 of the firm from Gibson, Dunn & Crutcher. I couldn't
3 help but recall in 1980 we had a stay on our ability to
4 deliver the number to the President by an Appellate
5 Judge, and that evening before, Justice Thurgood Marshall
6 lifted the stay, so we had a little party the next day in
7 my office, and we had the senior members of the Justice
8 Department Legal staff, and this young kid walked in,
9 Levis and really fluffed up hair, and I said, "Who is
10 he?" And he said, "Well, he's the one who wrote the
11 appeal."

12 [Laughter]

13 COMMISSIONER BARABBA: And I said, "I'm glad I
14 found that out today." So, it just seems to me that
15 everything else that was said, it's what is making it so
16 tough to make a decision on this one, but I don't think I
17 would base it on whether there were some young people
18 being represented, as long as they had some of the smart
19 guys right behind them, as well - experienced, I should
20 say.

21 CHAIRPERSON FILKINS WEBBER: Certainly didn't
22 suggest it on age, at all. Given the hour, I do want to
23 hear - I think this is a very good discussion on the
24 agenda we have come upon 3:00, we have been going some
25 time, since lunch, so I would like to consider a break,

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1 so I may confer also with our Executive Director
2 regarding the timing for the remaining portion of the
3 agenda. But I would like to keep in mind that, if we are
4 getting close, I would like to entertain a motion and
5 divert the conversation in that regard, so we can get on
6 to our other matters on the agenda. Commissioner Yao, is
7 it brief, before we take a break?

8 COMMISSIONER YAO: Yeah.

9 CHAIRPERSON FILKINS WEBBER: Okay, please.

10 COMMISSIONER YAO: This is a procedural matter
11 before us. In the event we could not reach a majority
12 decision, what is our likely next step? Because I would
13 want to entertain that possibility and react accordingly.

14 CHAIRPERSON FILKINS WEBBER: This is a super
15 majority vote.

16 MR. MILLER: Absolutely.

17 CHAIRPERSON FILKINS WEBBER: So it will require
18 three votes -- just for the members of the public -- and
19 three votes from the Republicans, three votes from the
20 Democrats, and two votes from the Undeclared, as a
21 reminder - three, excuse me, sorry. So, I would defer to
22 counsel as to what procedural recommendations to the
23 extent to which we did not make a vote, we would consider
24 further deliberation and discussion over all of the
25 candidates, I mean, although Legal had made the

1 recommendation of bringing these two forth, there's been
2 no final determination, nor did Advisory have any power
3 to consider an actual vote, so each - every candidate
4 whose material has been presented to you is still up for
5 consideration. Counsel, do you have anything to add to
6 that?

7 MR. MILLER: The statute does not give this to
8 the California Supreme Court to decide.

9 [Laughter]

10 MR. MILLER: We would have to use our own
11 discretion in terms of the most prudent path to move
12 forward if the vote is not attained for one of the two.

13 CHAIRPERSON FILKINS WEBBER: Certainly.

14 MR. MILLER: So we're kind of back to the drawing
15 board to figure out what our most prudent path is.

16 CHAIRPERSON FILKINS WEBBER: Exactly, and so Commissioner
17 Dai can think about those options while we're on break,
18 that would be great. We'll take a 10-minute break, on my
19 watch that is 3:07, and be back here at like 3:17.

20 (Recess at 3:07 p.m.)

21 (Reconvene at 3:22 p.m.)

22 CHAIRPERSON FILKINS WEBBER: I would like to just
23 remind the Commission and the public, we are - we're
24 striving desperately to keep it in accordance with the
25 timeline that we have presented in our agendas on the

1 Web, and I certainly recognize the importance of item 5,
2 which is the presentation from staff regarding the
3 schedule, and the methodology for evaluating the
4 Technical Consultant proposals that we are going to do
5 tomorrow. I do not want to delay that introduction, but
6 obviously it has been delayed for 20 minutes now. What I
7 would like to do is continue this VRA discussion until
8 approximately 3:30. In the event that nothing is
9 accomplished between now and 3:30, and that the
10 Commission feels that there is a necessity for continued
11 discussion, maybe if there is no motion, I can't predict
12 what's going to happen in the next 10 minutes, but I will
13 then postpone any further discussion on the VRA issue to
14 allow staff an opportunity to make a presentation because
15 we also feel it is very necessary that the public has
16 advised us they want to know this methodology, and it
17 will provide them at least 12 plus hours to comment on
18 the methodology before we get into the selection of
19 technical experts tomorrow morning. So, again,
20 accommodating recommendations made by the public. So,
21 I'd like the Commission to keep that in mind.

22 With that, is there any further discussion from
23 possibly any Commission members that haven't already
24 spoken? Commissioner Ontai, I don't believe, has
25 discussed way in more detail, other than asking a

1 question. Otherwise, I'm sorry? Commissioner Barabba
2 talked a little bit. But if there's any other
3 discussion, I don't know if Commissioner Parvenu - okay,
4 Commissioner Ontai, anything further?

5 COMMISSIONER ONTAI: No.

6 CHAIRPERSON FILKINS WEBBER: Then I certainly
7 feel this may be an opportune time to entertain any
8 appropriate - Commissioner Ward, did you have something
9 you wanted to say?

10 COMMISSIONER WARD: Are you closing input? Or -

11 CHAIRPERSON FILKINS WEBBER: Well, no, the floor
12 is open for further discussion. I mean, if nobody else
13 has anything else to discuss, then I would entertain a
14 motion.

15 COMMISSIONER WARD: I'd like to make one more
16 comment.

17 CHAIRPERSON FILKINS WEBBER: Oh, certainly,
18 please.

19 COMMISSIONER WARD: Thank you, Madam. I just
20 want to say - make my point, I guess, real clear. I
21 don't really care who gets it, I don't care. What I care
22 is the process that we use to do it, and what I've
23 understood and what I've heard and what I've listened to
24 is a process that, again, leads to the end conclusion
25 that we're trying to figure out how to pay more for less.

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1 And why is that? That's what I'm asking, why? I've
2 heard - from yesterday, I'm still trying to figure out
3 why - why? How can we justify that? And the answer I
4 get is fear. One of the Commissioners stated that
5 "Perception is Reality." Well, that's the perception
6 with this vote. If you vote on the merits and the facts
7 of these two and the presentations they've presented,
8 you're voting, how can we spend more taxpayer money to
9 get less. And the only explanation I have still yet to
10 hear is one Commissioner used the word "fear," the other
11 used "perceptions," and the other used "Lobbyist." And
12 when it comes to fear, it was stated that they've
13 defended against - we're going to draw maps, there is
14 likely going to be challenges to those. Guess what that
15 means? Someone is going to have to defend our maps.
16 That's what happens. Because someone chooses to take on
17 that role of defending our maps, should that be held
18 against them in future employment opportunities? For
19 future debate, should that be a scowl against them?
20 That's part of the process and, so, if there's fear, or
21 if there's a perceptual thing that is real, that should
22 preclude these people from getting it, I'd like to hear
23 it because I'd like to change my opinion. But my
24 concern, again, and all of this is the process, and the
25 other concern was that it was stated that she was - the

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1 problem was her being a registered Lobbyist, and the
2 facts as they were presented during presentations is that
3 she is not a registered Lobbyist, that at one time, she
4 had the opportunity to represent three different families
5 and one School Board, and the State required her to
6 register - to anybody who wanted to represent them, which
7 is what lawyers do - must register as a Lobbyist, and as
8 soon as those cases were done, the registration lapsed.
9 I just don't want the perception to be that her career,
10 or the person that is in question's career, was as a
11 Lobbyist, that's certainly different from what the facts
12 are, and I think that's what, again, the public is going
13 to evaluate is what are the facts against what is
14 perception. And so, in this case, I agree, perception is
15 reality, and that's what we're going to be judged by, and
16 if we make a vote based on fear and perceptions and
17 things like that, we have to be able to explain it. And
18 if we can't explain it in merit, and we can't explain it
19 with something tangible, I offer that that is far more
20 damaging to this Commission than either of these two
21 options.

22 CHAIRPERSON FILKINS WEBBER: Thank you,
23 Commissioner Ward. Commissioner Yao.

24 COMMISSIONER YAO: I think handed to us at the
25 beginning of the day was a couple sheets of paper titled

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1 "Bid Evaluation Guide." Oh, that's for the second one?
2 This does not apply to - okay. I just needed that
3 clarification. Thank you.

4 CHAIRPERSON FILKINS WEBBER: Commissioner Raya.

5 COMMISSIONER RAYA: Okay, it's my intention to
6 make a motion, but there are a couple things I just
7 wanted to precede it with, if I may. One has to do with
8 the whole issue of partisanship - yes, it is, I'm sorry,
9 I'll get closer - I have a problem with these big chairs.
10 Okay, you know, we have received so many comments, in
11 fact, probably since 8:00 this morning, I don't know,
12 what? Fifty or - not just on this issue, but you know,
13 it's very gratifying to know that the public is weighing
14 in. On the other hand, you know, from the beginning,
15 reading comments that address - this one is a Republican,
16 this one is a Democrat, you know, back and forth, back
17 and forth, you know, I think we also have to look at them
18 in the same way that we look at ourselves, we acknowledge
19 what our own biases or perceptions might be, and then we
20 try to work around them, and so I try to do that, too,
21 when I'm reading the comments that have come in. So,
22 saying that, I think, in the end, I have to just say,
23 what's my judgment in this case? I have a lot of
24 confidence in the Legal Advisory Committee, I think you
25 did a tremendous job of sifting through a lot of

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1 information, asking questions, analyzing, and I value
2 everyone's opinion. But, in the end, I guess I'm going
3 to go with what I think is how I look at things when I'm
4 hiring someone, and it's not just the resume, so I say,
5 "Oh, this person has many more accomplishments than the
6 other," I look at the skill, I look at the potential, and
7 I look at the trust issue and who I think is going to fit
8 best into the culture. So, looking at the culture of the
9 Commission, you know, we need to hire someone who - I
10 think, obviously, that the majority feel comfortable with
11 and feel that we can just move forward and get this job
12 done. So, in that vein, I move that the Commission award
13 the contract for Voting Rights Attorney to Gibson, Dunn &
14 Crutcher.

15 COMMISSIONER FORBES: Second.

16 CHAIRPERSON FILKINS WEBBER: Any further
17 discussion? Commissioner Galambos Malloy.

18 COMMISSIONER GALAMBOS MALLOY: So, earlier I
19 talked about my shift in thinking around conflict of
20 interest, and I am overall in support of the motion that
21 we're discussing now. I do have one concern in terms of
22 just consistency, and that is regarding Mr. Kolkey. My
23 concern around him does not, of course, as with most of
24 whom we're talking about today, is not around whether
25 he's qualified, whether he brings relevant experience to

1 the table, but around the fact that he was an elected
2 official within the last 10 years, and that he has been a
3 member of his party in a leadership way, also in the last
4 10 years, and really if we are essentially eliminating
5 Nielson and Merksamer from the pool on basis of real or
6 perceived conflicts of interest, I think that we should
7 consider putting a firewall or requesting that Gibson,
8 Dunn remove Mr. Kolkey from work as our VRA attorney
9 team.

10 CHAIRPERSON FILKINS WEBBER: At this point, I'm
11 not certain you can do that, unless you're proposing a
12 different motion, but the request for the bid and the
13 Statement for Qualifications included Mr. Kolkey, and
14 what you're suggesting at this point is different than
15 what was considered by the Legal Advisory Committee,
16 which is different from the proposal that has been
17 presented to this Commission, in total. And in reliance
18 on the individuals that were identified as the team that
19 would be working for this Commission. So, essentially,
20 if you're suggesting that as an option, you know, then
21 you can vote against this motion because that's
22 essentially what you're suggesting. But - any further
23 comments or discussions? Commissioner Ancheta.

24 COMMISSIONER ANCHETA: I did ask that
25 specifically of the representatives from the firm and Mr.

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1 Kolkey did say that he could be firewalled. That was not
2 their preferred team, but he could be firewalled, so I
3 think that, if the motion is simply to go with the firm,
4 maybe I can defer to Mr. Miller around the specifics of
5 how the mechanics of firewalling, whether it is - if it
6 is sufficient to say that we would hire the firm, but
7 upon retention, we would say we would like one of your
8 attorneys firewalled, if that is appropriate, or if we
9 need to sort of state that upfront? I don't have a good
10 sense either way, but maybe if there is some
11 clarification.

12 MR. MILLER: Well, if we become the client, I
13 think that we have discretion to ask or advise the firm
14 who is going to do work for the client. But at this
15 point, I think the more important thing is clarity among
16 the Commission about what you're voting for. So, it is
17 sometimes our custom here to graft on to motions that
18 don't always lead to the clarity that was the intention
19 of the original mover. This might be an opportunity to
20 vote in what I'll call a very straightforward way, and
21 then, in the event that doesn't succeed, look at other
22 options.

23 CHAIRPERSON FILKINS WEBBER: Commissioner Ward.

24 COMMISSIONER WARD: There goes Switzerland.

25 Here's the problem. That last go-round exactly proved my

1 point. We set up an argument that we had equal
2 representation bipartisanship here, and we have a
3 horribly tainted situation here. And we built that up
4 and we presented that, and then we say, "Oh, I don't want
5 firewalls, firewalls are horrible, those things are scary
6 and the public can't accept them." And now that we've
7 kind of pointed the wagons, now we're going to go ahead
8 and say, "Wait a minute, perhaps we should instill some
9 firewalls." That's my problem, that's been my point from
10 the very start, this is not - this discussion is being
11 based on things that you can't support. And the public -
12 the public is going to see this and see the way that
13 we're making these decisions, this is the start, we've
14 got a lot more to make, and this is how we're going to
15 make these decisions? It looks like partisanship. It
16 looks like gamesmanship. And I'm serious, I don't care
17 who wins it, I don't care. But I care about the process.
18 And this is ugly to me.

19 CHAIRPERSON FILKINS WEBBER: I will also comment
20 since I have withstood doing so for some time. I'm
21 absolutely astonished that there would be a suggestion
22 that we put this to a firm and you firewall one person,
23 and yet you leave it up to the firm to have discretion to
24 select the attorneys? We're here to discuss the
25 individuals that have presented their Statement of

1 Qualifications to us, and now there's a possibility that
2 you want to firewall somebody which you had feared
3 firewalls in this entire discussion, and then leave it
4 open to the firm to, what, suggest somebody else and we
5 don't even know who that would be. That's absolutely
6 incredible. I feel that the motion on the floor is
7 maybe, again, I don't want to get into nuances either, so
8 if the presenter could either consider withdrawing the
9 phrase and consider rephrasing?

10 COMMISSIONER RAYA: My motion - sorry - my motion
11 was to award the contract to the firm. I have not
12 accepted any amendment to my motion.

13 CHAIRPERSON FILKINS WEBBER: Okay.

14 COMMISSIONER GALAMBOS MALLOY: And I never
15 offered a formal amendment. We were in discussion mode,
16 as I understood it.

17 CHAIRPERSON FILKINS WEBBER: Okay. Further
18 discussion? Commissioner Di Giulio, did you want to -

19 COMMISSIONER DI GIULIO: As I understand the
20 motion, in the earlier question I'd had about Mr. Kolkey
21 as to whether or not the Legal Committee felt there was
22 the need to have them firewalled, as I understood, that
23 was not a recommendation, and I would accept that
24 recommendation, so the motion that has been on the table
25 is one that I feel is appropriate without the need for

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1 amendment at this point.

2 CHAIRPERSON FILKINS WEBBER: Any further
3 discussion?

4 COMMISSIONER BLANCO: On the motion?

5 CHAIRPERSON FILKINS WEBBER: Yes, that's what we
6 have right now. From any Commission member.

7 COMMISSIONER ANCHETA: I'm sorry, because we're
8 sort of for the first time dealing with sort of real time
9 thing, there is an email that has been sent, which I or
10 someone else can read during the public comment -

11 CHAIRPERSON FILKINS WEBBER: I haven't opened it
12 up to public comment.

13 COMMISSIONER ANCHETA: Right, but I wanted just
14 procedurally, I'm going to raise it during public
15 comment, but since I'm the Commissioner, I'm doing it
16 during public comment, I want to be clear that that's
17 what we're doing, as opposed to my just doing it now.

18 CHAIRPERSON FILKINS WEBBER: I understood it when
19 you had explained it previously, and we haven't gotten
20 there yet. Any further discussion from any other
21 Commission member? Anyone who hasn't been heard from
22 previously, Commissioner Ward, but anybody else?

23 COMMISSIONER BLANCO: Well, I just want to
24 express my support for, you know, we have a unique
25 opportunity here and I think in the midst of all this

1 long day and discussion, what we're missing is this
2 opportunity with Gibson, Dunn, to actually have - if we
3 could step back a little bit, like five steps, that we
4 have the unique opportunity, actually, of having a firm
5 that is highly qualified.

6 I want to make the point that I think I made
7 earlier, if not, that the experience that the firm has
8 with the California Voting Rights Act is highly relevant,
9 and I think maybe this was, you know, the meetings are
10 kind of merging in my mind, but I pointed out, I think,
11 in the Legal Advisory Committee that the California
12 Voting Rights Act is modeled precisely after the Federal
13 Voting Rights Act. When our requirements, the way I
14 interpret the Regs about our obligation to hire a Voting
15 Rights Act Attorney, there is no such thing, per se, you
16 know, it's not like -- you don't walk around saying, "I'm
17 a VRA Attorney." What it means, though, is that you're
18 familiar with the concept of the law, the philosophy, the
19 application of the concepts that we have been discussing
20 over the past several weeks, the maximizing, you know,
21 Majority-Minority Districts, racial polarization, how to
22 prevent dilution, you know, there are all those concepts
23 are contained in the California Voting Rights Act, so if
24 we have an attorney on a team that knows the California
25 Voting Rights Act and has litigated those cases, and

1 worked with experts, witnesses, maps, etc., I feel we
2 have a Voting Rights Attorney. And I think that was --
3 in the midst of the conversation about conflicts and all
4 that, I don't know that we've explored that or stated
5 that strongly enough, or that I have stated that strongly
6 enough. And I think that, with Mr. Kolkey, I expressed
7 that I don't have reservations, I know we're getting
8 public comment, I think that we have here what kind of in
9 a way we're hoping that we have two people that perhaps
10 bring a different perspective, and maybe identify in
11 different ways, but we have them both on the same team
12 with a very good firm. I don't think the \$250,000, as
13 has been mentioned, is outside of the - the sole
14 practitioners were going to charge us \$200,000, I think
15 we should and I would - I know they're in the audience, I
16 would really, if this ever went to them, I want you to
17 negotiate with us on your price, and I just want to add
18 those comments because I don't think we discussed some of
19 those nuances well earlier.

20 CHAIRPERSON FILKINS WEBBER: Anything further
21 from any Commissioner before I open it up? Commissioner
22 Parvenu.

23 COMMISSIONER PARVENU: Prior to voting, I just
24 want to add my comments here. I appreciate all the
25 difficult and hard work that the Legal Advisory Committee

1 has done to bring us this far, but I'm inclined to
2 abstain my vote because, for all the reasons that were
3 mentioned earlier, I'm leaning in this direction not out
4 of fear, Commissioner Ward, but out of concern for all
5 the reasons that were mentioned earlier -- Mr. Kolkey's
6 still continued strong ties with the Republican Party,
7 I'm Decline to State, Independent, so I'm not leaning in
8 either direction in terms of Republican or Democratic
9 nominees for this position. My two favorite, by the way,
10 happen to have been eliminated from the selection
11 process. But, anyway, that being said, I'm very much
12 concerned about perception, as was stated before, and I
13 can't repeat all the points that were made about Lobbyist
14 connections and ties, but I have an overriding concern
15 about that and my gut feeling is telling me to abstain
16 from this vote. Although I know Gibson, Dunn is highly
17 qualified, as well as Ms. Leoni, my gut feeling tells me
18 to hold back on this one because I can't for the record
19 live with a clear conscience knowing that I've voted and
20 contributed to this particular perception.

21 CHAIRPERSON FILKINS WEBBER: Anything further
22 from the Commission? One more, as long as you're not
23 repeating everything because I've heard everything that
24 everybody said before, except for Commissioner Parvenu.
25 Commissioner Di Guilio.

1 COMMISSIONER DI GIULIO: Just briefly, I think
2 it's very important before we go to public comments that
3 we make one last point because I think this will come up
4 probably tomorrow in the Technical Review, is that the
5 public is very aware that we, as a Commission, are the
6 ones that are in charge, that regardless of who we get
7 for the Voting Rights Attorney, or the Technical
8 Consultant, as much as we can, we are trying to eliminate
9 as much as possible any conflicts of interest, we are not
10 base - we are intelligent individuals, we are being
11 reflective on these proposals, and we can make our own
12 independent decision, not in fear, or anything else, but
13 based on our own responsible, intelligent decisions, and
14 that I hope the public has confidence in us as 14
15 individuals who will remain on task in terms of
16 continuing that impartiality and the bipartisan - well,
17 more than that since there's three of us - but the
18 fairness that the public demands from us, and we take
19 that task to heart, and we will continue that regardless
20 of who is selected as our VRA attorney, or our Technical
21 Consultant, I think it's very important the public knows
22 that we keep that close at heart.

23 CHAIRPERSON FILKINS WEBBER: Thank you. If
24 nothing very significant, I would like to open it up to
25 public comment. In that regard, we are striving to be on

1 top of the public's recommendations for this, and we do
2 have the option at this point of having real time public
3 comments which Commissioner Ancheta is going to present
4 at this first opportune moment for public comment. I
5 would like to, though, also reiterate our procedure of
6 three to five minutes. May I have a show of hands of the
7 number of individuals in the audience who wish to - eight
8 - we're beyond our limit of six, so it is our practice in
9 order for the efficiency of time and to also consider the
10 concerns of the public, three minutes will be allotted
11 for public comment. Commissioner Ancheta.

12 COMMISSIONER ANCHETA: I'll try to stick to three
13 minutes.

14 CHAIRPERSON FILKINS WEBBER: I would also like
15 Ms. Sargis to keep track of the time, and to advise
16 members of the public when they have one minute, as well
17 as 30 seconds, because three minutes is a short period of
18 time.

19 COMMISSIONER ANCHETA: Okay, so this is a new
20 process for us, this is coming via email, directly to the
21 Commissioners and to the Voters First Act, and so the
22 normal posting has not occurred, this is not available, I
23 think, at this point on the Web because it's coming very
24 close to the time we're actually speaking. So, this is a
25 letter presented by Eugene Lee of the Asian Pacific

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1 American Legal Center on behalf of the Legal Center, the
2 National Association of the Latino Elected and Appointed
3 Officials Educational Fund, and the African American
4 Redistricting Collaborative. I'm going to summarize as
5 much as I can, but I do want to stress some of the
6 highlights here. They write to inform the Commission
7 that neither firm is qualified to serve as the
8 Commission's VRA counsel based on the information
9 submitted to the Commission about their work. Although
10 they recognize that neither firm meets the requirements
11 set forth in the Act, the Statutory provisions of the
12 Act, which provides the Commission shall require that at
13 least one of the legal counsel hired by the Commission
14 has demonstrated extensive experience and expertise in
15 implementation [highlighted] and enforcement of the
16 Federal Voting Rights Act of 1965. The plain meaning of
17 the Section is clear, VRA counsel must have experience in
18 both of those elements. They go on to say that neither
19 firm has sufficient experience here, they do believe the
20 two other candidates, Federal Compliance Consulting, and
21 GRD Consulting, given their experience in the Justice
22 Department, do in fact satisfy the requirements of the
23 Act. In the event that the Commission unwisely decides
24 to ignore the plain meaning of the Section and consider
25 the two candidates recommended by the Committee, they

1 would ask us to apply the conflicts provision. [Bolded]
2 *"It would be a grave abuse of this discretion for the*
3 *Commission not to strictly apply all of the conflicts*
4 *provisions to candidates for VRA Counsel. VRA Counsel is*
5 *central to the Act, itself. The mandatory nature of the*
6 *Voting Rights Act Counsel is, in fact, important."* They
7 advise us, therefore, to apply the conflicts provision to
8 candidates for VRA Counsel means two things, 1) that as
9 candidates of the firm that are conflicted out cannot be
10 considered for VRA Counsel. This means that Nielson,
11 Merksamer cannot serve as VRA Counsel. Neilson,
12 Merksamer is a registered lobbying firm, as noted in the
13 firm's application; 2) -

14 MS. SARGIS: One minute left.

15 COMMISSIONER ANCHETA: Okay. If a firm is not
16 itself conflicted out, is selected as VRA Counsel, then
17 the individual employees of the firm who are conflicted
18 out cannot conduct any of the work that the firm provides
19 for the Commission and must be firewalled. This means
20 that if the Commission selects Gibson, Dunn as VRA
21 counsel, then Daniel Kolkey cannot conduct any of the
22 work that Gibson, Dunn provides to the Commission. Mr.
23 Kolkey was elected to State Office within the past 10
24 years, and also was a member of the Party's Central
25 Committee, Republican Party Central Committee - I added

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1 "Republican" - Party Central Committee within the past 10
2 years, as noted in the firm's application.

3 MS. SARGIS: Thirty seconds.

4 COMMISSIONER ANCHETA: I'll read the last, I'm
5 near the end, "We also note that the two other candidates
6 who the Legal Advisory Committee interviewed on March 17th
7 have no conflicts under the provisions set forth in the
8 Code according to their applications." Basically end of
9 their letter.

10 CHAIRPERSON FILKINS WEBBER: Thank you,
11 Commissioner Ancheta. This is a new process and we're
12 trying it out right now and, again, I do think we need to
13 hold to the timeline. That's not to say that we're
14 ignoring everything else that he might have skipped, this
15 is going to be posted on the Web, with everything else.
16 I'm sorry, did you -

17 COMMISSIONER BLANCO: No, no, I'm just wondering
18 what this is in reference to -

19 MR. MILLER: A member of the public provided that
20 document and asked that it be distributed to the
21 Commissioners. It's just as if it were posted on the
22 Web, it should receive no extra weight, it's just that it
23 came in this form.

24 CHAIRPERSON FILKINS WEBBER: And, Mr. Miller,
25 would you like it read now for the purpose -

1 MR. MILLER: No, I don't think that's
2 appropriate, it -

3 CHAIRPERSON FILKINS WEBBER: Is this something we
4 are supposed to consider right now in the opening of
5 public comment on this agenda item?

6 MR. MILLER: You may read it at this time and if
7 you are able to do that.

8 CHAIRPERSON FILKINS WEBBER: Okay, thank you, but
9 given the circumstances of time, we will -

10 MR. MILLER: I think it's fair to treat it as if
11 it were posted on the Web. I think that would be the
12 best procedure, but -

13 COMMISSIONER ANCHETA: Just one side comment.
14 Obviously, this is the first time we're doing it, but I
15 could imagine that any emails coming in, the volume would
16 be significant and we should address this through a
17 process at some point after this agenda item is
18 concluded.

19 CHAIRPERSON FILKINS WEBBER: Certainly, had you
20 told me we had 10 or 15, we might have picked a different
21 process, but I thought we - and we've completed
22 disregarded my other schedule, but I do feel it's
23 important, that there are a number of people here to
24 address this particular agenda item and we will continue
25 to go forward.

1 First member of the public who wishes to address
2 the Commission on the motion on the floor, particularly,
3 which is the proposal to award a contract to Gibson, Dunn
4 & Crutcher. The microphone is open, I thought there were
5 at least six people, seven people, please.

6 MR. KIMBALL: My name is Steve Kimball. I'm a
7 partner at Stevens, O'Connell & Jacobs, a law firm here
8 in Sacramento. I'm happy to support the application and
9 the motion for Gibson, Dunn & Crutcher to be awarded the
10 position of VRA counsel to this Commission. There has
11 been some discussion about Mr. Kolkey vis a vis conflict
12 of interest and his impartiality. I was a staff attorney
13 for Mr. Kolkey for three years at the California Court of
14 Appeal. I worked on dozens of cases with Mr. Kolkey at
15 that time when he was an Associate Justice, and he was
16 incredibly impartial. Our approach, when we were working
17 on a case was to find out what the law said, and he was
18 unbelievably diligent in that respect. We would get to
19 the bottom of it no matter what. I remember the first
20 case that I worked on with Justice Kolkey was a case
21 involving Burglary law, and I was a Civil Lawyer at
22 Gibson, Dunn & Crutcher, I did not know California Common
23 Law about Burglary, but that case has not been cited
24 something as a treatise on Burglary law because we went
25 so far and so deep in finding out what it meant and what

1 the law was, and I can guarantee you, Gibson, Dunn &
2 Crutcher, with Mr. Kolkey or without him, will give you
3 that kind of service. They are in this nation one of the
4 ultimate law firms as far as service, as far as
5 knowledge, as far as expertise, as far as being the depth
6 and breadth of the work that you will get for them, and
7 you get your money's worth when it comes to Gibson, Dunn
8 & Crutcher. They are not expensive, especially at the
9 rate that I heard here today, given what you're going to
10 get out of them, and they staff their cases leanly, but
11 thoroughly, so that -

12 MS. SARGIS: One minute.

13 MR. KIMBALL: -- everything is covered and there
14 is no extra. I also wanted to advise the Commission that
15 my partner, Chuck Stevens, who was formerly the U.S.
16 Attorney of the Eastern District in California would have
17 liked to have been here to also support Gibson, Dunn and
18 Crutcher. Gibson, Dunn and Crutcher was - he was also a
19 partner, he was a partner with Dan Kolkey back in the
20 '80s and '90s, until he became the U.S. Attorney, and in
21 fact, they worked on redistricting issues together.

22 MS. SARGIS: Thirty second.

23 MR. KIMBALL: And he told me earlier today he was
24 incredibly impressed at the intelligence, at the
25 integrity, at the unbelievable attention to detail that

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1 you get from Mr. Kolkey, and I'll add my experience with
2 Gibson, Dunn and Crutcher, both when I worked there, and
3 when I saw briefs from them at the Court of Appeal, and
4 when I worked in conjunction with them afterwards -

5 MS. SARGIS: Time.

6 MR. KIMBALL: -- it is to the same effect, so
7 thank you very much.

8 [Laughter]

9 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
10 Kimball. Anyone else who would like to address this
11 Commission? Ms. Leoni.

12 MS. LEONI: Thank you, Madam Chairman, members of
13 the Commission, and I thank you all for your kind and
14 thorough consideration of our application to be your
15 Voting Rights Attorney. I do want to address a couple of
16 matters. First, I do believe we have unique
17 qualifications and experience that would serve you well,
18 and we would like to represent you. We do not represent
19 either of the political parties, and any relationship we
20 had as counsel to the Republican side ended years ago.
21 We do not represent political candidates. We, as a firm,
22 do not make political contributions. Being thoroughly
23 involved in the public life of this state, our
24 representation of clients does require, under the law,
25 for us to register as Lobbyists. We have presented to

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1 you and hopefully that you would find thorough a manner
2 of walling off our attorneys who do lobby from the team
3 that would represent you. And at any time, I would be
4 pleased to go into those details.

5 An issue has been raised about our representation
6 of Counties. We haven't been retained by them with
7 regard to this process. If you are our client, we would
8 not accept any such representation.

9 An issue has been raised with regard to our
10 capability to enforce the Federal Voting Rights Act and
11 our representation of Counties who are subject to the
12 special provisions. The purpose of our representation is
13 to ensure enforcement, and we do that adequately.

14 MS. SARGIS: One minute.

15 MS. LEONI: We are the only counsel before you
16 that has experience in filing and defending Section 5
17 submissions. We think both firms you have before you
18 would do a good job. I think we would do better because
19 we have hands-on experience. You've received a letter
20 which calls into question my representations with regard
21 to the -

22 MS. SARGIS: Thirty seconds.

23 MS. LEONI: -- Arizona Commission, excuse me?

24 MS. SARGIS: Thirty seconds.

25 MS. LEONI: With regard to the Arizona

1 Commission. I would reiterate that we were counsel on
2 the consulting team, we set up that process.

3 An issue was raised with regard to our
4 representations on the City of Hanford. The
5 Redistricting Plan we created for that City was Pre-
6 Cleared.

7 I would hope you would consider us on the merits.
8 And thank you very much.

9 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.
10 Leoni. Any other member of the public that wishes to
11 address this Commission on the motion on the floor to
12 consider Gibson, Dunn & Crutcher?

13 MR. GOLKA: Good afternoon, Commissioners.
14 Joshua Golka representing the California School Employees
15 Association. Thank you once again for the time to come
16 before you and provide our input on this important
17 process. Despite the concerns that I raised at the
18 Advisory Committee Meeting last evening, we would support
19 the motion to approve Gibson, Dunn & Crutcher as Voting
20 Rights Counsel. And the reason for us is clear, given
21 the choices that you have before you.

22 There has been a lot of discussion today, and a
23 lot of it has dealt with the track record, and so there
24 has been some discussion about Nielson, Merksamer's
25 lobbying clients and who they are, and who they

1 represent, and there's been some discussion about the
2 Secretary of State's website, so I brought with me today
3 a listing of Nielson, Merksamer's lobbying clients for
4 this legislative session, 60 plus clients that include
5 Counties and others, that you can read through. The
6 firm, since the year 2000, has made nearly \$50 million
7 and received nearly \$50 million in lobbying payments from
8 clients like the ones that are listed.

9 On its own website, the *San Diego Union Tribune*
10 has said that the firm's client list reads like a Who's
11 Who of American Industry. And there's been a lot of
12 discussion today about perceptions and otherwise, but
13 here you have a clear track record before you of a firm
14 that clearly lobbies for clients and, we think, provides
15 a clear conflict that a firewall isn't going to fix. And
16 while Ms. Leoni did state that their firm does not make
17 political contributions, their clients, particularly
18 their lobbying clients, most certainly do. And as I
19 mentioned last night, we would be very concerned about -
20 and their clients, I'm sure, are very concerned about the
21 impact that redistricting will have on their business,
22 not only in the State Legislature, but before the Board
23 of Equalization.

24 MS. SARGIS: One minute.

25 MR. GOLKA: I'd also like to talk about two other

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1 issues, one deals with this issue of challenge and the
2 bid submitted by Nielson, Merksamer is very clear that
3 they state that the bid has not been successfully
4 challenged in Court. And they very clearly use those
5 words, it doesn't say that they haven't been challenged,
6 it doesn't say that they haven't beat some of those in
7 Court, but it very clearly focused on the word
8 "successful" and "challenged in court." And there's been
9 discussion about the time in Arizona -

10 MS. SARGIS: Thirty seconds.

11 MR. GOLKA: -- where the Department of Justice
12 refused to pre-clear Arizona's plans, and they had to be
13 rewritten before they could be used. So, they haven't
14 come without challenge, they just haven't gotten all the
15 way through the process before they were actually fixed.
16 So, we would like you to keep that in mind. And they say
17 they don't represent candidates for office, but they have
18 and do represent sitting Legislators, and so we would ask
19 you to look closer into that if for any reason the
20 proposal to move -

21 MS. SARGIS: Time.

22 MR. GOLKA: -- Gibson, Dunn & Crutcher does not
23 move forward. Thank you.

24 CHAIRPERSON FILKINS WEBBER: Thank you. Any
25 other members of the public?

1 MR. SALAVERY: Good evening, ladies and
2 gentlemen, David Salaverry again. I'd like to start out
3 to say that I wish I could fully understand the process
4 in front of me here, but, honestly, for a lay member of
5 the general public, it's probably just too complex and,
6 you know, too much is going on much too quickly.

7 I am very very relieved this morning that you did
8 disqualify the two candidates from the East Coast and
9 when I came in, like the gentleman to my right, I really
10 didn't care between the other two law firms which you
11 chose, such was my relief about the folks on the East
12 Coast. I thought that would have created a firestorm of
13 public opinion that could possibly have destroyed this
14 Commission.

15 Gibson vs. Nielson, in the morning there was a
16 suggestion that donors, philanthropists, etc. put money
17 into the pot and, you know, help support the Commission
18 in its activities. I think that's a very bad idea for
19 many reasons, which I don't have time to get into, but
20 basically I believe that that would taint the process.
21 Last night, at the meeting of the Legal Committee, it was
22 put on the table, \$100,000 more dollars added to the
23 budget to pay for the higher costs of some of the other
24 law firms besides Nielson. I'd like to talk about
25 perceptions for a second. The perception created by a

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1 \$900.00 an hour fee is, in my world, pretty extreme. And
2 even reducing that fee to \$300.00 - \$300.00, I mean, is
3 already a huge amount of money. What kind of perception
4 does that create? It creates the perception of
5 arrogance, frankly. And I think that's something that
6 you folks need to think about, clearly, and at greater
7 depth. I would hope that the Commission would stay on
8 its budget target, that would create a very positive
9 perception. Nielson is \$150,000 -

10 MS. SARGIS: One minute.

11 MR. SALAVERY: -- and one of the reasons I think
12 is quite possibly because they know what they're doing.
13 You know, they have a track record. They've been in this
14 business for a while. And finally, when we're talking
15 perceptions, we have to realize that there are many
16 different perceptions in the State of California, and the
17 conversation always seems to go to the perceptions of the
18 left, and you know, guess what?

19 MS. SARGIS: Thirty seconds.

20 MR. SALAVERY: There is a whole bunch of other
21 perceptions out there, which I think that you should
22 consider. Thank you.

23 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
24 Salaverry. Any other member of the public? Mr. Walton.

25 MR. WALTON: I'm Sam Walton and I'm representing

1 the NAACP. You've discussed this issue very thoroughly
2 as far as we're concerned, so I'm here to simply enter
3 our opinion and we support the motion that's on the
4 floor.

5 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
6 Walton. Any other member of the public who wishes to
7 address the Commission on the motion?

8 MR. RUBIN: Good afternoon. My name is Robert
9 Rubin. I'm the Director of the California Voting Rights
10 Institute at the Lawyers Committee for Civil Rights. I
11 have, as a way of background, extensive experience in
12 Section 2 of the Voting Rights Act, Section 5 of the
13 Voting Rights Act, and have been involved in all seven of
14 the cases brought under the California Voting Rights Act.

15 CHAIRPERSON FILKINS WEBBER: Can you move the
16 microphone closer? Thank you.

17 MR. RUBIN: I'd like to first just briefly
18 comment on Nielson, Merksamer's bid. They are currently
19 involved in representing the County of Merced in what is
20 called the "Bailout Procedure." I think that presents a
21 direct conflict. I don't think that I would be an
22 appropriate candidate for this position, I represent
23 plaintiffs, I represent minority interests, and trying to
24 secure their voting rights. I don't think that
25 Marguerite Leoni is appropriate either for the same

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1 reason, she represents Government interests, so, with all
2 due respect, Marguerite, I think that neither of us
3 should be in the position of bidding for this position.

4 Much has been raised about Gibson, Dunn's lack of
5 experience in the Voting Rights Act. That's just wrong
6 on the facts. I've co-counseled with them on three cases
7 now under the California Voting Rights Act. You can't
8 successfully, as we have, litigated cases under the
9 California Voting Rights Act without understanding the
10 Federal Voting Rights Act, as Ms. Blanco pointed out, it
11 is very substantially patterned after the Federal Voting
12 Rights Act, and you must understand Section 2, you have
13 to understand the Shaw cases, the 14th Amendment
14 Redistricting cases, as they do. I can assure you that
15 they are well equipped to handle the job at hand.

16 The issue of Mr. Kolkey has been raised, as well.
17 And all we would say about that is -

18 MS. SARGIS: One minute.

19 MR. RUBIN: -- if the Commission is concerned
20 about Mr. Kolkey, I'm sure that it can be addressed
21 through some procedural matter. Firewalls are not
22 unusual, I don't see anything inappropriate about them, I
23 don't think that they raise any concerns, I think, if
24 anything, they assure the public that the process will
25 not be tainted, and anyone who could conceivably taint it

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1 is not going to be involved in the process. I think that
2 the trust would be there, and I think that -

3 MS. SARGIS: Thirty seconds.

4 MR. RUBIN: -- Gibson, Dunn, under those
5 circumstances, would engender the trust of the public and
6 be a worthy candidate for this bid. Thank you.

7 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
8 Rubin. Any other member of the public who wishes to
9 address this Commission on the motion?

10 MS. O'BRIEN: Chair, Commissioners, Rachel
11 O'Brien on behalf of the California League of
12 Conservation Voters. First, I would like to thank you
13 for holding this hearing today. I would be remiss, of
14 course, if I didn't say that the Environmental Justice
15 and the incorporation of Civil and Voting Rights Acts
16 are, in fact, very synergistic and we're very happy to be
17 a part of this process today. Also, we do understand
18 that your selection of a qualified counsel is one of the
19 key early decisions before you. Our request is simple,
20 we don't want to weigh-in on either of the candidates
21 before you today, but we would like to ask that you
22 select an experienced attorney, of course, who has the
23 essential skill sets and absolute impartiality; not to do
24 so would impugn the legitimacy of this Commission and, of
25 course, we weaken the process, which none of us wish to

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1 do. So, thank you very much.

2 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.
3 O'Brien. Any other member of the public who wishes to
4 address this Commission on the motion? Seeing no one
5 approaching - I'm sorry.

6 COMMISSIONER BLANCO: I have a disclosure.

7 CHAIRPERSON FILKINS WEBBER: Okay, well, we still
8 have it opened to public comment, and when I bring it
9 back -

10 COMMISSIONER BLANCO: Whenever you want. I know
11 that I've been asked to do that on occasion, so I wanted
12 to disclose that Mr. Rubin worked for me at the Lawyers
13 Committee for Civil Rights, and he was a Voting Rights
14 Attorney at the firm.

15 CHAIRPERSON FILKINS WEBBER: Okay.

16 COMMISSIONER ANCHETA: I've known Mr. Rubin for
17 about - I hate to say it - almost 20 years now, largely
18 in the Immigrant Rights area, but I haven't worked with
19 him any time recently, but I've known him for a long
20 time.

21 CHAIRPERSON FILKINS WEBBER: Any other public
22 comments? Okay, I'll bring it back to the full
23 Commission. Ms. Sargis, will you read the motion on the
24 floor for a vote?

25 MS. SARGIS: The motion is to award the VRA

1 contract to Gibson, Dunn & Crutcher.

2 CHAIRPERSON FILKINS WEBBER: And I'd like a roll
3 call vote, please.

4 MS. SARGIS: Commissioner Aguirre - Yes;
5 Commissioner Ancheta - Yes; Commissioner Blanco - Yes;
6 Commissioner Dai - Yes; Commissioner Raya - Yes;
7 Commissioner Di Guilio - Yes; Commissioner Forbes - Yes;
8 Commissioner Galambos Malloy - Yes; Commissioner Parvenu
9 - Yes; Commissioner Barabba - Yes; Commissioner Filkins
10 Webber - No; Commissioner Ontai - Yes; Commissioner Ward
11 - No; Commissioner Yao - No.

12 MS. SARGIS: Five Democrats have voted yes, four
13 Declined to State have voted yes, two Republicans have
14 voted yes, the motion fails.

15 CHAIRPERSON FILKINS WEBBER: Given the present
16 agenda item for VRA counsel and my promise that we would
17 address methodology, my suggestion, unless there is any
18 objection, is that we resume discussion of this VRA
19 Counsel after Mr. Claypool has an opportunity to present
20 another significant item on the agenda that was promised
21 to the members of the public at 3:00, which was the
22 schedule and methodology for evaluating the Technical
23 Consultant proposals, unless Mr. Miller has some
24 suggestion otherwise.

25 MR. MILLER: I was going to say it would be the

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1 Commission's intention to return to this agenda item
2 today?

3 CHAIRPERSON FILKINS WEBBER: Yes, it is.

4 MR. MILLER: And if we could just - so the public
5 is aware that the matter hasn't concluded for today's
6 session, I think that's fine.

7 CHAIRPERSON FILKINS WEBBER: It hasn't, and what
8 I would like to hope is that, in this additional
9 discussion, regarding the methodology for evaluating our
10 Technical Consultant, I have every reason to believe that
11 much of the discussion that we've held today will also
12 occur tomorrow in light of the Technical Consultants, and
13 it's quite possible in the spirit of compromise that this
14 discussion may aid the Commission to reconsider the
15 manner in which they would like to address the VRA
16 issues, so I would like to give the Commission an
17 opportunity to hear this discussion and it may very well
18 aid them in consideration of a new motion on VRA. That
19 still will be taken up today, it's just being momentarily
20 postponed for the interest of the public to address this
21 other agenda item. Thank you.

22 Now, I'd like to turn it over to Mr. Claypool on
23 the subject on the agenda for the Staff Schedule and
24 Methodology for Evaluating the Technical Consultant
25 proposals.

1 MR. CLAYPOOL: Bill Rich, one of your staff, who
2 was also instrumental in this presentation, is just
3 finishing handing out the guides.

4 CHAIRPERSON FILKINS WEBBER: Okay, thank you.

5 MR. CLAYPOOL: Today, the Commission, besides
6 myself, we have Marian -

7 MS. JOHNSTON: Johnston.

8 MR. CLAYPOOL: -- Johnston, Marian Johnston, I
9 apologize, and Bill Rich to assist me in giving this
10 presentation. Bill was actually instrumental in the
11 first draft of this and Marian has looked through it and,
12 so, most of what you see in front of you -- and this has
13 also been posted, I believe, this was posted yesterday,
14 so that the public could follow along -- most of what you
15 see in front of you comes from the State Contracting
16 Manual when it comes to terms, and then the process is
17 the process that we established through conversations
18 with the Office of Legal Services, as an appropriate
19 process for this Commission to follow when they look at
20 the Invitations for Bid tomorrow.

21 To start with the Instructions Required, the
22 Commissioners complete an evaluation of the bids and the
23 term "evaluation" as used in the Supplier Selection
24 process, is a deliberative process which includes a price
25 consideration. That price consideration, as you see,

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1 will be what establishes the order in which this
2 Commission actually makes its review of the bids, and
3 that will come in the latter part of this discussion.

4 It's important that we understand the difference
5 between "Responsive" and "Responsible" bidders. These
6 two definitions are straight out of the Contract Code, a
7 "Responsive Bid" indicates compliance without material
8 deviation from the requirements of the solicitation, and
9 the terms and conditions of the proposed contract. The
10 first thing that any contract, as we'll get to coming up,
11 the first thing any contract has to do is be responsive.
12 You've sent out an invitation for your bidders to give
13 you a proposal based on what you believe you require, in
14 this particular case, what you require of your Technical
15 Consultant for Line Drawing. Then, after we establish
16 the bidders are responsive -- after you establish that -
17 then we have to establish that they're responsible, that
18 they possess the experience, the facilities, the
19 reputation, the financial resources, to perform the
20 contract. So, what your staff has done for you, in
21 particular, Marian and Raul Villanueva over the last two
22 days, is they've gone through and checked for the
23 elements in the bid that deal with the responsiveness,
24 the resume statements, the references, and the comments,
25 or the staff research related to conflicts of interest or

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1 partiality.

2 The first thing that they looked at was
3 responsiveness -- were all the items required by the
4 terms of the IFB present in the bid that has been
5 presented to the Commission. If an item is missing, your
6 staff has noted the deviation, and will present that
7 documentation to the Commission for its determination as
8 to whether the missing requirement is sufficiently
9 material to warrant a failed score. Now, I've given you
10 an example, that someone would give you a cost statement
11 that was contingent, rather than stating a firm amount.
12 This is an important fact, there are things that you
13 require, we require signatures for specific documents, we
14 need to go through and see that all those signatures are
15 present. We require them to address each element of the
16 bid, so they've gone through and they've made sure that
17 each element was established to the best that they could,
18 as they reviewed the bid. That part of it will be
19 presented to you in their review document tomorrow.

20 The Resume Statements - are the statements made
21 on the resume truthful and accurate? If an item is in
22 question, the staff will note the statement and present
23 documentation to the Commission for its determination as
24 to whether the statement in question is sufficiently
25 material, but warrant a failed score. Again, an example,

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1 someone say that they graduated from Chico State, and
2 then we go to Chico State and they didn't graduate from
3 Chico, that's a material deviation. It may not seem
4 consequential, but it is something that, in its
5 representation, could cause you to question whether or
6 not this is a person that you want to have work for you.

7 References - are the individuals referenced
8 available to provide a statement regarding the bidder?

9 Yes, sir?

10 COMMISSIONER BARABBA: On the errors, that would
11 be an error of commission, how about errors of omission?
12 Are they also identified?

13 MS. JOHNSTON: Yes.

14 MR. CLAYPOOL: Yes.

15 COMMISSIONER BARABBA: Thank you.

16 MR. CLAYPOOL: Are the individuals referenced
17 available to provide a statement regarding the bidder?
18 We put into our RFB that our bidders are responsible for
19 making sure that their references were available over a
20 two-day period. If someone wasn't available, we would
21 have to report that to you. Again, this is a material
22 deviation that the Commission is going to have to weigh-
23 in on as far as whether it matters to you when you're
24 evaluating the document. If so, what reference does the
25 individual provide? Did the individual providing the

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1 reference have first-hand knowledge of the individual, or
2 the things that they've represented in the bid?

3 Finally, and this is the one that I think will
4 come to mean the most to you in this first step.
5 Comments or staff research related to conflicts of
6 interest or to partiality, or disclosures made by the
7 bidder, or made against the bidder in public comment. We
8 have a public comment period going until 1:00 tomorrow.
9 There has been a lot said about everyone involved in both
10 the processes that we're looking at, but we're saying, if
11 a comment has been made by a public commenter, that
12 individual must state their name and confirm they have
13 personal knowledge and/or documentation to substantiate
14 that allegation. That was the same criteria that was
15 used for each of you. You may not know it, but the
16 Bureau of State Audits spent countless hours tracking
17 through the Internet and everything else, and if anyone
18 made an allegation, it had to be - they had to put a name
19 to it because that's an important fact. We don't have
20 time or staff time to track every single allegation that
21 might be made against the individuals bidding for us, for
22 either one of these positions, so we require that
23 somebody step up and, first of all, say, "I do have
24 firsthand knowledge," or, "I do have documentation." If
25 we have received that, then we will investigate it to the

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1 best of our knowledge and report it to you.

2 Just as important, our staff has gone through the
3 Internet to review the different bidders and the
4 different people who have been on it, to make a
5 determination as to whether or not there has been an
6 omission. And so, if we found an omission, we will also
7 report that to you in a document presented tomorrow.
8 That document will post simultaneous with our
9 presentation to this Commission of that document. So,
10 when we hand it to you, then we'll ask Christina Shupe to
11 post it up on the site, on the website.

12 So, that's what your staff is doing for you. And
13 now, here's what you're going to do for yourselves.
14 There's going to be a two-step process, we're going to
15 ask you to review those staff notes and any deviations
16 noted to determine whether you, individually, believe
17 that that deviation noted, or any conflicts or statements
18 of partiality are sufficiently material to warrant a
19 failed score. If the bid is considered failed, and that
20 consideration - and I should have put it in here, and I
21 apologize - you would have to consider it amongst
22 yourselves and make a determination, and I would presume,
23 although, Kirk, I'm going to ask this question, would
24 that, as we look through the deviations, would that
25 require if they wanted to make that determination of a

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1 failed score, they would have to vote on it? Am I

2 correct?

3 MR. MILLER: Yes.

4 MR. CLAYPOOL: And so, you would have to vote on
5 it, and then, if it was considered failed, the bid is
6 removed from any further consideration and the bidder is
7 determined to be unresponsive. Again, responsiveness is
8 compliance without material deviation from what we asked
9 them to present us.

10 Second, both -

11 COMMISSIONER DI GUILIO: Mr. Claypool, on that
12 vote, on responsiveness, is that a super majority vote,
13 as well?

14 MR. CLAYPOOL: Kirk we're going to ask the
15 question.

16 MS. JOHNSTON: It would be a super majority vote,
17 wouldn't it?

18 MR. MILLER: Yes.

19 MR. CLAYPOOL: Our super majority?

20 MR. MILLER: Well, these are, of course, issues
21 something of first impression, but what occurs to me is
22 that, if you're saying no, that's not quite the same as
23 awarding a contract, which would certainly require the
24 special majority. Do you have a view of that?

25 MS. JOHNSTON: I think it's whatever they decide

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1 to do.

2 MR. MILLER: Pardon me?

3 MS. JOHNSTON: I think it would be whatever the
4 Commission decides to do is have a vote -

5 MR. MILLER: That's why that would be my
6 inclination, is when you're saying no to someone, that's
7 not the same as retaining someone, where we know clearly
8 that requires a special majority. I think the Commission
9 could also vote to make the determination yourself,
10 rather than - I don't think I can instruct you, "You must
11 do it one way or the other," but I think it's not clear
12 that you - for the same reason, we can't say a failed
13 application necessarily requires the special majority.

14 COMMISSIONER BLANCO: So, Mr. Miller, that would
15 be like - there were some people that did not make it
16 through the process to Voting Rights Attorney finalists,
17 and that's since we said no. And that did not require a
18 super - it's when we decided to hire them that we needed
19 the super - is it a parallel kind of thinking?

20 MR. MILLER: In my thinking, that is a fair
21 analogy, yes.

22 MR. CLAYPOOL: So, we're back to the matter that
23 you're going to have to review these notes and make a
24 determination as to whether any of the disclosures that
25 are made to you on a majority vote would be enough for

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1 you to say that this person has failed in being
2 responsive to you. And, again, always looking at what
3 you have asked them to present you within that Invitation
4 for Bid. So, if you've asked them to provide you a page
5 full of signed signatures, you should see the signed
6 signatures; if you've asked them to present resumes, the
7 resumes of all individuals should be in that document; if
8 you've asked them to make statements of conflicts of
9 interest, and those statements have not been made, that
10 would be an omission that would make them unresponsive.

11 If we determine that both of the bidders are
12 responsive, then we will go to step 2. The remaining
13 bidders will be announced and the sealed costs for the
14 individuals or entities will be open and read to the
15 public. At the same time, the staff will take an
16 electronic version of the cost bids back to the office,
17 because you're going to open them and those bids are
18 going to be in there, and if we opened it and there was
19 not an electronic copy of the bid in the package, it
20 would be a material deviation that you would have to
21 consider. Then, we would take it, post it for public
22 viewing.

23 Okay, the next part. You start with the low bid.
24 You're going to - I'm going to say this a couple of times
25 - probably three or four, it's important to remember that

1 only the specifications written in the IFB may be used to
2 determine a pass/fail score. The primary area of review,
3 once we've opened the cost bid is going to be whether the
4 bidder's prior project experience is sufficient compared
5 to the examples of population centers and ethnicities,
6 reflected in the IFB. You're going to have that
7 opportunity to make those comparisons and decide as a
8 Commission whether or not the population seems similar to
9 you, the ethnicity seems similar to you, because those
10 were the two different demographics that we placed as a
11 requirement for our bidders to give you a comparison for
12 two projects. In the event that the lowest bid is
13 approved by a special majority of the Commission, three
14 votes each, Republican, Democrat, and Not Affiliated, as
15 required by California Code Section 8253(A)(v), no
16 further votes will be taken and the contract is awarded
17 to that bidder. So we won't even look at the next one if
18 you look at the first one and you've gone through, and
19 you have already made a determination that they're
20 responsive, and now you're going to say that they're
21 responsible, and then you will take that majority vote
22 and you will vote and that's it. We're not going to move
23 on.

24 In the event that the lowest bid is not approved,
25 the Commission will be polled and the Commission members

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1 who voted no to determine the basis of each of their
2 decisions not to approve the bidder will be recorded and
3 those responses will be the basis of the failed score.
4 So, if we don't come up with a super majority for those
5 individuals who said, "No, they don't meet the level that
6 we believe that they should as a responsible and
7 responsive bidder," we will poll you and get your
8 information.

9 MS. JOHNSTON: And the reason for that is in the
10 event of a bid challenge that could be filed by not
11 awarding it to the lowest bidder, that we need to have
12 the reasons why you felt that bidder was not responsive.

13 MR. CLAYPOOL: That will also speed - if we
14 determine that the information is clear-cut, that the
15 decision is clear-cut, it will speed our way through any
16 protests if we choose to go to Department of General
17 Services and say, "Please, clear this protest out of our
18 way," rather than to take an alternative route because
19 that is a possibility available to you. Then, the
20 Commission will then consider the next lowest price bid
21 until either special majority approves one of the bids,
22 or votes are taken on all submissions without a Special
23 Majority being achieved. In the event that no bids
24 receive a special majority, the IFB will be cancelled as
25 provided in Section (I) and (E) of the IFB. So, if we

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1 can't get a special majority for either one of the
2 bidders tomorrow, we cancel the bid. And then we move to
3 an alternative. Any questions?

4 CHAIRPERSON FILKINS WEBBER: Did you want to
5 discuss those alternatives?

6 MR. CLAYPOOL: Certainly. The first alternative
7 is to go to a non-competitive bid. If for any reason it
8 were determined that we wanted for some reason to go to a
9 non-competitive bid with one of the bidders that we just
10 reviewed, that would speed our way to possibly going
11 through the Department of General Services process for a
12 non-competitive bid. Non-competitive bids can take just
13 as long as competitive bids because you have to generally
14 prove that there's only one person who can really provide
15 the service. But we've already seen that we have two,
16 that unless for some reason we make a determination that
17 one of them doesn't have the skill set that we believe is
18 needed to do the job, in which case we could go to the
19 Department of General Services and say, "This is the only
20 one we've identified, and this is the only person we
21 believe who can do the job for us."

22 An equally compelling argument, but one that is
23 used less frequently is to say that this is the business
24 practice, we don't have time any longer to go through
25 this process, we've gone through it, we're now at the end

1 of our time period, and we need you to approve this non-
2 competitive bid because we have to move forward. In that
3 case, I think we will have a compelling argument just
4 because of the situation we're in.

5 The third alternative is to go to interagency
6 agreement and that would be with the only entity within
7 State Government that can provide this service that we
8 know of, and that would be the University of Berkeley and
9 their School of Law. That's the same school of law that
10 houses the Statewide Database and we would rely on the
11 University of Berkeley to provide the staff, to provide
12 the Line Drawing services necessary to complete this
13 process. We have discussed with the School of Law the
14 possibility of an interagency agreement, we have sent
15 them our IFB and said that, in the event that we have a
16 challenge to this process that we can't overcome, and in
17 the event that we cannot get a quick, non-competitive bid
18 through the state, we would simply be compelled to use
19 the interagency agreement with them.

20 The interagency agreement cannot be challenged
21 because it is an agreement between two State agencies, to
22 provide services between two state agencies. We would
23 have to negotiate with the University over the terms and
24 conditions of that contract and terms and conditions of
25 the use of their employees.

1 So, those are the routes that are available to
2 you. What we would like to see is just a good
3 competitive bid out of tomorrow and a good decision out
4 of tomorrow, that's our fastest route. Any other
5 questions?

6 CHAIRPERSON FILKINS WEBBER: Commissioner Yao.

7 COMMISSIONER YAO: In determining the pass/fail
8 criteria of the decision, we absolutely determine whether
9 someone passes or someone fails before we open the bid
10 package. Is that correct?

11 MR. CLAYPOOL: You determine whether or not they
12 have been responsive to you. And that's a very critical
13 term, before you open that cost bid.

14 COMMISSIONER YAO: Right, you identify
15 responsiveness, resume statements, references, comments,
16 or staff research related item. In other words, you
17 can't open the package and say, "I prefer the other guy,
18 and I change my mind, and he's - that vendor is failed
19 with this criteria after the fact." Is that the way I
20 understand the process?

21 MR. CLAYPOOL: Yes, you do not open the cost bids
22 until you have made a determination that all bidders are
23 responsive.

24 COMMISSIONER YAO: Okay, so the lowest bidder,
25 after we open the bid package, the only way that we can

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1 go on and consider the second bidder is because of lack
2 of adequate experience? Is that the way I read this
3 paragraph on the - under the term "responsible?" In
4 other words, the determination of whether that vendor has
5 adequate experience or not, is that something we need to
6 consider before we open the package? Or is this
7 something that we won't even consider until after we open
8 the bid package?

9 MR. RICH: Yes, you have to make sure that
10 they're both responsive and responsible and at that
11 point, then they have a pass score; if at any point they
12 miss one of those, like the references don't pan out,
13 then they have a fail score and they do not compete in
14 the cost opening.

15 COMMISSIONER YAO: So, after you open -

16 MS. JOHNSTON: With the one caveat that there be
17 some deviations which are not material, and you may
18 choose to overlook those.

19 MR. CLAYPOOL: Okay, as we discussed with the
20 Office of Legal Services, we won't consider the
21 responsible part of the consideration until they've made
22 a determination that they're responsive.

23 MS. JOHNSTON: Right.

24 MR. CLAYPOOL: And then we'll open up the cost
25 bid, and then they'll make the determination of

1 responsible based on the projects. Is that how you
2 understood the process we laid out with the Office of
3 Legal Services, correct?

4 MR. MILLER: Yes.

5 MR. CLAYPOOL: Okay, so that is different than
6 what Bill said, and that's because we wanted to give this
7 Commission, and General Services agreed, that you needed
8 to go through the process of determining responsive
9 first, and then make that decision, and then you would
10 have this opportunity to rank them by cost, and then
11 check whether they're responsible by project. You could
12 do the project first if you wished, before you opened up
13 the cost, but if you look at the projects before you look
14 at the cost, and then you determine that all their
15 projects are similar, when you open up the cost bid, you
16 have no more options available to you, the lowest cost;
17 so you're only opportunity for a second discussion is by
18 determining responsive first, and then, whoever moves
19 forward, you open up the cost bids, now you can have the
20 discussion on a responsible bidder.

21 COMMISSIONER YAO: All right, so we have to agree
22 on the process of whether we discuss the responsible
23 aspect, not discuss the responsible criteria or the
24 measurement or how we interpret that, until after we open
25 up the cost bid.

1 MR. CLAYPOOL: No. You will determine the
2 responsive bidder before we open the cost bid. You will
3 determine whether that bidder is responsible after you
4 open the cost bid. And "responsible" will be determined
5 by whether you compare their projects and believe that
6 they have similar or comparable experience to what you've
7 required them to have.

8 COMMISSIONER YAO: All right, let me just keep
9 this discussion simple, instead of talking about
10 responsible being a broad category. Let me just pick one
11 word out of this second paragraph on the first page.
12 "Facilities," okay? If somebody doesn't have a facility,
13 doesn't have a computer, we can't disqualify them until
14 after we open their bid.

15 MR. CLAYPOOL: No, you can because they haven't
16 been responsive in providing you a description of a
17 facility that can match what you believe they need to do.
18 It's - they have to have all the pieces that you're
19 requiring them to have. They have to have a way to
20 access the database, they have to have a way to provide
21 you with staff, they have to have a way to provide
22 transportation for their staff. They have to have all
23 those things in place for them to be responsive to your
24 request. If they don't have any of those things, they're
25 unresponsive and we don't open their cost bid. Once

1 we've determined that they are responsive, and I believe
2 that the two groups that are in this bid will be able to
3 show you that they have the facilities to provide you
4 with those services, then we're going to open that cost
5 bid, and whoever has the lowest score, now you have to
6 look at what projects they presented to you, compared to
7 the projects you asked them to compare against, and say,
8 "Is that project comparable to this project?" If you
9 agree that, for the first person who has the lowest
10 score, that they are also responsible in their ability to
11 provide you those services, then you have to award them
12 the bid because they are responsible, responsive, and
13 have the lowest score.

14 COMMISSIONER YAO: Yeah, if I could just simply
15 ask you to read that definition out loud, a bidder is
16 responsible, dah, dah, dah?

17 MR. CLAYPOOL: "A bidder is responsible if they
18 possess the experience, facilities, reputation, financial
19 resources, and are fully capable of performing the
20 contract."

21 COMMISSIONER YAO: So, if the discussion is on
22 responsibility, or responsible, and you specifically
23 identify those things, does that mean that those things
24 are not part of the responsiveness? Because I hear what
25 you said and I have trouble with what I read.

1 MR. CLAYPOOL: So, in our bid, we ask them to
2 provide facilities. If you read their bid and their
3 facilities are not capable of, in your opinion, of
4 providing - or they can't provide the facilities to
5 secure the database while they do their line drawing,
6 then you don't have to wait to say, you know, is their
7 facility - is their facility comparable and responsible?
8 You can say they haven't been responsive in providing you
9 with the things that you've asked. But more importantly,
10 your staff will have given you a review of all the things
11 we've asked them to respond to, and you're only going to
12 have to go through, unless you choose to go through the
13 entire contract to review the staff work, which you can,
14 but you're only going to be asked to look at those places
15 where there is a material deviation and make that
16 determination as to whether or not in that material
17 deviation, you believe they've been unresponsive. Then,
18 we'll go to part two.

19 CHAIRPERSON FILKINS WEBBER: I'm sorry,
20 Commissioner Ancheta was next.

21 COMMISSIONER ANCHETA: I wanted to raise a
22 question - I brought up in the Technical Committee, I
23 wanted to just get a little more clarity, and since we
24 have Ms. Johnston here, it would be good to have her
25 chime in, as well. I raised the question regarding

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1 whether the bidder gives you more than you asked for, in
2 other words, they give you some extra - let's say they
3 have another subcontractor, let's say, now, I don't think
4 that's necessarily material deviation because they meet
5 the basis stuff, but they give some extra stuff, which of
6 course may make the cost higher, and I raised the
7 question earlier whether - and I suspect we can't do
8 anything about that, that's just the way it goes, but is
9 it the case that if that were in fact the case that there
10 was some extra service, a non-material deviation, and it
11 is in fact responsive, we can't do anything about
12 lowering the cost, the cost is what it is, period, even
13 though they have some nice extra thing going for them?

14 MS. JOHNSTON: That is correct. You could ask
15 for clarification of how they arrived at a particular
16 cost, but if they included something and the other one
17 didn't, you can't add to one or subtract to the other.

18 COMMISSIONER ANCHETA: As long as they complied
19 with the responsiveness criteria.

20 MS. JOHNSTON: Right.

21 COMMISSIONER ANCHETA: Okay, thank you.

22 CHAIRPERSON FILKINS WEBBER: I had Commissioner -
23 okay, any further questions?

24 MR. CLAYPOOL: Because Commissioner Ancheta
25 touched on a very important point, I'd like Marian to

1 also explain tomorrow the process of what can be asked
2 for and what can't be asked for.

3 MS. JOHNSTON: And General Services was very
4 specific about this. All you may ask for is
5 clarification. If there is an omission, for example, in
6 a proposal, you can't ask that that omission be corrected
7 by supplying it tomorrow during the meeting. It had to
8 be within the contract - the bid presented to you.

9 MR. CLAYPOOL: Could they ask for clarification
10 on the omission?

11 MS. JOHNSTON: You could ask for clarification on
12 the omission. And you could decide that an omission is
13 insignificant.

14 CHAIRPERSON FILKINS WEBBER: Are you suggesting
15 that, when we're asking for clarification, that somebody
16 would be providing it in real time, or that we would be
17 delaying an award for further clarification?

18 MR. CLAYPOOL: No, I think that you would be
19 asking for it here, so let me go back to the signature on
20 documents, let's just say that there was a document that
21 was supposed to be signed and I didn't sign it, just I
22 missed it, and I didn't make that signature. That's a
23 material deviation that you could determine, if you
24 decided it was significant enough to fail me in the
25 process of being responsive, however, you could ask me,

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1 "Why don't you sign that?" And I could say, "You know, I
2 missed it." I can't now sign it for you because that
3 package is complete. But if my explanation to you is
4 sufficient to you, so that you believe that it's not
5 material to the process, you could choose to say, "That's
6 not a material difference. We'll allow you to remain in
7 the bidding process." So you can ask for clarifications,
8 but you can't ask for additional items to be added into
9 this document because it stands on its own.

10 CHAIRPERSON FILKINS WEBBER: Commissioner
11 Galambos Malloy, and then Commissioner Di Giulio.

12 COMMISSIONER GALAMBOS MALLOY: Ms. Johnston,
13 could you provide a bit more guidance on this issue of
14 material deviation in deciding whether something is
15 materially significant or not?

16 MS. JOHNSTON: Well, it's really a judgment call
17 for you all and what you consider to be an important part
18 of the bid. The example of the signature, if someone
19 failed to sign the contract bid, itself, I don't think
20 that could be inadvertent; on the other hand, if someone
21 failed to sign all the in between parts of it and just
22 overlooked one, you could decide that's not significant.
23 Some others are more clear-cut of whether something is
24 omitted. If they were asked to provide resumes, and they
25 failed to provide resumes, I don't think you could then

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1 say that that's adequate, you'd have to say that's a
2 material deviation because how can you know what the
3 people are planning to put on the project if they haven't
4 given you their resumes?

5 COMMISSIONER GALAMBOS MALLOY: Thank you.

6 CHAIRPERSON FILKINS WEBBER: Commissioner Di
7 Guilio.

8 COMMISSIONER DI GUILIO: I just have a question
9 about the process, so staff will give us their - I won't
10 say recommendations - but their report on the
11 responsiveness, so we will, just for simplification,
12 let's say we have 10 recommendations on your part for
13 issues of unresponsiveness for the issues -

14 MS. JOHNSTON: There won't be recommendations;
15 they'll just be notices to you that we have found a
16 deviation.

17 COMMISSIONER DI GUILIO: A deviation. So, let's
18 say we have a list of 10 deviations from both
19 organizations to some degree, will we, then, as the
20 Commission go through each deviation to discuss it? And
21 to see if - I'm just thinking, is there going to be a
22 master list from which we will discuss deviations as a
23 whole, in which we could add to of our own?

24 MS. JOHNSTON: We will provide you with the
25 Master List. What you choose to do with it is your

1 business.

2 COMMISSIONER DI GIULIO: So, is that a point of
3 discussion for us today? I'm just assuming, if we have
4 to determine responsiveness and we have to determine
5 whether it's a significant mode of deviation, we're going
6 to have to go through each one individually to some
7 extent, so I'm assuming someone will be keeping track of
8 these.

9 MS. JOHNSTON: Well, let me give you an example
10 that I think some of you have noticed. The pages are
11 supposed to be numbered. In one of the bids, the
12 numbering is a bit confusing. That's up to you to decide
13 whether you think that's a problem or not.

14 CHAIRPERSON FILKINS WEBBER: Commissioner Yao.

15 COMMISSIONER YAO: So, if we do proceed to open
16 the bid, does that automatically assume that we as a
17 Commission consider, let's say, both vendors to be
18 responsive?

19 MS. JOHNSTON: Yes.

20 CHAIRPERSON FILKINS WEBBER: Any further
21 questions of staff? Mr. Claypool, do you have anything
22 further on this?

23 MR. CLAYPOOL: Yes. And I just want to touch on
24 something that Marian said because it's going to be very
25 important for you to consider tomorrow. There are

1 different levels of materiality, there are different
2 things that you're going to have to draw a line on
3 tomorrow because this isn't something that staff can do
4 for you because we've been precluded by the transparency
5 of the process, and so we've chosen this - we at the
6 Commission have chosen this path for you to make that
7 decision on your own. Some of these items are going to -
8 some of the items would clearly be more important to you,
9 I would think, anything that deals with an omission on
10 confidentiality, but at that point, you're going to have
11 to make a decision as to whether it was, a) an
12 intentional omission, or b) was it for one of the
13 contractors, and I just didn't know that this person did
14 this thing eight years ago? And then, after you make
15 that decision, then you're going to have to say, does it
16 matter whether it was an intentional or unintentional?
17 We have our rules and we're going to stick with them.
18 So, I would say that the things that you potentially
19 could see when you look at this bid, some of them are
20 going to be very clear-cut, and you're going to say,
21 "That really doesn't matter in the great scheme of
22 things," and some of them are going to be very clear-cut,
23 and you're going to say, "That matters," if you look at
24 the potential for things that could be declared. So,
25 that's what you're going to have to grapple with and, at

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1 this point, I can't tell you whether it either has any
2 material deviations, I can only tell you that that will
3 be what's given to you, and then that's what you have to
4 do with it.

5 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
6 Claypool. Any further questions of staff regarding this
7 process and procedure, methodology, scheduling, for
8 tomorrow? Thank you very much. At this point - I'm
9 sorry.

10 MR. CLAYPOOL: I just - the public.

11 CHAIRPERSON FILKINS WEBBER: Okay. We would at
12 this point open the mic to the members of the public who
13 wish to comment on the proposed bid invitation guide that
14 has been discussed by staff at this time. Are there any
15 members of the public who wish to discuss this agenda
16 item of the bid evaluation guide as has been presented by
17 staff? Ms. Schafer.

18 MS. SHAFER: Thank you, Madam Chairman and to the
19 Commission. I actually have a question. Several days
20 ago, I'm not sure when, I found on the meeting handouts a
21 longer document called "Evaluation Team Procedures," and
22 I don't know how to fit this into the discussion, and I
23 thought it might help maybe the Commission also, but
24 certainly the public. Is this what you are -

25 MS. JOHNSTON: That is the report that we've been

1 using and we've gone through page by page and item by
2 item, filled out whether they complied or didn't comply,
3 or whether there was an omission, or - yes.

4 MS. SHAFER: Thank you.

5 CHAIRPERSON FILKINS WEBBER: Thank you, Ms.
6 Schafer. Any other members of the public who wish to
7 discuss solely the bid evaluation guide?

8 MR. ABRAMS: Good afternoon, ladies and
9 gentlemen. My name is Adam Abrams. I am an attorney and
10 resident of the City of Santa Monica, and the process in
11 which -- the hard work you are all about to do is
12 something that obviously, like many Californians, I'm
13 interested in. According to the original experience
14 standard as set forth in the draft and final Invitation
15 for Bids, I have some concerns that there seems to be -
16 at least one of the bidders that should have been
17 disqualified. The draft IFB was released to the public
18 on February 22nd, and the relevant experience segment, the
19 Commission asks that the bidder [quote] "describe the
20 experience of the firm in the past 10 years and
21 performing no less than two and no more than five
22 redistricting services for districts of a similar size,
23 scope and complexity of those found in California's most
24 populace metropolitan areas, for example, Los Angeles,
25 San Diego, San Francisco/Oakland, Sacramento/Roseville,

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1 and Riverside/San Bernardino. When the formal IFB was
2 issued on March 7th, this language was further refined by
3 listing several large California metropolitan statistical
4 areas or MSAs showing populations ranging from up to 12.8
5 million people. To qualify, it was my understanding that
6 the bidder had to show an experience redistricting an
7 area of at least 1.5 million people. At the Commission
8 hearing on February 23rd through 26th, no Commissioner or
9 member of the public objected to these experience
10 standards. However, on March 9th, the final day to file
11 an intent to bid, Commission staff issued an Addendum
12 lowering the experience standard from an MSA to simply an
13 incorporated city, using, as examples, cities the size of
14 Los Angeles to the City of Riverside. There is an
15 important difference. The MSC covers an entire urbanized
16 region, often a full county, or several counties. It
17 will generally contain several million people. A city is
18 an incorporated entity that rarely comprises a full urban
19 area. And cities are often quite small. The City of
20 Riverside, cited in the Addendum, is smaller than a
21 single Assembly District, and California has 80 Assembly
22 Districts. Tony Quinn representing only himself raised
23 several issues with Commission staff. Were the
24 Commission members aware of this change? And did they
25 approve it? In a state of 37 million people, why was the

1 standard lowered from a large urban area to a much
2 smaller incorporated city? Did the Addendum not
3 discriminate against potential bidders who did not
4 receive adequate notice of the change in the standard?
5 Was the Addendum invalid as it was issued on the deadline
6 to submit an intent to bid? In response, Mr. Claypool
7 responded, "We determined that our customer experience
8 requirement might be too restrictive. We moved the
9 criteria from metropolitan to statistical areas to
10 specific cities in order to expand the pool of potential
11 bidders for this project," further adding that "no bidder
12 questioned the use of the MSAs as the basis for the
13 customer experience references, and no bidder was
14 presented a question or protested the change to use
15 cities instead of MSAs." If no one asked for the standard
16 to be lowered, the question arises why it was done, and
17 who approved it, and motivated it. It is my sincere
18 concern that this Commission operate as openly as
19 possible and that when we are asking for people to
20 participate in this process, that the Commissioners make
21 the determinations on who is qualified and that those be
22 published in advance and people be held accountable to
23 what was previously made public. I thank you for your
24 time and consideration.

25 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.

1 Abrams. Any other member of the public who wishes to
2 address the Commission on the bid evaluation guide
3 discussed by staff? Seeing none, I will bring it back
4 to the Commission. Based on public comments, does
5 anybody else have any final questions of staff regarding
6 this evaluation? We're going to get there next. So, we
7 are going to take a break. I certainly appreciate the
8 public's allowing us to deviate a little bit, we're
9 trying to move through and certainly appreciate
10 everyone's interest in different aspects of our work.
11 We'll take a 10-minute break, please. Thank you.

12 (Recess at 4:52 p.m.)

13 (Reconvene at 5:08 p.m.)

14 CHAIRPERSON FILKINS WEBBER: Commissioners, we
15 are about ready to go live. Thank you, we are resuming
16 the Citizens Redistricting Commission meeting for March
17 18th. Certainly, again, appreciation the public's
18 patience in allowing us to maneuver the agenda just a
19 little bit and that we were off on time, but I certainly
20 hope that you appreciate the full discussion and time
21 that this Commission has spent for these very significant
22 decisions such as the selection of our Voting Rights Act
23 counsel.

24 So, in that regard, I will return this Commission
25 to our discussion of the selection of the Voting Rights

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1 Act Counsel. In that regard, it has been brought to my
2 attention that certain information has come to light that
3 may significantly change the manner in which this
4 Commission will address this issue and, in that regard, I
5 would ask that Ms. Leoni come before the Commission.

6 MS. LEONI: Thank you, Chair Filkins Webber and,
7 with the indulgence of the Committee, I would like to
8 once again thank you for considering the application of
9 Nielson, Merksamer to be your Voting Rights Counsel. In
10 the interest, though, of expediting your selection
11 process, and with our best wishes for your success, we
12 hereby withdraw our application. And thank you, once
13 again.

14 CHAIRPERSON FILKINS WEBBER: Thank you very much,
15 Ms. Leoni. At this time, based on advice of counsel, as
16 we had discussed previously pursuant to a question from
17 Commissioner Yao, the floor is open for consideration of
18 the other eight remaining candidates for further
19 discussion, clarification. I certainly would invite or
20 entertain an additional motion. I would put them in
21 order, Commissioner Ontai, Commissioner Yao, Commissioner
22 Dai.

23 COMMISSIONER ONTAI: Given this information that
24 we just heard, I would like the Commission to reconsider
25 the vote and have a vote taken over again on the current

1 candidate.

2 CHAIRPERSON FILKINS WEBBER: Do I hear a motion?

3 COMMISSIONER YAO: I'll second that motion.

4 CHAIRPERSON FILKINS WEBBER: Any further
5 discussion on this motion?

6 COMMISSIONER WARD: Could we just restate the
7 motion, just include their name and -

8 CHAIRPERSON FILKINS WEBBER: Please, Commissioner
9 Ontai, clarify some of this so I can just take it down
10 accurately before a proper vote.

11 COMMISSIONER ONTAI: The motion would be for the
12 Commission to reconsider the last vote and take it over
13 again on the same candidate that we voted for the last
14 time.

15 CHAIRPERSON FILKINS WEBBER: That this Commission
16 provide an award to Gibson, Dunn & Crutcher as our Voting
17 Rights Counsel. Is there a second?

18 COMMISSIONER YAO: I'll second that, but let me
19 suggest something. Let me suggest that we proceed with
20 rescinding reconsideration of the previous vote and make
21 a new motion which was identical to the previous one, so
22 that we don't combine two totally separate things into a
23 single motion.

24 COMMISSIONER ONTAI: So we'll take it in two
25 parts, then. The motion is to rescind the last vote and

1 to retake it.

2 CHAIRPERSON FILKINS WEBBER: There is no
3 necessity to do that when the motion failed.

4 COMMISSIONER BLANCO: Yeah.

5 CHAIRPERSON FILKINS WEBBER: So, this is a new
6 motion, and it appears Commissioner Ontai has made the
7 motion, seconded by Commissioner Yao. Any further
8 discussion on the motion? Seeing none, we did discuss
9 the same motion previously in open public comment, so I
10 don't believe, counsel, if you have any further - I think
11 we can just move forward with the vote.

12 MR. MILLER: I believe you can. There is no
13 change from the time public comment was taken until now
14 with respect to the identical motion.

15 CHAIRPERSON FILKINS WEBBER: Okay.

16 MR. MILLER: There is no change in the form of
17 the motion. The consideration before the Commission is
18 identical to what was, as it was, when public comment was
19 previously taken.

20 CHAIRPERSON FILKINS WEBBER: But, in the interest
21 of our goal, I would -

22 MR. MILLER: There is nothing that would preclude
23 you from taking additional public -

24 CHAIRPERSON FILKINS WEBBER: Then, I would like
25 to do that. I will open the floor to further public

1 comment on the change in circumstances, and the new
2 motion that is on the floor. Any members of the public
3 who wish to address the Commission on this motion for
4 consideration of an award to Gibson, Dunn & Crutcher?
5 Seeing none, I will bring it back to the full Commission
6 and ask for a roll call vote, please. And a re-reading
7 of the motion.

8 MS. SARGIS: The motion is to reconsider the
9 previous motion to award the VRA contract to Gibson, Dunn
10 & Crutcher.

11 CHAIRPERSON FILKINS WEBBER: Roll call, please.
12 Unless counsel has some problem with the wording, but -

13 MR. MILLER: Well, Congress probably wouldn't say
14 it that way, but I think it's good enough.

15 [Laughter]

16 CHAIRPERSON FILKINS WEBBER: Roll call, please.

17 MS. SARGIS: Commissioner Aguirre - Yes;
18 Commissioner Ancheta - Yes; Commissioner Blanco - Yes;
19 Commissioner Dai - Yes; Commissioner Raya - Yes;
20 Commissioner Di Giulio - Yes; Commissioner Forbes - Yes;
21 Commissioner Galambos Malloy - Yes; Commissioner Parvenu
22 - Yes; Commissioner Barabba - Yes; Commissioner Filkins
23 Webber - Yes; Commissioner Ontai - Yes; Commissioner Ward
24 - Yes; Commissioner Yao - Yes.

25 The vote is five Democrats, yes; four Decline to

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1 State, yes; five Republican Yes. The motion passes.

2 CHAIRPERSON FILKINS WEBBER: Thank you. Job well
3 done, Commissioners. According to our agenda, we at this
4 time customarily would -

5 COMMISSIONER DI GUILIO: I'm just curious, is
6 there an opportunity for us to meet, for those of us who
7 weren't on the - is there someone here from Gibson, Dunn
8 that could address, or that we could at least see?

9 CHAIRPERSON FILKINS WEBBER: Oh, I'm sorry.

10 MR. MILLER: Yes. We have a sampling.

11 [Laughter]

12 CHAIRPERSON FILKINS WEBBER: We do.

13 COMMISSIONER DI GUILIO: Is it one of the young
14 ones?

15 [Laughter]

16 MR. MILLER: That's a subject factor that we're
17 not measuring.

18 CHAIRPERSON FILKINS WEBBER: Mr. Kahn, is it not?
19 Is that correct? Please, approach the Commission. I
20 apologize for -

21 COMMISSIONER FORBES: Commissioner Webber?

22 CHAIRPERSON FILKINS WEBBER: Yes.

23 COMMISSIONER BARABBA: Is there something we
24 could do or recognize to our appreciation to the other
25 law firm for the action that they took? That was, I

1 thought, really quite special and I don't know if we
2 could at least say something or do something -

3 MR. MILLER: Well, how about this? If you'd
4 like, we could prepare a short resolution this evening
5 and prepare it for the Commission tomorrow morning, and
6 you can adopt it at that time.

7 COMMISSIONER BARABBA: That would be good.

8 CHAIRPERSON FILKINS WEBBER: Thank you, Mr.
9 Miller. Mr. Kahn.

10 MR. KAHN: Hello. I'd like to express my
11 gratitude to all of the Commissioners for considering us
12 for this extremely important and momentous opportunity.

13 CHAIRPERSON FILKINS WEBBER: I'm sorry to - can
14 you state your name so that everybody knows who you are?
15 We didn't have the opportunity to do it and we definitely
16 will be seeing a lot more of you, so -

17 MR. KAHN: Yes, that's no problem. My name is
18 Matthew Kahn. I am an attorney with Gibson, Dunn in San
19 Francisco, and I am a California Native and I'm very
20 excited to be here.

21 CHAIRPERSON FILKINS WEBBER: Thank you. Anything
22 else you'd like to advise the Commission on, now that you
23 have received this award?

24 MR. KAHN: No, I think -

25 CHAIRPERSON FILKINS WEBBER: By full consensus -

1 MR. KAHN: Thank you for the vote of confidence.
2 We look forward to getting to work right away. And I'd
3 be happy to take any questions that the Commission might
4 have.

5 CHAIRPERSON FILKINS WEBBER: Do any of the
6 Commissioners have any questions? Well, everybody is
7 chomping at the bit here, and we'll save the legal ones
8 for another time. But, Commissioner Barabba.

9 COMMISSIONER BARABBA: I want you to know he
10 looks much older than the young man -

11 CHAIRPERSON FILKINS WEBBER: I made reference to
12 age, not - Commissioner Dai, did you have anything?

13 COMMISSIONER DAI: Yes, I wanted to know if you
14 could cut your rates in half?

15 [Laughter]

16 MR. KAHN: I will certainly take that question up
17 with the other members of my team.

18 CHAIRPERSON FILKINS WEBBER: And Commissioner
19 Yao. Nothing further?

20 COMMISSIONER YAO: It's already been said.

21 [Laughter]

22 CHAIRPERSON FILKINS WEBBER: Thank you very much
23 and congratulations.

24 MR. KAHN: Thank you.

25 [Pause]

1 CHAIRPERSON FILKINS WEBBER: Okay, at this point,
2 I would like to just briefly go over the agenda summary
3 for tomorrow. Again, it's going to be relatively focused
4 again, we will be commencing at 9:00 a.m. and it will be
5 in this room again, Room 447. A slight change and for
6 the members of the public, normally we customarily open
7 up the public hearing on non-agendized items, that will
8 occur tomorrow, and based on the same procedures that we
9 followed previously. But, at this time, given the
10 consideration of our Invitation for Bids, we're also
11 going to be opening up right after that an opportunity
12 for the public to comment on the actual proposals of the
13 Technical Consultants, so, in other words, there will be
14 an open public comment on the agendized item before the
15 Commission then fully considers the Technical Consultants
16 tomorrow morning. So, if you are interested in providing
17 any public comments specifically on the Technical
18 Consultants whose information has been posted on the Web,
19 you will have that opportunity at a reasonable time,
20 barring no long public discussions on non-agendized
21 items, based on the time on here at 9:15.

22 Then, the Commission will consider the Evaluation
23 of the Technical Consultant proposals based on the
24 Evaluation Guidelines of the bid that were discussed
25 today. And that will continue on and takes up most of

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1 the entire day for Saturday. We did not agendize
2 anything else for Saturday's discussion, other than
3 consideration of a vote, which will require a super
4 majority, as well. And an award to the Technical
5 Consultant if we may reach that, or a discussion of
6 alternatives. And, again, due to the fact that it is
7 such a significant decision to be made by the Council
8 [sic], we have dedicated a full day to that, so we will
9 intend on doing that and, then, opening up at
10 approximately 5:00 a.m. - or, 5:00 p.m., excuse me, for
11 public comment on non-agendized items.

12 Any questions of the Commission regarding the
13 agenda as it is proposed for tomorrow? I'm sorry, Ms.
14 Sargis, did you have a question?

15 MS. SARGIS: I just had an announcement. Since
16 the Capitol doesn't open until 9:00 and the Committee
17 starts at 9:00, Chris Wagaman from the Speaker's Office
18 has graciously once again agreed to meet us out at the
19 Security area at the north entrance. If your name is on
20 the special list, which is the Commissioners' names and
21 staff, and our Court Reporter, we can get in at 8:30 and
22 Ms. Wagaman will escort us up to the room. If you miss
23 that first escort, she will also be out there to escort a
24 second group up a little bit later than that.

25 CHAIRPERSON FILKINS WEBBER: Okay, and the

1 Commission will certainly understand that and I think
2 there is one time, and certainly not when I was Chair,
3 that we had started at 9:00 a.m., but we'll give it due
4 consideration for the members of the public to get up
5 here in time. Any other questions about the agenda for
6 tomorrow?

7 Okay, Mr. Wilcox, I had charged Commissioner
8 Blanco with providing us a summary of today's activities,
9 and if I may turn it over to Commissioner Blanco.

10 COMMISSIONER BLANCO: I'm not going to do this on
11 a regular basis. And, please, Committee Chairs, correct
12 me if I'm wrong, I did this on the fly.

13 So, these are our action on items for today,
14 March 18th, 2011. In the area of Public Information, the
15 Commission approved a webpage design for the Commission
16 and we delegated authority to Commissioner Ward to create
17 a tagline for our Commission. In the area of Finance and
18 Administration, we hired our new Budget Officer, Deborah
19 Davis, who will start immediately, and we also approved
20 the creation of the hiring of one additional AGPA
21 position in order to help the staff do its work now that
22 the input hearing process has been brought in-house to be
23 done by the Commission staff, rather than externally. In
24 the Outreach area, we adopted in principle an April
25 calendar for the first set of input meetings with the

1 intent to increase as much as possible public access,
2 both by meeting dates, times, and location, and we agreed
3 to participate in an event in San Francisco, a
4 redistricting event, that is being put on by the
5 Greenlining Institute. And in Legal matters, the
6 Commission voted to award the contract of Voting Rights
7 Attorney to the firm of Gibson, Dunn.

8 CHAIRPERSON FILKINS WEBBER: And I did take it a
9 little out of order, we do have one final agenda item,
10 which is to open the hearing up to members of the public
11 who wish to address this Commission on items that are not
12 on the agenda. And we're close in time. Seeing no
13 members of the public who wish to address the Commission
14 on non-agendized items, may I have a motion to adjourn?
15 Or is there anything further? Yes, Commissioner Ward.

16 COMMISSIONER WARD: Thank you, Chairman. I just
17 wanted to go ahead, because of the late hour, and just
18 extend the option to give feedback on the tagline until
19 noon and at lunch I will go ahead and take all that
20 feedback and we'll have a final one. Is that acceptable
21 to the Commission?

22 CHAIRPERSON FILKINS WEBBER: You are extending
23 the deadline, which was 8:00 tonight to noon - I'm sorry?

24 COMMISSIONER WARD: Yeah, if I could extend until
25 noon tomorrow to have your feedback.

1 CHAIRPERSON FILKINS WEBBER: Thank you. Any
2 other final comments, questions, concerns?

3 COMMISSIONER ONTAI: Just as a reminder, I will
4 not be here tomorrow. I had put it on my calendar, so
5 you all have a very critical vote to make, and I'm sure
6 you'll make the right decision.

7 CHAIRPERSON FILKINS WEBBER: Do I have a motion
8 to adjourn?

9 COMMISSIONER FORBES: So moved.

10 COMMISSIONER BARABBA: Second.

11 CHAIRPERSON FILKINS WEBBER: Thank you.

12 (Adjourned at 5:24 p.m.)

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