

**BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION**

**In the Matter of
Full Commission Business Meeting**

Long Beach City Council Chambers
Long Beach, California

Reported by:
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COMMISSIONERS PRESENT:

Maria Blanco

Gilbert R. "Gil" Ontai

Connie Galambos-Malloy

Michael Ward

Stanley Forbes

Cynthia Dai

Vincent Barabba

Michelle DiGuilio

Gabino T. Aguirre

Angelo Ancheta

Jodie Filkins-Webber

M. Andre Parvenu

Jeanne Raya

COMMISSIONERS ABSENT:

Peter Yao

STAFF PRESENT:

Dan Claypool, Executive Director

Kirk Miller, Legal Counsel

Rob Wilcox, Communications Director

Janeece Sargis, Commission Liaison

ALSO PRESENT:

PUBLIC COMMENT:

Diane Wallace

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P R O C E E D I N G S

1
2 **CHAIRPERSON BARABBA:** Welcome to the full
3 commission meeting of the Citizens Redistricting
4 Commission.

5 **(Off the record)**

6 **COMMISSIONER DIGUILIO:** Here.

7 **COMMISSION LIASION SARGIS:** Commissioner Forbes.

8 **COMMISSIONER FORBES:** Here.

9 **COMMISSION LIASION SARGIS:** Commissioner Galambos
10 Malloy.

11 **COMMISSIONER GALAMBOS MALLOY:** Here.

12 **COMMISSION LIASION SARGIS:** Commissioner BARABBA.
13 Commissioner Parvenu.

14 **COMMISSIONER PARVENU:** Here.

15 **COMMISSION LIASION SARGIS:** Commissioner Raya.

16 **COMMISSIONER RAYA:** Here.

17 **COMMISSION LIASION SARGIS:** Commissioner Ward.
18 Commissioner Yao. There is a quorum present.

19 **CHAIRPERSON BARABBA:** Okay. I wanted to, for
20 those of you who didn't know it; Peter's wife is having a
21 medical procedure today. It's nothing super major, but
22 it was enough for him to want to be there. And I'm sure
23 he's watching this. He indicated he would be watching us
24 on his TV set while this is going on, so we wish his wife
25 and Peter the best of wishes on this occasion. And he

1 will be joining us probably this evening.

2 Is there any members of the public who want to
3 make a comment? Seeing no one coming forward, let's then
4 start the meeting.

5 The format for today is going to be a little
6 different than what we've had in the past. We're going
7 to be meeting as a full Commission, but, as you can tell
8 by the agenda, we have specific topics under the headline
9 of the various subcommittees that we have. The reason
10 we're going to stay in the full Commission is because
11 some of those topics may lead to a request for a vote,
12 and then that way we'll be in a position to have the
13 vote.

14 Are there any questions from the Commissioners?
15 All right. So, let's get started then. And technical
16 and outreach discussion topics, I see Gayle is not here.
17 Does anyone know whether Gayle is planning on attending?

18 **COMMISSIONER DIGUILIO:** In talking with him, I
19 didn't hear otherwise. I'm assuming he'll be here,
20 though I think some of the discussion points for directly
21 related to outreach are more towards the end of the
22 agenda.

23 **CHAIRPERSON BARABBA:** Okay. So, we can get
24 started. All right. So, Michelle, you want to start it
25 off, then?

1 **COMMISSIONER DIGUILIO:** Okay. The first item for
2 discussion is an update on the public access to
3 redistricting information. As you recall, we had sent a
4 list of options to the legislature about things that they
5 could do or choose to fund or not to fund to -- to
6 increase access to redistricting for the general public.
7 And I think maybe Mr. Claypool could give us an update on
8 that.

9 **EXECUTIVE DIRECTOR CLAYPOOL:** I have to
10 apologize. I was conversing. Go ahead.

11 **COMMISSIONER DIGUILIO:** I think we're just
12 looking for a real brief overview of the update for the
13 public access redistricting. I believe you sent us some
14 information about the choice -- what the legislature had
15 chosen to do, but maybe you could briefly refresh our
16 memory.

17 **EXECUTIVE DIRECTOR CLAYPOOL:** I was clear up at
18 guidebooks, so I have to apologize. I was going through
19 (inaudible). We actually met with the legislative
20 members of each of the four committees with the
21 legislative branch and discussed the different options
22 that we had presented to them. And their feeling was
23 that the only option that they were going to avail
24 themselves of would be the online option, either with
25 ESRI, Maptitude or both, and then also, possibly, you

1 know, creating a link to the freeware services that are
2 available.

3 Their feeling was on the rest of the options with
4 the Regional Centers, they had discussed it with Karin
5 and weren't sure that the funding at this point would
6 actually do any good because of how late it was in the
7 process, and they had funded up pretty much with the
8 Irvine Foundation. And they also thought that the
9 Neighborhood House project, whereas it was very good,
10 would be too expensive to run all the way through the
11 nine Regions, and it was just not the time to be going to
12 the Governor and requesting additional funds for that.

13 So, that was -- they were going to get back to
14 us, and we left it with them that that it was then pretty
15 much in their court, and they would report back to us
16 when they had made a decision.

17 **COMMISSIONER DIGUILIO:** Okay. And while you're
18 on the spot here, we're going to see about an update,
19 excuse me, in the inline process scope of work and what's
20 gone on with that. And we'll give you a few more
21 minutes.

22 **EXECUTIVE DIRECTOR CLAYPOOL:** Certainly. Now, we
23 sent that out to all of you, the scope of work, and we're
24 still waiting for any comments that you may wish to send
25 back regarding that. Commissioner?

1 **COMMISSIONER FILKINS-WEBBER:** I had sent an e-
2 mail, because I had a very difficult time reading the
3 document. Because of the manner in which it was saved in
4 Google, it had cut half of the document off. So, I did
5 not have an opportunity to review it. I don't know if
6 you had any paper copies that you were going to provide,
7 or if it's still a work in progress. I'd like additional
8 time, if I may, to review it, because I was not able to
9 in its entirety.

10 **EXECUTIVE DIRECTOR CLAYPOOL:** And I have to
11 apologize. I got your message and I thought that I had
12 sent you back another e-mail, and I may not have. There
13 was a lot of e-mails flying. But it is a work in
14 progress. We were going to come out of this -- this
15 meeting. We'll get you a written copy during this in
16 session so that you can take a look at it.

17 And then that -- the scope of work that you're
18 going to be looking at in that document is pretty much
19 the heart of what you're going to request. There are a
20 couple of different options that I think this Commission
21 needs to decide, and then it will affect how we write
22 this scope of work. And then everything else that goes
23 around it is pretty much standard boilerplate that will
24 come out of the Office of Legal Services.

25 The two options that you need to start thinking

1 about, one was -- was actually suggested originally by
2 Commissioner Barabba, and that option was to have
3 multiple people to go out and request RFI's for multiple
4 disciplines, or the second option would be to look at one
5 individual who might be able to give you the entire
6 process, inline review, by themselves. We can -- In
7 theory, I think we could go ahead and do both. We could
8 request that people who believed that they could present
9 the entire package provide one -- one bid, and for those
10 individuals who thought that they were well qualified to
11 present the entire -- or different sections of it,
12 present their bids, and that would give you more of an
13 option.

14 Now, the one thing that I have to say on the
15 inline review process, and this is what we discussed also
16 with the legislative group that we met with, and that was
17 that right now if we would go out to -- we would go out
18 and we would ask these individuals to submit their
19 qualifications, and you would select those individuals or
20 individual that you believed could do this process for
21 you. If we look ahead, and the budget doesn't look like
22 it's going to be -- going to pass, that money, that
23 \$75,000, along with some of the money that's in the
24 technical analysis part of our budget and several other
25 places would be where we would reach to make sure that we

1 could balance on the \$300,000 that we will come up short
2 in order to make sure that we can operate all of the way
3 through August 31st, which is, you know, that point at
4 which you do your main job, which is to get these maps
5 out.

6 So, the legislature understood that. There was
7 some discussion as to whether or not in the group they
8 believed there would be a budget prior to -- to our
9 needing those funds. And, certainly, amongst the
10 staffers there were no answers to that question. So, we
11 were -- we are going to go out. We're going to proceed.
12 We're going to ask for individuals to give us their
13 qualifications, but we're going to hold those funds until
14 we know we can actually pay for all of your services.

15 **CHAIRPERSON BARABBA:** And I would add, this is
16 one that is an and if needed application, so we're not
17 committing that we're going to be doing this. We just
18 want to have people in place if we believe we need it.
19 Is that right?

20 **EXECUTIVE DIRECTOR CLAYPOOL:** You're absolutely
21 correct, and I wanted to make sure that we also
22 understood that there was a further parameter.

23 **CHAIRPERSON BARABBA:** Yeah. And the other thing
24 that was the reason I raised the question with
25 Mr. Claypool was is that there was this requirement that

1 you had to have all this equipment and access to data
2 bases. And we might find ourselves looking for somebody
3 who is an academic who has a specialized skill that he
4 could just go to the Statewide database and do whatever
5 analysis or review we might ask him to do. So, that's
6 why we -- I suggested we split that up. So, at least
7 there is not that many places around that have the full
8 capability to, in essence, do everything. So, that was
9 the reason for that suggestion.

10 **COMMISSIONER DIGUILIO:** So, Mr. Claypool, do you
11 have an idea of when you'd like to have the Commissioners
12 review and get the feedback to you? Is there a deadline
13 for that?

14 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes. We'd like to
15 have that review done by the end of this session, which
16 should give us time enough to get the document to
17 Commissioner Filkins-Webber, and make sure she has her
18 opportunity to give us the input as well. We would also
19 like, and I think this may be something that we can do
20 right now, I'm not sure, but direction on whether you
21 want us to search for a single entity, or whether you
22 would like us to split that out, or whether you would
23 like us to ask for qualifications of individuals to ask
24 for succinct parts of the types of review that we might
25 request.

1 **COMMISSIONER BLANCO:** Mr. Claypool?

2 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes.

3 **COMMISSIONER BLANCO:** So, did you get to the
4 point of thinking about what those disciplines might be?

5 **EXECUTIVE DIRECTOR CLAYPOOL:** As we wrote this
6 statement of work, we were only thinking in terms of an
7 individual who would take your specifications, look at
8 the individual maps or segments of maps that you directed
9 that person to, and that individual would then make a
10 statement as to whether or not he or she thought that we
11 had -- that your instructions had been correctly carried
12 out, and then would make a qualitative statement, if
13 necessary, as to how there might be a possible way to
14 better that product. So, in our minds, it was always
15 just one individual really just that would have map
16 drawing skills similar to the skills that we find in the
17 individuals who are doing our map drawing with Q2.

18 It was -- We hadn't really thought in terms of
19 how we would segment that out, because it seems like such
20 a well-defined task. And so we hadn't. Now, if you
21 directed us to segment that out, we'd probably work with
22 Q2 to get an idea of how we might find segmented tasks,
23 but I don't know that what you're looking for really is a
24 group of individuals, unless you have some idea of what
25 -- how you might want to segment it. But for us, that's

1 the extent that we had actually looked at it.

2 **COMMISSIONER DIGUILIO:** Is there a way to keep
3 the scope -- excuse me -- the scope of work open to the
4 point where -- pardon me -- where someone would be able
5 to define if they wanted to split it up themselves?

6 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, we could
7 certainly, as we let this RFI, we could certainly ask
8 individuals whether or not they would like to bid on, you
9 know, a portion of it and describe, you know, give us the
10 information on what portion of it they felt they might be
11 qualified to provide. I mean, that -- but when we do
12 that, we run into the problem of maybe someone saying,
13 well, I can do this, this and this, and the rest of the
14 entities saying, well, we can just do it all, and then
15 you'd have to decide whether you would want to go with
16 somebody who would do a portion of it and then find one
17 of the other entities who -- to do the remainder. But we
18 can -- we can segment that way, and we can present the
19 responses to you.

20 **CHAIRPERSON BARABBA:** The dilemma I've had with
21 this is that it presumes that one entity could do it all
22 very, very well, and that as well as we might get from
23 specialists who are -- would focus on a particular area,
24 whether it be an ethnicity question or whatever, and our
25 compactness. There is a lot of things that we could look

1 at. And -- and it's hard -- my impression would be that
2 there is probably a set of skills out there that
3 individually might develop a better, more capability than
4 just having one organization.

5 **COMMISSIONER DAI:** Commissioner Barabba, I tend
6 to think that, I mean, unless there is a -- it costs us
7 anything to do this, it seems like it makes sense to ask
8 for both. I mean, ask for people who have best of breed
9 kind of skills and see if we have enough to -- enough
10 individuals that would cover the whole thing as well as
11 folks who think they can bid on the entire process.
12 Wait, Maria.

13 **COMMISSIONER BLANCO:** The reason I ask the
14 question is, unless we specify what we're looking for,
15 how can somebody say I don't have that skill that's
16 called for? You know, I think -- So, in the process of
17 drafting, I haven't had a chance to look at it either.
18 So, I don't know if it has examples of what we're looking
19 for in the person. If it does, maybe that's sufficient.
20 Those very things that are outlined in the -- you know,
21 in the, what are we calling this one? RFI? Yeah. In
22 this RFI, maybe it's, you know, explicitly there, but
23 otherwise I don't know how people know whether they have
24 it or not.

25 **COMMISSIONER DIGUILIO:** So, could there be a way

1 for us, as Commissioners, to review this to possibly come
2 up with, if we are interested in breaking this out, to
3 come up with some specific areas. I'm thinking,
4 Commissioner Barabba, that we might be able to give them
5 an idea on there --

6 **CHAIRPERSON BARABBA:** Yeah.

7 **COMMISSIONER DIGUILIO:** -- maybe even more that
8 they could self-identify. Again, I understand
9 Mr. Claypool's point. We don't want to have a lot of
10 extra things coming up, but maybe we could keep our
11 options as open as possible, if we review this and then
12 provide that feedback to --

13 **CHAIRPERSON BARABBA:** You know, since it's listed
14 as an as needed -- if needed, we may say, you know what,
15 we don't need the whole thing reviewed. We need these
16 two items reviewed, and now we've got somebody tied up
17 and paid for the capability of reviewing the whole thing,
18 whereas we might want to deal with a specialist. So, it
19 sounds to me like we have a little homework to do as to
20 identify what those areas might be, and maybe what we
21 could ask the leads of the advisory committee is to take
22 a look at that and see if there is anything that you see
23 that -- that you would think might be listed as the kind
24 of specialty -- specialization that we need. Would that
25 be okay with the leads of the different committees? Of

1 all of them, I would think. They all apply, to some
2 extent.

3 **COMMISSIONER DIGUILIO:** And do you have a
4 timeframe? I think we won't be able to discuss this
5 issue again probably until the next set of meetings. So,
6 we can -- that will be homework between now and the 5th.
7 Yes.

8 **CHAIRPERSON BARABBA:** Yeah. If we could do that.
9 Is it okay with everybody? All right. Let's -- let's
10 (inaudible).

11 **EXECUTIVE DIRECTOR CLAYPOOL:** One short question.
12 Could we have some kind of expectation for when we would
13 want to have this individual or firm online? Is it by
14 the first set of draft maps, the second one, or later on
15 -- later in the process?

16 **CHAIRPERSON BARABBA:** I would think it would be
17 the latter part of the process, because we've got a lot
18 to learn even how to ask for what we want done.

19 **EXECUTIVE DIRECTOR CLAYPOOL:** All right. So,
20 July, then?

21 **CHAIRPERSON BARABBA:** Yeah, probably, I would
22 think.

23 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay.

24 **CHAIRPERSON BARABBA:** Yeah, Andre.

25 **COMMISSIONER PARVENU:** (Inaudible) with the same

1 document, is the latest draft, statement of work, dated
2 March the 7th? Mr. Claypool, that's the document I'm
3 looking at here where you indicate the scope of work and
4 you use some of the same criteria that was used initially
5 for our line drawers in terms of having two references
6 and so forth with the scope. Is this the latest?

7 **EXECUTIVE DIRECTOR CLAYPOOL:** I -- You know,
8 Commissioner, if I could look at that later with you, I
9 can tell you that --

10 **COMMISSIONER PARVENU:** Okay.

11 **EXECUTIVE DIRECTOR CLAYPOOL:** -- we've sent out
12 -- I don't know if it were -- if it was just not updated
13 on March 7th. March 7th seems a little old. I think --

14 **COMMISSIONER PARVENU:** That's what I'm thinking.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** -- we sent a couple
16 of different sets, or at least one different -- on
17 additional set out since that time.

18 **COMMISSIONER PARVENU:** Okay.

19 **EXECUTIVE DIRECTOR CLAYPOOL:** So, I can take a
20 look at that with you and make sure, and, at the same
21 time, we'll print out a copy for you as well as for
22 Commissioner Filkins, whoever, so that you have the, you
23 know, time. And clearly, we have the time in this
24 session for you to read it and give us a sense of how you
25 feel about it.

1 I was also thinking about divisions, as you were
2 talking and going to the leads, and I guess it makes a
3 little sense when I start thinking about it that you may
4 wish someone to only review the VRA components of the --
5 your instructions, or you may wish someone to look at
6 only the communities of interest. So, if you're thinking
7 down those lines, then that would make sense.

8 **COMMISSIONER DIGUILIO:** Okay. So, with that, we
9 will have some tasks. We'll have some reminders for the
10 leads of the advisory committees to look at this more
11 closely and have some review of by individual
12 Commissioners and the leads for the next meeting on May
13 5th.

14 Okay. The next item on the agenda is the
15 guidelines for Commissioners at public input hearings.
16 And, really, just to say, this issue really will be taken
17 up in finance and administration. I think all of you had
18 received the Code of Conduct. And just as a reminder, I
19 think that at the end of our last meeting we had gotten
20 into a debate and conversation about issues. And I think
21 with the passion that we all feel about this topic and
22 the intensity of all of our hearings, and, not to
23 mention, probably a little tiredness at the end of four
24 days, and I know I, for one, just always -- it's always
25 good for me in reviewing the Code of Conduct to remember

1 that we all, as a team, we owe the public, we owe our
2 staff, our consultants and each other the benefit of the
3 doubt and to breathe deeply. And I, for one, am one of
4 those that should take that advice.

5 So, I think with that, we're just going to let --
6 just to mention that that is something that, again, that
7 will be taken up in finance and administration. And what
8 time is that meeting again? I'm trying to remember.

9 **FEMALE:** (Inaudible).

10 **COMMISSIONER DIGUILIO:** Oh, 3:20'ish. Okay. So,
11 on to the operations and structure of the input hearings.
12 The first topic is streamline process for input hearings,
13 and I believe Commissioner Barabba had sent around
14 something that he and Commissioner Dai had at least been
15 on the initial stages. I'm not sure if it's been
16 updated, but I'll go ahead and let Commissioner Barabba
17 discuss some of the streamlined template for the input
18 hearings.

19 **CHAIRPERSON BARABBA:** I'll assume that everybody
20 received it. Is that a safe assumption? Okay. Well,
21 the whole intent here was is that as we get into the
22 later stages of these input meetings we know that groups
23 are getting larger and larger, and that we felt there was
24 a need to really see if we could move things along a
25 little better. And so, with the -- with the help of the

1 Vice-Chair and several others, we went through this and
2 sent it out to several of the members to get feedback on
3 it. And so, we'll be happy to answer any questions you
4 might have about the suggestions, but we would think this
5 would be one way of expediting and making sure that
6 everybody has a chance to speak at these meetings.

7 **COMMISSIONER DAI:** Would it be helpful if I just
8 kind of walked everyone through?

9 **COMMISSIONER DIGUILIO:** And before you -- I have
10 a question very quickly. Some of these things are maybe
11 establishing some more definitive things that we've had
12 in the past. Have we -- If we -- Is this something that
13 you'd like to have approved, because then we would need
14 to notify the public so they're aware. Okay. Thank you.

15 **COMMISSIONER DAI:** So, one of the things that we
16 will probably not have the luxury of in the future, as
17 we're expecting a lot of speakers, especially in the
18 sequence of meetings and public input hearings, we will
19 not be able to take, you know, a half an hour to get
20 through our preliminaries. So, we put a target time here
21 of 15 minutes, and that includes everything. So --

22 **COMMISSIONER FILKINS-WEBBER:** I'm sorry. I
23 apologize to interrupt. Can you provide reference to the
24 document that you're referring to? I'm sorry. I have so
25 many e-mails and --

1 **COMMISSIONER DAI:** Yes.

2 **COMMISSIONER FILKINS-WEBBER:** -- I don't know
3 that I saved it in Google docs. Because I wanted to
4 follow along.

5 **COMMISSIONER DAI:** Yes. It was -- I believe it
6 was called updated agenda, but it's --

7 **CHAIRPERSON BARABBA:** Updated agenda.

8 **COMMISSIONER DAI:** But it's actually, the title
9 says streamlined template for CRC Public Input Hearings.

10 **CHAIRPERSON BARABBA:** Yeah, it came from me.

11 **UNIDENTIFIED MALE SPEAKER:** What's the date? Do
12 you know the date on that?

13 **CHAIRPERSON BARABBA:** I think it was yesterday.

14 **COMMISSIONER DAI:** Yesterday. Yesterday
15 afternoon from Commissioner Barabba.

16 **COMMISSIONER DIGUILIO:** Yesterday at 3:06,
17 suggested temple to provide sufficient time for citizens
18 at input hearings, from -- coming from Vincent Barabba.

19 **COMMISSIONER DAI:** So, I'll go ahead and talk
20 everyone through it, and hopefully you'll be able to pull
21 it up. So, basically, we would like to try to get
22 through everything in 15 minutes. So, when we've had
23 introductions from Commissioners before, that has varied
24 quite a bit in length, and so we just wanted to give some
25 guidelines so that you can prepare an elevator pitch. We

1 suggest 30 seconds or less, and that should include just
2 the basics, your name, city or county you hail from, and
3 your profession. We thought we'd allow a little bit
4 longer for Commissioners who are from the area to say a
5 little bit more, so maybe a minute, but it would be ideal
6 if it's even less, because if you multiply times 14, you
7 can see that's going to eat up into our 15 minutes very
8 quickly. So, ideally we could get through the whole
9 Commission, even with some local Commissioners, in less
10 than 10 minutes.

11 Then we would go ahead and introduce the staff as
12 a group and do that quickly, introduce our Q2 Team,
13 again, quickly. And then the Chair will describe the
14 overall process of redistricting and our overall
15 schedule, and this will be an opportunity to introduce
16 the guidebook, which Mr. Wilcox and the Public
17 Information Advisory Committee has spent a lot of time
18 putting together and vetting and making sure the
19 information is accurate. So, rather than have people try
20 to recreate that, we would like to refer people to pages
21 in the guidebook so they can see the kind of information
22 that's in it, and this will allow people to see more
23 detailed Commissioner bios, for example, as well as all
24 of the reference information about the populations for
25 the different types of districts, and the criteria in the

1 correct order.

2 So, rather than going through that, they will be
3 able to look at it. We are also planning to post this on
4 the walls so that anyone who comes in late and misses the
5 introduction will be able to see the critical information
6 that will be relevant to their testimony. There will be
7 a quick reminder that the Commission is not allowed to
8 consider partisan information. If a translator has been
9 requested, which it has for every one of the meetings
10 here in the Los Angeles Area that would be the time to
11 introduce the translator. I know that we'll want to have
12 a little bit of discussion here about a policy around how
13 we're going to handle a translated testimony, so we'll
14 come back to this point.

15 And then next will be a quick run through our
16 hearing procedures. And, again, this is designed to
17 maximize the number of speakers, give everyone a chance
18 to speak. Be respectful of the public, many of whom have
19 driven hours to get to a public input hearing.

20 We've talked before about how to deal with people
21 who represent organized groups or even smaller groups,
22 such as a neighborhood, and there has been a concern
23 expressed in the past that -- that, you know, it may be,
24 perhaps, may dampen the enthusiasm of individual
25 testimony when there is a long sequence of speakers from

1 a single organization. So, in keeping with our past
2 policies, we'd like to prioritize individuals and small
3 groups first. And this, of course, can only be done at
4 the beginning of the hearing. So, numbers will be handed
5 out at the door before the hearing starts in this
6 sequence, but at that it will be first come, first serve,
7 because we won't be able to control it after that.
8 Commissioner Ancheta?

9 **COMMISSIONER ANCHETA:** So, a question. And I
10 agree with the intent on it, and I think it's important
11 to try to do this, but I guess one question I would have
12 is, do you -- how do you determine what a group is versus
13 someone who has organized a bus load of individuals from
14 a particular area, they're speaking in their individual
15 capacity? There is a lot of them, right? And, again, I
16 think -- not to, you know, just cut that or limit it in
17 major ways, but is that the group that we're talking
18 about, or is that just a collection of individuals that
19 happen to be coming in together?

20 **COMMISSIONER DAI:** I personally think it's a
21 collection of individuals. You know, I want to
22 distinguish between individuals who have been organized
23 and enabled by a group versus official representatives of
24 the group. And the reason is that we've set aside two
25 specific days for organized group to present their

1 testimony, and we've given them longer blocks of time,
2 and we want to just ensure that that's what happens. We
3 cannot prevent them from testifying and taking advantage
4 of our public input hearings as well, but, in that case,
5 we want to give them a lower priority since they are
6 getting special time.

7 **COMMISSIONER ANCHETA:** And so do we have, and,
8 again, this is a little tricky, but, for example, I think
9 in the -- was it the Merced hearing or the Hanford
10 hearing, for example, there were a number of individuals
11 who I think were probably aligned with the Asian American
12 group Capafer (phonetic). That qualifies as sort of a
13 group with multiple speakers. Is that sort of an example
14 of what we're envisioning?

15 **COMMISSIONER DAI:** Yeah. I would think so. And
16 here we've suggested a limitation of no more than five
17 speakers. You can imagine if there were 10 speakers and
18 they each took -- it would take a long part of the
19 hearing, and it might be very --

20 **COMMISSIONER ANCHETA:** Right.

21 **COMMISSIONER DAI:** -- annoying to others.

22 **COMMISSIONER ANCHETA:** Right. And that's the
23 contrast, for example, with -- I can't remember which --
24 again, which hearing it was, but there was a large number
25 of folks who were bussed together to come in, and, again,

1 I think largely that related in similar measures, because
2 they're from the same area, but I think did speak as
3 individuals. So, I think that's different.

4 **CHAIRPERSON BARABBA:** I think it was a group from
5 Venture, as I recall.

6 **COMMISSIONER ANCHETA:** Right. Right.

7 **COMMISSIONER DAI:** Yeah. And I think that would
8 be a collection of individuals who have been, you know,
9 enabled and perhaps trained by a group, and I think we
10 need to treat them as individuals. They may be
11 individuals who may not have otherwise testified without
12 that training. So, I would distinguish those, as opposed
13 to official representatives, you know, of a group, which,
14 as I said, they have special time. So --

15 **COMMISSIONER ANCHETA:** Okay.

16 **COMMISSIONER DAI:** -- that's the rationale for
17 this, and, again, this is up for discussion, so I just
18 want to take everyone through it. And the thought was
19 that here that we would remind any representatives of
20 organized groups, if they have a sequence of speakers,
21 that each speaker offer new information rather than
22 saying the same thing, that that would be better for
23 everyone and help keep the process moving along.

24 And then the final priority would be people who
25 have already had their chance to speak and there is time

1 left over in the hearing, and they have new information
2 to offer, then they would be given an opportunity to
3 speak again, giving us the number that they had before so
4 it can be -- testimony can be captured together by Q2.
5 And the suggestion here that's slightly different than
6 how we've done it in the past is that this would only be
7 offered if it is before 9:00 p.m. on a weeknight or
8 before five o'clock on a weekend. In other words, past
9 -- it is within the time of our originally scheduled
10 public input hearing. In other words, it would not
11 further extend the hearing beyond the hours as, you know,
12 with new speakers. So, that's a suggestion to keep a
13 little control on the time and the wear and the tear on
14 the Commission.

15 **CHAIRPERSON BARABBA:** Well, there was also wear
16 and tear on the --

17 **COMMISSIONER DAI:** On the facility.

18 **CHAIRPERSON BARABBA:** -- audience, because there
19 was some --

20 **COMMISSIONER DAI:** And the audience.

21 **CHAIRPERSON BARABBA:** -- audience that wanted to
22 leave, and they just didn't want to miss anything, you
23 know.

24 **COMMISSIONER DAI:** Right. And they didn't feel
25 comfortable leaving while people were still testifying.

1 Another suggestion is that, in the past, we have allowed
2 three to five minutes. The suggestion here, especially
3 we are actually expecting fairly large crowds is just to
4 make it three minutes across the board. We unfortunately
5 cannot predict when, you know, someone -- a large group
6 may come in the second hour, and we've already seen this
7 in a previous hearing where people objected because some
8 of the earlier speakers got a longer amount of time. So,
9 I think, you know, again, if the bus load of people
10 doesn't come in and there is time left, then those
11 speakers would have the opportunity to speak again, as
12 long as it's within our time.

13 And then reminders to submit handout materials to
14 Commission Liaison Sargis, reminders that this is not the
15 only opportunity to submit input, that we have the
16 website and mail, fax, etcetera, reminders about our
17 website and that it's being live streamed, and then also
18 pointing out some other resources that would help people
19 draw maps. And, actually, we could probably refer to the
20 guidebook on this as well, but they're also links on our
21 website, free resources to help draw maps that would aid
22 us in understanding the testimony.

23 So, that's a quick run through. There are a
24 couple of policy changes implicit in here. I think we
25 also want to talk about how to handle translation. Any

1 comments on just this first part and some of these
2 proposals?

3 **COMMISSIONER GALAMBOS-MALLOY:** I really
4 appreciate the thought that has gone into this, and I
5 think it reflects what we've learned so far since we've
6 been on the road. The only part of it that to me, I am
7 struggling with goes back to how we deal with the
8 organized groups. And, you know, in thinking through
9 free speech, public process, obviously we have to have
10 some parameters on how long people have to speak, but,
11 for example, if a group showed up and they had, you know,
12 10 folks that were with them and each of their 10 folks
13 had something significantly unique to say, I don't know
14 how I feel about limiting and saying, no, as an organized
15 group you can only have five.

16 And my reason for saying that is I think that we
17 did provide, again, for these group hearings, group input
18 hearings, one in Northern California and one in Southern
19 California. However, when you're talking about local
20 community members, there are still, you know, significant
21 challenges towards organizing very local groups to be
22 able to get to either one of those meetings and provide
23 that same testimony. And so I agree, kind of in concept,
24 that we need to have these guidelines, but, you know,
25 thinking of them as suggested guidelines and knowing that

1 there may be sometimes where we deviate slightly from
2 this, I just would be interested to hear what other
3 Commissioners feel about this.

4 **COMMISSIONER DIGUILIO:** I was kind of along the
5 same lines with Commissioner Galambos-Malloy to some
6 degree that I am trying to balance the ability for an
7 individual who just shows up to be able to have an
8 opportunity to speak and not have to wait for an hour and
9 a half to get through a large group, with the large
10 groups' right to be able to -- or the individuals in that
11 group to be able to speak. I think if we make a policy
12 to -- though I believe if we make a policy decision that
13 says we're going to ask you to limit a large group to
14 three to five speakers, and that group knows ahead of
15 time they would be wise to know who would like to speak,
16 if they would like -- another option, maybe, is if for
17 some reason they had seven or eight, maybe we could say
18 the limit is three to five initially, then we would go
19 back into the queue. If you would like to wait to the
20 end, and it's before the end we would allow you to finish
21 up.

22 So, we're not saying no, but we are saying a
23 limit at a time, a block -- a block limit. And then you
24 can move on and still include it later. But in
25 consideration of everyone else, we may need to balance

1 the -- what's the least of two options.

2 **CHAIRPERSON BARABBA:** Oh, excuse me.

3 **COMMISSIONER RAYA:** Yeah, I'm in the bleachers
4 over here. You know, part of what we lost in not being
5 able to do the whole ideal education portion of our work
6 that we hope to do is that we weren't able to give some
7 guidelines to people on giving testimony, you know,
8 farther along engage them in that process. And my
9 suggestion would be because even with an effort to bring
10 people back later, we know we're going to run out of
11 time. So, if we can give guidance to people, give us the
12 highlights, the parts you don't want us to miss, the
13 stuff you want to hit us in the face with, and then
14 submit the rest of it in writing or online, however, so
15 that we'll get the full picture, but we'll definitely get
16 what they think is the most important.

17 **COMMISSIONER BLANCO:** Yeah, I have concerns about
18 the saying don't speak on the same topic if you're in the
19 group, because at a lot of our hearings speakers talk
20 about the same thing and make the same point, you know.
21 We've heard that all over. Sometimes we have five
22 speakers in a row say the exact same thing, even if
23 they're not from an organized group. So, that also feels
24 strange to me to limit the small groups if you're saying
25 the same thing as anybody else. Because, you know,

1 sometimes that's about numbers, and that's democracy.
2 And so I think we do -- I'm concerned about that. But I
3 understand the spirit, but I think we have to figure it
4 out some different way.

5 **CHAIRPERSON BARABBA:** The discussion around that
6 was the -- was I think it was in Kern County where you
7 fundamentally had four people come up and tell us the
8 same thing. And the point that I felt was it's not how
9 many people say it, it's how well it's said and how
10 meaningful it is. So, we had, in essence, four people
11 telling us something we had already heard, and that might
12 be depriving you later on when you get a bigger crowd,
13 that's going to deprive some people of saying anything at
14 all. So, I think that -- Jodie?

15 **COMMISSIONER FILKINS-WEBBER:** I agree with
16 Commissioner Blanco, primarily because if we -- I'd like
17 to see the volume of people. It's not -- it's not that
18 we're taking away from the substance of what they have to
19 say, and we recognize that they are saying the same
20 thing. But say, for instance, we only had one speaker
21 and we had an opposing view, and that was only one
22 speaker, but, yet, there were five other people in the
23 audience who heard this instruction and thought that they
24 didn't have an opportunity to speak. If we're confronted
25 with a situation where we have conflicting public data,

1 you know, or public, you know, input, if we had known
2 that there were five people or 10 people that had come to
3 a public hearing that were saying the same thing, to me
4 it gives greater weight to that, and I want to hear it,
5 even though it is repetition. Because I think that if we
6 do have to weigh that, I think it might weigh in favor
7 from just a single individual might have a contrary view
8 to a greater number of people speaking on the same thing.

9 So, although it is in the best interests of
10 everybody involved to get as many people speaking, but we
11 haven't closed the time in which we're, you know -- we
12 don't cut -- we don't shut the doors and say you're not
13 going to speak. So, I really want to hear from as many
14 people, even if they are saying the same thing. I really
15 do, because it's greater for me to weigh the impact of
16 those individuals in a given area, you know, opposed to
17 somebody who might just be speaking -- one person
18 speaking contrary to that.

19 **CHAIRPERSON BARABBA:** Okay. Connie.

20 **COMMISSIONER GALAMBOS-MALLOY:** I agree. I think
21 after the last couple of sessions, and doing our first
22 input hearings having a better sense of how Q2 is
23 actually inputting and managing the data, it's going to
24 dramatically impact our ability to go back, because each
25 speaker is essentially its own record, and so we could

1 have them, you know, pull everybody who spoke on a
2 particular topic or a particular boundary. And if we've
3 limited so only one person has spoken on that particular
4 item, again, we won't have much to work with when we get
5 to those tricky parts of our deliberation.

6 **CHAIRPERSON BARABBA:** I guess the only way we
7 respond to these, we weren't saying that if you had an
8 issue that you shouldn't be able to talk about that issue
9 with more than one person. It's just that if you had a
10 fact that came up by one person, it's a repeating of the
11 same fact by the next person that was the kind of thing
12 we were trying to -- we're not saying you could not have
13 other speakers. It's just that you would want the
14 speakers to add something to the discussion rather than
15 repeat what the first person had said. And if that's too
16 complicated we can address it. Yes. I think who was
17 next here? Gabino.

18 **COMMISSIONER AGUIRRE:** Thank you. Yeah. It is
19 -- it's muddy and it's clumsy, but it's public testimony,
20 and everybody that comes here made the effort to come to
21 address this. And some of the repetition that we've
22 heard is keep my county whole, keep my county whole, keep
23 my county whole. That's fine. However, there is always
24 nuanced kind of reasons for why they want to keep their
25 county whole.

1 And in terms of the number of individuals that
2 are representing a particular area, the politics of that
3 area requires that people show up to say what they need
4 to say. So, I'm kind of -- even though in the interest
5 of time we may -- you know, we're making the effort to
6 try to categorize people so it runs a little bit more
7 efficiently. But ultimately everybody that comes in the
8 door has a right to speak.

9 So, whether we accommodate them early or we
10 accommodate them late, you know, we've talked about the
11 fact that even though we set a 6:00 to 9:00 window for
12 input, then we also agreed early on that if we needed to
13 go beyond that that we are all perfectly willing to hang
14 around until the last speaker expressed himself or
15 herself. So, I'm -- I recognize the effort in trying to
16 be efficient, but when you're dealing with the public,
17 especially when you're dealing with grassroots community,
18 it just doesn't fall that neatly, and we should not try
19 to pigeon hole it as neatly as we're trying to right now.

20 **COMMISSIONER DIGUILIO:** Maybe we could just say,
21 for the sake in moving this process forward a little bit,
22 could we suggest that there is some consideration of we
23 would like to provide some guidelines for the public.
24 So, simply an opportunity to give them some idea of maybe
25 what would be most helpful for the Commission when they

1 provide the feedback. So, if we ask them to say, we may
2 hear keep our county whole, keep our county whole, but
3 one person says it's based on my school districts, the
4 next person says it's based on transportation. I mean,
5 those are the nuances we want to hear. I think that was
6 what the facts that Commissioner Barabba was mentioning.

7 So, if we kind of steer them by saying give us
8 those elements, and then we could also ask them, you
9 know, to say, in consideration of everyone -- I think if
10 you set the bar high for the public they'll respond. And
11 say, in consideration of everyone else, if you have a
12 large number of speakers, maybe you could consider
13 limiting to a reasonable number, and then we would try to
14 accommodate everyone because, of course, it's open mic.
15 But I think if we just provide these guidelines, and it's
16 not policy in terms of what you have to do, maybe that
17 would help us. It would be a little more palatable in
18 terms of giving guidance to the public.

19 **COMMISSIONER AGUIRRE:** Yeah. I think my concern
20 was when you -- when we make the statement that we're
21 only going to listen to -- or we're going to listen only
22 to X number of representatives or X number of individuals
23 on this topic that only is very limiting.

24 **CHAIRPERSON BARABBA:** Yes.

25 **COMMISSIONER DAI:** I kind of like the earlier

1 suggestion where we don't limit the number of
2 representatives, because it's true. I mean, they might
3 have chartered a bus and brought a lot of people. But I
4 think the idea of breaking them up into blocks and
5 letting individual speakers come in, if that can be
6 managed, it might be complicated with the numbering
7 system, but maybe we -- if we let blocks of up to five,
8 and then let a block of individuals go and then bring
9 them back.

10 **COMMISSIONER BLANCO:** Yeah. I think that's about
11 all we can do, because I don't -- I don't think we can
12 even say here is what you are -- what we would prefer to
13 hear, you know, the subtlety. This is what we all do
14 when we write letters to our elected officials. People
15 say, we want to send in 100 letters, you know, saying the
16 exact same thing. That's how people, you know, let their
17 opinion be heard, and often they won't have a subtlety.
18 They just have one thing to say. Do this, do right on
19 this issue like this.

20 So, I don't think we can even sort of say only if
21 you -- Try and add something new, because that's still
22 not, from my perspective, people could say the exact same
23 thing, and that's the value and that's why they came, to
24 say the same thing as somebody else, or, you know -- So,
25 I think we might have to just figure out a structural way

1 to say, if you -- if you know, if you came with a group
2 we're going to try to, you know, sprinkle it so that, you
3 know, whatever, but I don't think we can even guide them
4 on what they should say.

5 **COMMISSIONER DAI:** So, it sounds like -- I just
6 want to see what we have agreement on. So, we have an
7 agreement that we'll try to sprinkle them in chunks, and
8 that way we can encourage individuals who have traveled
9 to not have to wait too long. I think would it be fair
10 to say that we would encourage them to offer rich,
11 different facts to help us, you know, gather the kind of
12 testimony we need to establish a community of interest?
13 But, I mean, we're not going to stop them from saying
14 what they're going to say.

15 I kind of agree with Commissioner DiGiulio. I
16 think if we encourage people, I mean, we've asked
17 questions and we've gotten very good feedback. So, I
18 think if we say this would be most helpful to the
19 Commission if we could get additional facts. I mean, I
20 heard keep my county whole, keep my county whole, keep my
21 county whole, but I heard, you know, because of the
22 hospital system, because of the routes of transportation,
23 you know, because of the, you know, tourism industry.

24 So, I mean, I think that's helpful, because
25 eventually we're going to have to justify communities of

1 interest. It's probably less important for the counties,
2 because that's specified in the act, but for communities
3 of interest, in particular, we're going to need evidence.
4 So, the more that they can give us that kind of
5 information, I think it would be helpful. Is that
6 encouragement? Okay. And are we all okay with the three
7 minute limit and also only new speakers once it's after
8 9:00 or after 5:00 so everyone gets a chance?

9 **CHAIRPERSON BARABBA:** Commissioner -- Gabino.

10 **COMMISSIONER AGUIRRE:** Yes, there is -- Yes,
11 thank you for that summary. There is one other type of
12 speaker that is going to be coming before us, and that is
13 the individual who is not going to provide districting
14 information, but, in fact, is going to comment on the
15 operation of the Commission. For example, the individual
16 that came and questioned why we had hired a particular
17 consultant to do the VRA work for us. So, in essence,
18 they get their three minutes just like everybody else.
19 We can't restrict their participation or their commentary
20 in any way.

21 **COMMISSIONER DAI:** Good point.

22 **COMMISSIONER BLANCO:** Yeah. I mean, I don't want
23 to beat a dead horse. I know we need -- we are trying to
24 streamline this, but, really, even the guidance, if we
25 tell everybody, try to give us specifics that's fine.

1 But I don't think that if somebody is saying the same
2 thing that you try and say make sure that you say
3 something different. We have letters that have been
4 submitted to us that say the identical thing for what a
5 community of interest is.

6 **COMMISSIONER DAI:** Sure.

7 **COMMISSIONER BLANCO:** That's just the way it
8 goes. And so, I'm not sure that we can try and do that
9 kind of guidance. I think you can just say at the
10 beginning --

11 **COMMISSIONER DAI:** Yeah.

12 **COMMISSIONER BLANCO:** -- when you talk about
13 stuff, try and give us as many specifics as possible and
14 that's really all you can do.

15 **COMMISSIONER DAI:** Okay. Sounds like we're
16 agreed on that. I did want to -- The other thing that I
17 did want to talk about as a group and make sure we're
18 clear about is how to handle speakers who require
19 translation services, and so maybe I know that there are
20 various Commissioners who have opinions on this based on
21 our experimentation in the last six hearings. So,
22 Commissioner Filkins-Webber?

23 **COMMISSIONER FILKINS-WEBBER:** Thank you. I have
24 worked with interpreters in every language as an
25 attorney. I use them every other day, practically,

1 either in court or in a deposition. This is the first
2 occasion in which I've had an opportunity to see them in
3 their efforts to present testimony for an individual
4 before us. There were two different ways in which it was
5 done, and I believe that, and for the interests of the
6 public and understanding the individual, in an effort for
7 this Commission to have an accurate understanding of what
8 that individual wishes to convey, I think we should have
9 professional interpreters that are qualified and capable
10 of doing simultaneous translation.

11 It's the most efficient manner possible in which
12 to utilize time effectively for the convenience of the
13 other members of the public who wish to speak, but it
14 also provides for accurate documentation of the
15 individual's testimony, because what we did see
16 previously is a circumstance where somebody apparently
17 took an individual outside, got the just of what the
18 individual wished to speak about, and because of the --
19 the timeframe before that person got to speak, the
20 individual, while standing there at the podium, added a
21 lot more to the testimony that the interpreter wasn't
22 aware of when they had spoken to one another an hour
23 before.

24 So, we did not -- we've captured the testimony,
25 certainly, and we can go back and look at it and have it

1 translated appropriately, but my recommendation would be
2 is to also confirm with the translators that are present
3 or even before we hire them that they are comfortable
4 with doing simultaneous translation. There are
5 interpreters that do not feel qualified to do that, and
6 it could disrupt the process significantly. So, even
7 when you're dealing with an interpreting company staff,
8 for instance, if you do make inquiry and you make
9 arrangements for interpreters, if this Commission so
10 decides to do simultaneous, you need to ask that the
11 individual who appears before us feels comfortable in
12 doing that in this setting. So, that's all that I would
13 have to say on this issue.

14 **COMMISSIONER DAI:** Okay. So, preference of
15 simultaneous translation. That has implications for
16 time. I just want to through that out too.

17 **COMMISSIONER BLANCO:** I think we just have to
18 deal with the time. I agree with the simultaneous, and
19 you can lose, you know, content. I mean, you really
20 don't want the interpreter testifying. You want the
21 individual to be testifying and the interpreter is really
22 just, you know -- Summaries are iffy. They then -- they
23 can be, you know, subjective by the interpreter.

24 So, I don't know right now what our policy is on
25 are we hiring professional certified. One of the

1 problems, I know, when we've asked for volunteers, I
2 share the concern that, you know, we've been lucky a
3 couple of times, but the only reason that I even know
4 that we've been lucky is because I understand. But if it
5 were a language that I didn't know, and we called on a
6 volunteer, and nobody else on the Commission or in the
7 room knew that language, we would have no way of knowing
8 what the quality of that interpretation was. And so I
9 think that we need to not only -- I would prefer
10 simultaneous, and I think we have to have -- I don't have
11 a recommendation on this, that we have to make sure that
12 they are somehow either certified or qualified so that we
13 don't -- we can't just, you know, take volunteers.

14 **COMMISSIONER DIGUILIO:** Kind of along that same
15 line, I just had a question in anticipation of some
16 issues we may run into. Say if someone showed up when
17 they had brought their own interpreter or their friend or
18 their family member, and we didn't -- weren't aware that
19 it was a Tagalog or something, you know, another
20 language, will we accept that person to translate or do
21 we ask the person to use their three minutes in their
22 language and at a later date we'll go back and translate?
23 I mean, do we prefer to use someone who is there, or do
24 we just say, give your testimony, we, at a later date,
25 will translate it?

1 **CHAIRPERSON ONTAI:** Yeah. Similar question I
2 wanted to ask. Suppose we have a member of the public
3 that comes up and a family member is there willing to
4 make that interpretation. Would we accept that? I mean,
5 I would assume that would be an acceptable translation?

6 **CHAIRPERSON BARABBA:** Jodie?

7 **COMMISSIONER FILKINS-WEBBER:** I do believe that
8 there may be circumstances in some of our more ethnically
9 diverse areas where we may not have an interpreter
10 available. So, I would certainly -- wouldn't mind
11 having, you know, a family member or a friend that came
12 along, because it's more likely that that individual came
13 along for the specific purpose of interpreting. So, I,
14 at that point, you know, then we would have some leniency
15 on simultaneousness, because it is a difficult thing to
16 do and you should probably be trained. But, you know,
17 even if they just made a few -- said a few sentences,
18 generally family members, in doing this in every
19 practice, they'll hear a few sentences and then they'll
20 interpret.

21 So, I would highly encourage that rather than
22 waiting, you know, at a later date, because, again, we
23 need to anticipate that that will come up under
24 languages, maybe even particular dialects that we don't
25 have an interpreter for. So, I would highly encourage

1 that, and highly encourage some leniency and patience on
2 the part of the Commission for a family member or a
3 friend that's willing to help out in that circumstance.

4 **COMMISSIONER DAI:** Okay. So, it sounds like
5 there is a consensus, simultaneous certified interpreter
6 whenever possible, and, of course, when the Commission
7 has been given notice then our staff can arrange for
8 that. Oh, sorry. Commissioner Raya?

9 **COMMISSIONER RAYA:** I have a question. Okay.
10 Question, because this -- in observing the instances
11 where we had, in Hanford, the simultaneous going on, are
12 we doubling the time? How are we --

13 **CHAIRPERSON BARABBA:** Yeah.

14 **COMMISSIONER RAYA:** -- accommodating that?
15 Second part of that is that we also, and I don't recall
16 exactly where this was, we had a gentleman who had took
17 him longer to get his words out. Okay. I don't know how
18 to describe that exactly, but and I was sitting there,
19 and I don't remember who was handling the meeting, but I
20 was trying to mentally, you know, send a message like
21 don't rush the clock, or maybe I was trying to tell
22 Janeece, don't hit the clock, because clearly he needed
23 more time. So, I think that's another issue where we
24 need to be sensitive to someone who has clearly has a
25 physical reason that they cannot meet that three minutes

1 and get their message out.

2 **COMMISSIONER DAI:** Would it be reasonable to say
3 that basically we allow up to twice the time, unless,
4 obviously, they're going to be some circumstances and
5 it's the discretion of the Chair to make sure we can get
6 the input that we need? But, as a general rule, it seems
7 fair, if it's simultaneous, that it would take twice as
8 much time. Is that okay with everyone?

9 **COMMISSIONER FILKINS-WEBBER:** Simultaneous
10 doesn't take double the time, and that's the whole point
11 of doing it simultaneously. Because, for instance, the
12 interpreter stands in front of the microphone so that the
13 interpreter's words are heard, the individual who is
14 speaking stands to the side and their language -- I mean,
15 their words are not necessarily picked up. And because
16 it's simultaneous it's at the same time, and it's within
17 the three minutes. If you have a family member that's
18 doing, you know, that's not doing it simultaneously, then
19 obviously I would leave it to the discretion of the Chair
20 under those circumstances to maybe give another minute,
21 you know, for the assistance if it's not at the same
22 time. That's what simultaneous means.

23 So, if we have a certified interpreter in a
24 language that has been requested, and they're providing
25 it simultaneously, then I don't think you need to double

1 the time. But if you have, again, anybody with a
2 disability or something of that nature, I would leave it
3 to the discretion of the Chair under those circumstances.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** Just two points of
5 clarification. The first one, on the certification, we
6 work off of the State CMAS contracts, and so we're
7 assuming because we're working through them, they're
8 requiring certification that these individuals are
9 certified, as they're supposed to be. The individual in
10 San Luis Obispo was, in fact, a certified translator.
11 So, I wasn't quite sure how that worked.

12 The second thing is, we have, as Janeece has
13 pointed out, on the translation we've been giving three
14 plus an extra minute.

15 **CHAIRPERSON BARABBA:** So, we just need the
16 Chair's discretion depending on the situation and the
17 capabilities of the translator.

18 **COMMISSIONER DAI:** Yeah. Even in simultaneous
19 there is a delay. So, okay. All right. I think that
20 deals with most of the things that are actually, you
21 know, tweaks on our policies, unless anyone else has
22 something that we'd like to make sure to address here.

23 **CHAIRPERSON BARABBA:** Yeah. The only point I
24 would add is when we talked about this, obviously, there
25 is just no way of knowing how all this is going to work

1 out every time. So, we're going to go through an
2 interesting four or five days here testing this out. So,
3 it seems to me at the end of this particular week we
4 might want to come back and revisit the guidelines. And
5 so, as you are seeing things, you know, keep notes,
6 because I can only imagine that we can improve this,
7 based on experience.

8 **EXECUTIVE DIRECTOR CLAYPOOL:** May I ask for staff
9 that we just have a brief recap of exactly how we're
10 going to run this through, because we have had several
11 groups that have asked us about the issue.

12 **COMMISSIONER DAI:** Okay. I will attempt to
13 summarize, and anyone else feel free to jump in. So,
14 first off, we are going to stick to three minute per
15 speaker, and we're going to prioritize individuals over
16 groups at the original -- before the hearing starts.
17 Groups with more than five speakers will be given a block
18 of time for five speakers and then we'll let a block of,
19 shall we say, five individuals speak and then go back to
20 the group? Does that seem reasonable? And what else is
21 relevant? On the translation we'll go with simultaneous
22 where there -- Where they have not requested an official
23 translator in time for the meeting, we certainly will
24 accept a friend or relative or volunteer to get some
25 translation at the time of testimony.

1 **EXECUTIVE DIRECTOR CLAYPOOL:** And then finally,
2 following the start of the meeting, then it's simply
3 first come, first serve.

4 **COMMISSIONER DAI:** Again, if we know there is a
5 group, we're still going to try to put them in chunks of
6 five.

7 **EXECUTIVE DIRECTOR CLAYPOOL:** All right.

8 **COMMISSIONER DAI:** And hopefully they'll be
9 courteous enough to tell us that. And then the other
10 thing that's a change is we will, as long as our hearing
11 is officially open during the three hour period that's
12 been publicized, if there is time and there are no new
13 speakers, we will give the opportunity to people who
14 would like to add to their testimony. Commissioner
15 Ancheta?

16 **COMMISSIONER ANCHETA:** Question, if we encounter
17 a very large number of speakers, now much larger than
18 we've previously experienced, and doing the math you do
19 three minutes each it's going to take us well past
20 midnight, let's say. We may not encounter that, but we
21 might and that might happen in the next few days for all
22 we know. I don't have any particular suggestion. I
23 mean, do we sort of say there is a number of speakers
24 that we say we just can't go beyond this because it's --
25 we don't go past midnight or -- And, again, this -- if we

1 go five past midnight I don't have a problem with that,
2 but if we're talking about doing the math, and we are
3 trying to stick to three minutes as the basic minimum --
4 I'm sorry, the basic maximum, rather, I don't know where
5 we draw the line. But, again, this is sort of looking at
6 worst case scenarios, but it could happen at any number
7 of venues that we have a very large number of potential
8 speakers.

9 **COMMISSIONER DAI:** Well, I don't know how other
10 Commissioners feel, but I think that part of our job is
11 listening to public testimony, and I think if people have
12 traveled to give testimony that we should give them an
13 opportunity to speak, as long as it's not the same
14 people, which is why we want to draw the line on new
15 speakers. But I think we might have some late nights.
16 You know, I think we can encourage people to be brief and
17 not take the full three minutes, but, you know, at some
18 point, unless we want to change that rule right now and
19 make it two minutes or make it one minute, I think if
20 people have been waiting for, you know, four hours to
21 speak and to deny them the right to speak at that point I
22 think would be --

23 **COMMISSIONER ANCHETA:** No, I agree, and I think
24 all of us are fully prepared to go well late into the
25 evening. I'm talking about, again, the very, very large

1 number that could, in fact, exceed what any of us
2 actually might reasonably expect and that the public
3 might reasonably expect as sort of reasonable hours for
4 an evening public hearing or a Saturday or Sunday
5 afternoon public hearing. But, again, we may not get to
6 that level, but there are possibilities.

7 **COMMISSIONER FORBES:** One comment I would make on
8 it is that I think if we're going to look at a very large
9 number that I think I would restrict it to two minutes,
10 and then say at the end of the meeting if you want to
11 continue speaking another minute you can do that. But, I
12 mean, that's how I would address a very large meeting.
13 So, if they have more to say they can come back, but at
14 least you get through the first wave of people. I think
15 less than two minutes it doesn't function, but that would
16 be what I would do or suggest.

17 **COMMISSIONER ANCHETA:** And that's -- Again, I'm
18 just raising the question because the (inaudible) you
19 sort of cutoff at a certain number of speakers or you,
20 again, try to compress the time or some combination of
21 that. But I think we may -- it's a possibility that we
22 may have to do that at some point.

23 **COMMISSIONER DAI:** Any suggestions on what number
24 we should consider at the get go, you know, limiting it
25 to two minutes?

1 **COMMISSIONER ONTAI:** Well, I'll comment here.
2 You know, I think, and I've been in -- a number of us
3 have been in public meetings before and have chaired
4 meetings in public arena. And the point is, it's rare,
5 that kind of large presentation, Commissioner Ancheta, it
6 doesn't happen that often but it does occasionally. It
7 does. And when it does happen, you know, we've been
8 prepared to stay up to 12, one o'clock, but that's the
9 business of getting the public's input, and that's a
10 sacrifice, I think, we have to make.

11 **COMMISSIONER ANCHETA:** I would just do the
12 straight math. You could do 60 people, give them three
13 minutes and that's three hours. If you got more than 60,
14 then you have to adjust the time. But I think if it's up
15 to 60 you can just leave it and three and it will run
16 over, but that's okay.

17 **COMMISSIONER DAI:** Okay. That sounds like a good
18 rule of thumb. If we have 60 before the meeting starts,
19 we're limiting it to two minutes. Okay? All right. And
20 sometimes, you know, we have an audience but not everyone
21 wants to speak, but if we have -- if we've given out 60
22 numbers then we'll limit it to two minutes.

23 **COMMISSIONER ONTAI:** And generally people don't
24 want to wait until 12 o'clock, so they'll leave anyway.

25 **COMMISSIONER DAI:** Any other thoughts? I mean,

1 we --

2 **CHAIRPERSON BARABBA:** Commissioner?

3 **EXECUTIVE DIRECTOR CLAYPOOL:** Janeece has brought
4 up a very good point, and I've forgotten about it and
5 it's only happened once, but it's liable to happen again.
6 At one meeting we had an individual come in after 9:00.
7 You were still in discussions with the people who were
8 there and they were taking extra turns, so we gave that
9 person a number and admitted the testimony. Clearly, if
10 we have dozens still to speak and we hit 9:00, we need to
11 cut that time off, but do we need to just simply cut that
12 time off at 9:00, regardless of the situation just to set
13 that precedent.

14 **COMMISSIONER FORBES:** What time are you referring
15 to? What time are you referring to? The three minutes
16 or what --

17 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, no, I'm
18 actually just --

19 **COMMISSIONER FORBES:** You mean, handing out
20 numbers?

21 **EXECUTIVE DIRECTOR CLAYPOOL:** Handing out numbers
22 and allowing people to provide testimony.

23 **COMMISSIONER FORBES:** My inclination is if we
24 post it 6:00 to 9:00, and it's like voting. You might --
25 You know, if you're in line you get to vote, but if you

1 show up late and you haven't been in line you don't get
2 to vote. So, I'd do the same thing. If you're not there
3 by 9:00 -- If you're there by nine o'clock and you get a
4 number you get to speak. If you're there at 10 after
5 9:00 --

6 **EXECUTIVE DIRECTOR CLAYPOOL:** So, we handle
7 whatever groups might be standing in line to get a number
8 at 9:00, and then as soon as that quits --

9 **COMMISSIONER FORBES:** No, no. If they're in line
10 they get a number.

11 **CHAIRPERSON BARABBA:** Yeah.

12 **EXECUTIVE DIRECTOR CLAYPOOL:** Right.

13 **COMMISSIONER FORBES:** But someone who shows up
14 after that doesn't get a number.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** When there is a
16 break, then that break --

17 **COMMISSIONER FORBES:** That's it.

18 **EXECUTIVE DIRECTOR CLAYPOOL:** -- is it.

19 **COMMISSIONER FORBES:** That's the way I'd do it,
20 anyway.

21 **CHAIRPERSON BARABBA:** It sounds reasonable.
22 Andre.

23 **COMMISSIONER PARVENU:** I just want to add that,
24 you know, it's obvious this is a very fluid process, and
25 the Chair has to use his or her discretion at a certain

1 cutoff point. You have to take into consideration the
2 venues too. We've been very -- many of our hosts have
3 been very generous with us in terms of providing --

4 **CHAIRPERSON BARABBA:** Oh, yeah, that's right.

5 **COMMISSIONER PARVENU:** -- security and other
6 accommodations. So, at nine o'clock perhaps the Chair,
7 he or she, may just want to poll the remaining members of
8 the audience, encouraging those who have not spoken
9 already who have waited throughout the earlier testimony
10 by a show of hands, and then resort back to, as
11 Commissioner Forbes said, that two minute rule.

12 **COMMISSIONER FORBES:** Chair, can I just, again --

13 **CHAIRPERSON BARABBA:** Yes.

14 **COMMISSIONER FORBES:** A question of staff, are
15 all of our venues, or as many as we have set up so far,
16 do they -- are they available until like midnight? I
17 mean, do we know that? I mean, how many of these -- I
18 mean, like I looked at the parking when we came in. The
19 parking is free until 10:00 p.m. So, I just --

20 **COMMISSION LIASION SARGIS:** Lon is just reminding
21 me that some of the venues do have the hard shutdown
22 time.

23 **COMMISSIONER FORBES:** Yeah.

24 **COMMISSION LIASION SARGIS:** And I'm just trying
25 to find out from him if that has -- if that applies to

1 any of the LA venues.

2 **COMMISSIONER FORBES:** Because that would clearly
3 affect, you know, how much time people get to speak or
4 what we're going to do, you know.

5 **CHAIRPERSON BARABBA:** It would seem to me that
6 before the -- when you're making the arrangements you
7 ought to find out what the conditions are, and if there
8 is a time deadline for the facility we just -- then that
9 becomes the rule. I mean, we don't have much of a choice
10 at that point.

11 **COMMISSIONER DAI:** Great. Anything else? I
12 think this is as good as it's going to get until we do
13 our experiments this week.

14 **COMMISSIONER DIGUILIO:** Okay. So, thank you. In
15 the spirit of the fluid process, and the ability to have
16 a discussion here, I'd like to take an opportunity to
17 revisit the structure and process of regional wrap ups
18 that we had started at the end of Merced meeting. So, I
19 think what we all kind of, if I may, we experienced is
20 kind of we and our staff all -- our consultants kind of
21 had an interesting first date. So, now we've had a
22 chance to talk about things a little more.

23 Again, part of this was Q2 had just come on as it
24 was mentioned in our meeting. We, as a Commission and as
25 a Technical Advisory Committee, had not had an

1 opportunity to meet with me and to really flush out some
2 of the way the regional wrap ups were going to take place
3 and how that feedback was going to be given to the
4 Commissioners, so I think some of us felt a little maybe
5 caught off guard, and it didn't help that we just
6 finished a meeting 15 minutes prior.

7 So, since then we've had a really -- an
8 opportunity to work with Q2, myself and the Technical
9 Advisory Committee, Commissioner Dai as the Vice-Chair.
10 And what I'd like to do is kind of go through what we
11 have, at least at this point, put together for four
12 aspects of the regional wrap up. One will be how the
13 wrap up will be done. The next one will be when the wrap
14 up will be given to the Commission. The third would be
15 what the Commission will do with that wrap up material,
16 and then where we will go -- the fourth one being where
17 we will go after the wrap up.

18 So, in essence, what we had tried to do was to --
19 and I would give out a template, but we're still in the
20 process of working that out. In fact, we're supposed to
21 kind of finalize those details later today with Karin and
22 Bonnie, but we were maybe have something more solid for
23 you two to look at tomorrow. And keeping in mind that
24 this is an ongoing process and we will revisit it after
25 we have this first wrap up.

1 So, some of the elements in terms of how the wrap
2 up will be done, we had worked on deciding that what we
3 will do is have a wrap up by region, which they'll -- it
4 will include which meeting locations we had. So, an
5 example of Region 9, we had a meeting in Redding and a
6 meeting in Marysville. So, what Q2 will include in that
7 is the number of public speakers at each of that meeting,
8 and this wrap up will also include any publicly submitted
9 written comments in that region up until the last day of
10 our meeting at that -- for that region. So, it would
11 have been the last meeting up until Marysville -- excuse
12 me -- for the last day before the wrap up for that
13 segment will be taking place. So, we will have an idea
14 of how many people spoke as well as how many people wrote
15 in concerning that region.

16 We will also have a public cutoff date, and we
17 will let the public know of that date in terms of having
18 their input incorporated into that first wrap up, and, of
19 course, letting them know that any comments submitted
20 after that cutoff date will be incorporated into the next
21 wrap up. But it just simply gives our consultants time
22 to incorporate all that.

23 So, then what we decided to do was to -- Q2 will
24 then provide a wrap up in terms of what publicly
25 submitted proposals were out there. Instead of giving us

1 a blow by blow of all the testimony that we heard, and
2 comparing our notes and saying, you know, was it -- was
3 it valley fever or was it the water or was it the air,
4 what they'll do is they will -- in consolidating the
5 information, they will pull out the publicly submitted
6 proposals for how to draw a line or their suggestions for
7 their counties, things along those lines. So, let's take
8 example of Region 9. One of them was to draw Northern
9 California Districts from east to west.

10 What they will then do is take, in this case,
11 maybe a pro-con approach in terms of summarizing the
12 publicly submitted, publicly expressed testimony, what
13 some of the positives would be for that proposal, and
14 they would also provide a con for the publicly expressed
15 negatives for that proposal, and then they will also add
16 a technical note. So, let's say there was a technical
17 note in terms of, you know, there is a major mountains in
18 these two areas, something that is just factual based.
19 So, then we would have the opportunity to look at that,
20 then maybe we would look at the next proposal being kind
21 of keep the current -- let's just say keep the current
22 districts the way they are. So, again, you'd look at
23 pros and cons, if there were any that were submitted by
24 the public. If there were not, then it would not be
25 included.

1 And what we found is, we did this, we realized
2 not everything fits into a pro-con. Sometimes, let's say
3 in terms of when we went to Region 5, where a lot of the
4 testimony from San Luis Obispo, Santa Barbara, Ventura
5 County was simply keep my county whole. So, then we
6 realized there might be something in terms -- we had
7 prodded the speakers to give us ideas for splitting or
8 combining your county, because the testimony was coming
9 -- a lot of the testimony was coming strictly from
10 keeping my county together.

11 So, then, Q2 would then provide the publicly
12 submitted proposals for splitting accounting and the
13 publicly submitted comments for combining counties, and
14 then, again, any technical notes that might be
15 irrelevant, the total county population or if there is a
16 dividing line there would have been a suggestion where
17 that might be. So, what they're trying to do is have Q2
18 just submit just the facts for us, a discussion point so
19 that at the end what would happen is -- And let me back
20 up for a second. The idea being that Q2 will wrap all of
21 this up at the conclusion of the end of the last meeting.
22 We will then give them the opportunity to put these
23 reports together, and it's their responsibility to get it
24 to us 24 hours before the start of the next regional
25 meetings so that we, as Commissioners, can review that

1 material and be prepared to discuss the regional wrap up
2 at the beginning of the next region.

3 So, the idea being this pattern we're in now of
4 discussing the prior Regions 9, 5 and 6 would take place
5 at this meeting. The discussion of the regional wrap up
6 for Region 4, LA, will happen on May 5th and 6th, because
7 that will give Q2 time to compile all the data, as well
8 as us as Commissioners to review all of that. Again,
9 this would be the proposals, publicly submitted proposals
10 only. Okay. So, before I -- that's how the -- and
11 that's how the information will be given to us.

12 Now, and let me just make one more note, too,
13 there may be a situation where in Region 5 we had kind of
14 a hybrid of both. We had some people saying, keep my
15 county whole. That was a publicly submitted proposal and
16 we were able to get a splitting and a combining. But we
17 also had people that gave specific ideas on how to
18 combine on a -- maybe on a regional basis or on
19 geographic barriers, so, then, they might be able to do
20 pro and con. The idea with this is that there is not a
21 perfect template, but what Q2 is going to try and do is
22 to -- the main points is to provide the Commission with
23 the publicly submitted proposals related to that region,
24 and hopefully provide some of the balance in terms of
25 what the public expressed in support or against those

1 proposals, and that would give us an opportunity to
2 review that, to match it up with our notes, if we'd like
3 to do that, but then also to provide us a discussion
4 point as a group to see if we agree with those proposals,
5 if they're viable, what we'd like to do with them
6 afterwards. So, I apologize for that long description,
7 but let me just pause and see if there is any comments or
8 questions.

9 **CHAIRPERSON BARABBA:** Jodie, then Angelo.

10 **COMMISSIONER FILKINS-WEBBER:** Given the volume of
11 material that we're going through, as well as it seems we
12 get a lot of public comments right on the eve of
13 hearings, and I know that we can probably work with this,
14 but is it possible to ask Q2 to give us this summary
15 maybe 48 hours before the meeting that we're addressing
16 the wrap up, rather than 24? But I know where it's going
17 to get tight sometimes.

18 **COMMISSIONER DIGUILIO:** Yeah.

19 **COMMISSIONER FILKINS-WEBBER:** But, I mean, for
20 instance, because our next meeting would be Thursday, is
21 it too much to ask for them to get us whatever the
22 summary they're going to give us on Tuesday for in
23 preparation for the Thursday meeting, or is this a number
24 that they came up with?

25 **COMMISSIONER DIGUILIO:** We originally had asked

1 48. I think they hedged on 24, because I think it's
2 simply -- particularly as we reach these larger areas,
3 which we -- and particularly if we get a large number of
4 public comments, and actually what we're going to do --
5 So, let's say Region 4 here, the cutoff for incorporating
6 public comments, written comments would be Sunday,
7 because that would just be -- give Q2 at least -- in this
8 case it would give them only -- if we said Sunday and we
9 asked for a turnaround on Tuesday, that's only one day.

10 I think we told them if it's possible 48 hours
11 would be preferable, but knowing that there are some
12 large amounts of data that they're trying to crunch for
13 us that we should anticipate doing some reading. And
14 maybe with the understanding that the first day of our
15 meeting may be advisory committees, and so the wrap up
16 may not happen until the second day. It might give us a
17 little extra time, but I will certainly pass that on to
18 them with the hopes that if they can accommodate that to
19 please do so.

20 **COMMISSIONER FILKINS-WEBBER:** But it sounds like
21 you already had that in mind and they -- they probably
22 hesitated on doing 48.

23 **COMMISSIONER DIGUILIO:** Yeah. I think we --

24 **COMMISSIONER FILKINS-WEBBER:** Okay.

25 **COMMISSIONER DIGUILIO:** -- could request at their

1 earliest convenience, but I think 24, we said, is
2 (inaudible).

3 **COMMISSIONER FILKINS-WEBBER:** If it's been
4 addressed, then --

5 **COMMISSIONER DIGUILIO:** Okay.

6 **COMMISSIONER FILKINS-WEBBER:** Thank you.

7 **COMMISSIONER ANCHETA:** Just go ahead?

8 **CHAIRPERSON BARABBA:** Yes.

9 **COMMISSIONER ANCHETA:** So, two questions. First,
10 concerning the written submissions, e-mail or hard copy,
11 functionally there is a cutoff date, because there will
12 be a point where we say we're done with public hearings
13 and we cannot take -- At this point we have to stop and
14 say, this is what we've got in terms of written
15 guidelines. We haven't necessarily given the public any
16 kind of deadlines, although, again, if you're sort of
17 paying attention to it you can figure out, well, if
18 they're going to do it at this date I better get it in
19 before then, but not everybody may be thinking along
20 those lines.

21 So, I'm wondering if -- and it's hard to --
22 obviously, you can't do it retroactively to the ones
23 we've already covered, but maybe as we're moving forward
24 we should consider just telling the public, well, you
25 can, of course, send it in, you know, for a long period

1 of time, but if you really want to get it in by the
2 regional wrap up and get it to our first cuts, as we're
3 just sort of moving forward, here is the deadline. And I
4 think that that, again, if you're looking at it closely
5 you'll sort of figure it out from the calendar, but I
6 think it may be better to be more explicit. And, again,
7 we're not necessarily saying you can't comment
8 afterwards. It's just if you want to get it in for the
9 wrap up send it to us by this date. And I think we'd
10 have to figure out, if we're going to do that, how to get
11 the previous hearings sort of get them in the queue so at
12 least they're able to get that information in.

13 **CHAIRPERSON BARABBA:** Mr. Claypool?

14 **EXECUTIVE DIRECTOR CLAYPOOL:** We currently sweep
15 everything and send it forward, and those that missed the
16 regions we're still sending forward knowing that you're
17 going to have a second draft, and so that it would be
18 inclusive into your conversation for the second draft,
19 and then we will sweep them forward for the third draft.
20 I think at some point you're going to have to have a
21 cutoff clearly on that third draft --

22 **COMMISSIONER ANCHETA:** Right.

23 **EXECUTIVE DIRECTOR CLAYPOOL:** -- but we have a
24 plan in place to make sure that it's moving forward. So,
25 if they miss your wrap up this time, they're still going

1 to be seen in your comments that you'll consider on the
2 next time around.

3 **COMMISSIONER ANCHETA:** Yeah. And, again, I think
4 we will consider them. What I'm suggesting, though, is
5 we sort of try to formalize dates or publicize dates so
6 that the public will know if you want to get it in get it
7 in by this date. Otherwise, you're going to have to go
8 to the next round. And then at a certain point we're
9 done. Right? So, that's it.

10 **COMMISSIONER DIGUILIO:** And I think to that
11 point, there is -- we will have kind of two cutoff dates
12 before we even do our first map. The first one would be
13 for the regional wrap up, and then now, let's say, Region
14 9, who had the earliest meetings, they need to be able to
15 take into consideration everything we do before the first
16 map. So, the second cutoff would be an absolute cutoff
17 for any public comment on any region. And this is what
18 we have the discussion -- we will have a discussion as a
19 Commission, with input from Q2, maybe sometime in the
20 second or no later than third week of May so that all of
21 that information can be combined for our first draft maps
22 that are due of our discussion at the beginning of June.
23 But that, just so that the public knows that if you're
24 one of the earlier regions, you can still submit and it's
25 going to be included before that first draft, but for the

1 regional wrap ups there will be a cutoff date as well.

2 **CHAIRPERSON BARABBA:** And it might, in our next
3 topic when we get into the public information, it might
4 be good to make sure we get an announcement out, once we
5 get these dates locked in, so we're at least on record of
6 having demonstrated that these are the dates. Connie
7 first and then Ancheta.

8 **COMMISSIONER ANCHETA:** Okay.

9 **COMMISSIONER GALAMBOS-MALLOY:** I'm sorry. You
10 had a part two question?

11 **COMMISSIONER ANCHETA:** I had a second question.

12 **COMMISSIONER GALAMBOS-MALLOY:** Please finish.

13 **COMMISSIONER ANCHETA:** But if it's related to
14 this one, go ahead.

15 **COMMISSIONER GALAMBOS-MALLOY:** No, mine is --
16 Feel free. Yeah.

17 **COMMISSIONER ANCHETA:** Okay. So, second
18 question, and this goes specifically to questions around
19 voting rights and compliance, but it sort of raises a
20 question about how we deal with just sort of partial or
21 incomplete information that we get by the point where
22 we're saying let's go to the regional wrap up. But
23 certainly in the context of the VRA, and because we've
24 already been to two regions that have three of the four
25 counties for Section 5 compliance, and we haven't really

1 gotten very much, frankly, and we probably would like to
2 get some commentary, but there are also a lot of
3 demographic data that we need to look at, primarily to
4 figure some of these questions out, but we don't really
5 have that much information coming from the public at this
6 point. Has that been thought about in terms of partial
7 information? Because we can, of course, move forward and
8 sort of sketch things out with what we've got, and that's
9 fine, but there is an extra layer, and certainly with a
10 Section 5, and no doubt for the Section 2 compliance
11 issues we're going to have to layer those demographic
12 data on top of everything else we've got going. But as
13 we're sort of starting with a couple regions that do, in
14 fact, have VRA specific issues, how are we sort of --

15 **COMMISSIONER DIGUILIO:** I think --

16 **COMMISSIONER ARCHETA:** -- integrating those?

17 **COMMISSIONER DIGUILIO:** Yeah. And this is a good
18 point, because we had this discussion as well in terms of
19 what Q2's responsibility will be to simply, at least
20 initially with these wrap ups, to provide us with what
21 the public had suggested for proposals. Some of those
22 may be viable. Some of those may not, in terms of, you
23 know, again, if someone just says keep my county whole,
24 of course it's not going to be viable if your county is
25 100,000 people. I mean, there has to be some combining,

1 or let's just say if it's a million people you're going
2 to have to do some splitting.

3 So, but the point is that Q2 will combine all
4 that to give us an idea of what the public has said, and
5 then the technical notes will allow for comments based on
6 maybe there is some VRA issues that need to be addressed
7 in regards to that proposal that's been submitted, or
8 there may be some other considerations that we, as a
9 Commission, don't need to spend an hour or two discussing
10 things if our technical consultants or legal consultants
11 can say, I will, you know, we'll give you some
12 background, and that will solve any inconsistencies that
13 the proposal itself may have set up.

14 So, we're trying to allow Q2 and probably our
15 legal consultants as well to provide some feedback to us
16 in these wrap ups that will help guide us in our
17 discussion as it relates to a specific proposal. Now,
18 we, as a Commission, may want to, you know, do so
19 hybrids, but we can discuss that later. So --

20 **CHAIRPERSON BARABBA:** Yeah. It would seem to me
21 that the comments we're going to get on the VRA are going
22 to come after they see some of the maps.

23 **COMMISSIONER DIGUILIO:** Yeah.

24 **COMMISSIONER ONTAI:** Question. This is for
25 staff, Mr. Claypool. So, are our two consultants Q2 and

1 the VRA legal firm, are they fully on board now? Because
2 when I chaired it, we barely got them through the door.

3 **EXECUTIVE DIRECTOR CLAYPOOL:** Is the contract
4 with the VRA done?

5 **CHIEF COUNSEL MILLER:** The VRA attorneys have
6 provided a signed contract back to us. I'm not certain
7 if -- I think it has one more DGS review. I'm not sure
8 the State has signed it. But the real answer to your
9 question, the short answer would be, yes.

10 **COMMISSIONER ONTAI:** Good.

11 **CHIEF COUNSEL MILLER:** They're fully engaged in
12 the work, and that's what really matters.

13 **COMMISSIONER ONTAI:** Because the comments that
14 Commissioner DiGiulio just mentioned is important, but we
15 can only do that if we have those consultants on board.

16 **EXECUTIVE DIRECTOR CLAYPOOL:** And I'd like to
17 say, Commissioner, that when you affixed your signature
18 to that contract that the State considered that you had
19 obligated this Commission. So --

20 **CHAIRPERSON BARABBA:** You mean it wasn't
21 personally?

22 **COMMISSIONER GALAMBOS-MALLOY:** Commissioner
23 DiGiulio, my questions regarding the feedback that we
24 have gotten outside of formal input hearings, and so if
25 my memory serves me correctly, even back before we were

1 fully seated as a Commission there would be the
2 occasional public comment that would come in regarding --
3 and folks who would come in person even to give testimony
4 about their district. So, wondered, has there already
5 been a process established by which Q2 has gone and
6 pooled that data from previous meetings leading up to the
7 input hearings? And, also, moving forward, I'm assuming
8 that our consultants are not watching every single public
9 comment period that we have, and so what is our kind of
10 process for either Commissioners or staff to be flagging
11 those as they come up so that they can be entered in our
12 data pool?

13 **COMMISSIONER DIGUILIO:** You know, it's a very
14 good question, and I can't say as I would know the answer
15 to it right now, because I do think that's something
16 we've been mentioning. But I will ask them. I think
17 this last week has really been focused on this immediate
18 task of what's been necessary. But you're right. That
19 is a very good point that we need to have some mechanism
20 in place, so I will talk to them and be able to report to
21 you at the next meeting.

22 **CHAIRPERSON BARABBA:** Mr. Claypool, would that be
23 picked up when you said you were sweeping previous
24 comments forward? Would they, the early, early ones, be
25 swept into that pile?

1 **EXECUTIVE DIRECTOR CLAYPOOL:** We had actually --
2 Mr. Wright, who has testified before you on many
3 occasions, had brought up that there were comments as
4 early as January. And so I actually consider him almost
5 to be a definitive authority on those --

6 **CHAIRPERSON BARABBA:** Yes.

7 **EXECUTIVE DIRECTOR CLAYPOOL:** -- because he reads
8 them all. And so, we went back, and we have tried to
9 roll forward those comments to ensure that we picked them
10 up.

11 **CHAIRPERSON BARABBA:** Okay.

12 **COMMISSIONER DIGUILIO:** Okay. Is there any other
13 comments on this? Because I know we are -- we started a
14 little bit late, and I'd like to kind of maybe finish
15 this up. Oh, I'm sorry. Commissioner?

16 **COMMISSIONER FILKINS-WEBBER:** Just one other
17 question. You had said that when they put together -- Q2
18 puts together the consolidation that they're going to add
19 technical notes, and then you said technical notes
20 regarding facts, in follow up to Angelo's question as
21 well on what to do with partial information that we
22 receive in certain areas, will these technical notes be
23 factually related based on information that they have
24 gleaned from the -- you know, the data that they have, or
25 are there technical notes, as you've described it, going

1 to be inclusive of Q2's opinion similar to what we saw in
2 their document that they produced to us in Merced?

3 **COMMISSIONER DIGUILIO:** And maybe I -- it's good
4 the lawyer is calling me on the facts in my terminology.
5 But I guess in terms of we wanted to provide an
6 opportunity for them to add any technical aspects that
7 maybe be relevant for our discussion. So, I would say a
8 fact being if there is a -- keep my county whole, well,
9 they would add, here is the county's population. Period.

10 Now, there may be other situations where it's not
11 a fact. It may be something more of this is something
12 the Commission may want to consider when reviewing this
13 proposal. And I am not the expert, so I can't think of
14 every case, but maybe if there is -- someone -- the
15 proposal was, keep Merced whole, a technical note may be
16 just to flag it as a Section 5 county or, you know, I'm
17 just trying to -- we were just trying to provide an
18 opportunity to Q2 to give some input that might be --
19 that may be relevant for the Commission when they discuss
20 the proposal that's been publicly expressed. It wasn't
21 to bind us by anything but just to give them an
22 opportunity to comment on it.

23 **COMMISSIONER FILKINS-WEBBER:** I know that it
24 doesn't necessarily bind us anything. I think that your
25 description earlier about mountains or even population in

1 a given county, and then adding their expertise in
2 knowing that the population exceeds, you know, an
3 assembly district or something of that nature. I just
4 don't -- I'm wondering where if there -- if it's limited
5 to simply that information as a technical note, based on
6 the expertise that we have retained their services for,
7 that's one thing.

8 What I saw in the document that we saw in Merced,
9 and, again, that was obviously prior to this discussion,
10 obviously prior to any guidelines, I just -- And maybe
11 we'll just see how this works out, but I didn't know if
12 there was any discussion of where you cross the line
13 between technical notes versus getting opinions from our
14 consultants.

15 **COMMISSIONER DIGUILIO:** And to answer that, just
16 briefly, Commissioner Ancheta may have something to build
17 upon this, but I think what we try to do is provide a
18 format so that we can just try and get some of the
19 summary of what the publicly expressed proposal options
20 are. The -- I think it then becomes the -- and this is
21 the next aspect that I had on the list in terms of number
22 three, what will the Commission do with this wrap up
23 material. It is up to us to discuss these proposals to
24 see if we agree that they're viable, they're not viable,
25 if there is a hybrid that would incorporate the public

1 comments or any other, let's say, Voting Rights Act, the
2 VRA issues that we are aware of that we need to deal
3 with. So, the intention was for Q2 to simply provide us
4 with the public comments, both written and from the input
5 hearing, give us those proposals that the public has
6 submitted, as well as the public's response, the pros and
7 cons, the splitting, the combining. And then we, as a
8 Commission, will make those decisions. And if we need to
9 have questions answered from Q2 or from our legal experts
10 about those details, we can then incorporate that into
11 our discussion. Does that answer your question a little
12 bit?

13 **COMMISSIONER FILKINS-WEBBER:** Yes.

14 **COMMISSIONER DIGUILIO:** Okay.

15 **CHAIRPERSON BARABBA:** Okay. Angelo.

16 **COMMISSIONER ANCHETA:** Yeah. And just to
17 reinforce the point, I think it might be useful,
18 actually, to help clarify things that are in that
19 technical section, just to sort of label what is fact or
20 demographic data point versus a suggestion or an
21 admonition. Think about this because you've got to make
22 a decision down the line. And just a warning, you know.
23 Be careful about this because you might have a VRA
24 violation or what's somebody is suggesting is going to
25 really be very inconsistent with one of the criteria.

1 Think about it or, you know, think about the fact that
2 there may be some third or fourth options that nobody
3 talked about. But flag it, but I think indicate what
4 they are saying by appropriately labeling. And so we
5 know, well, this is, okay, demographic facts are one
6 thing, but suggestions and opinions and, again,
7 admonitions are another set of things.

8 **COMMISSIONER DIGUILIO:** And we do have technical
9 consultants for a reason is because they do know this
10 material. And I do think at some point we ask -- we will
11 ask them to provide some insight. Whether the Commission
12 chooses to agree with that or not is up for us as a
13 discussion, but I do think we're paying our consultants
14 to provide us that insight. And so, as long as it's one
15 that's not forcing us in a direction but simply allowing
16 us for to incorporate in the discussion.

17 **CHAIRPERSON BARABBA:** Maria.

18 **COMMISSIONER BLANCO:** Yeah, I have, I guess, two
19 points. Following up on your point, Michelle, I think we
20 have to walk a fine line, but I didn't -- I'm not paying
21 all of this money for somebody to compile information.
22 Like we could hire a data management firm to do that,
23 frankly. I'm exaggerating a little, but so I do think
24 that it's important to have, you know, like caveat, hey,
25 watch this. You know, if you do this, this county, you

1 know, then you don't -- you might not be able to do this
2 over here. That is what we're paying money for. So, I
3 do want to have insights about what different testimony,
4 what it implies for something else. So, that's what --
5 just my view of that.

6 I was wondering, in this wrap up, is there a
7 place, a role at all for our VRA counsel or is that
8 later? In other words, I started thinking about it when
9 I was thinking about like caveats, right, and like but be
10 careful here. If this is a wrap up, is it too premature
11 to have a comment from our legal voting rights counsel
12 about what these options might mean?

13 **COMMISSIONER DIGUILIO:** I think that's a very
14 good question. I think that's one that we probably
15 should hash out with our consultants and staff.

16 **CHAIRPERSON BARABBA:** Mr. Miller.

17 **COMMISSIONER DIGUILIO:** Unless -- Mr. Miller has
18 wonderful insight on that.

19 **CHIEF COUNSEL MILLER:** Well, some practical ones.
20 In our work plan it's premature, if you will, in that
21 Gibson Dunn won't be present at each of the wrap up
22 sessions that are calendared. Now, either Miriam
23 Johnston or I do plan to be present at those sessions,
24 but the -- I'll call it the fundamental VRA counsel will
25 come -- well, it comes in two ways. The first way, to be

1 candid, we haven't perfected but we have to perfect, and
2 that's ongoing work following the input sessions with Q2
3 in the office so that Miriam or I can come back to you
4 with legal counsel. So, that's perhaps the best answer
5 to your question as to where the legal advice will fit in
6 on an ongoing basis through this process.

7 **COMMISSIONER DIGUILIO:** Can you repeat that, just
8 so I get that straight?

9 **CHIEF COUNSEL MILLER:** Sure.

10 **COMMISSIONER DIGUILIO:** Thank you.

11 **CHIEF COUNSEL MILLER:** We believe we need to be
12 meeting with Q2 on an ongoing basis across the summer to
13 understand the input and to be talking with them about
14 the development of maps in between commission meetings.
15 And that is the way to be in a position to provide some
16 advice to the Commission at these subsequent wrap up
17 meetings on VRA issues. In addition to that, toward the
18 end of the process we'll have Gibson Dunn in the meetings
19 here with you offering advice. So, there are two
20 different ways that that occurs.

21 **COMMISSIONER DIGUILIO:** And I know we're getting
22 close, maybe, to a bio break, but I know that
23 Commissioner Filkins-Webber has another comment, maybe,
24 before we can wrap this part.

25 **COMMISSIONER FILKINS-WEBBER:** I actually have a

1 question. Again, it goes back to the technical notes and
2 what we're going to anticipate from Q2, and based in
3 follow up to what Commissioner Ancheta had said. I
4 certainly like his suggestion that they identify facts or
5 geographic data. Where I think that I have a little
6 difficulty and where the lines get a little bit blurred,
7 and I also agree with Commissioner Blanco that we have
8 hired these consultants to provide information and to
9 analyze that information and provide warnings and
10 insights where we're going to get into trouble.

11 But where I see and where I have a particular
12 issue is where, for instance, Commissioner Ancheta had
13 said highlighting a VRA violation. I don't know, at
14 least and this Commission can certainly chime in, but I
15 don't understand that it was this Commission's intent to
16 secure an opinion from Q2 as to where there potentially
17 could be a VRA violation. I understand that
18 Ms. Henderson is on their team, but as part of the legal
19 advisory committee when we interviewed attorneys, and I
20 thought that this Commission when they retained the
21 services of Gibson Dunn that we were relying on the
22 opinion of Gibson Dunn to advise us where there may very
23 well be VRA violations, and not Ms. Henderson and
24 Ms. MacDonald. They are providing us the technical
25 information and providing us with watch outs and

1 population data and combining and analyzing that
2 compilation of data. That's what we've hired them for.

3 So, I just don't know -- To me, I don't know that
4 we've seen it yet, and so my question is, does this
5 Commission anticipate that they were expecting Q2 to
6 provide watch outs and warnings for potential VRA
7 violations or were you expecting our attorneys to provide
8 the legal opinions that we see in that regard?

9 **COMMISSIONER ANCHETA:** Oh, and I didn't mean to
10 -- Maybe that was just a bad example. It just came to
11 mind initially, but it's a good point, I think. And I
12 think what Mr. Miller has been suggesting or reporting on
13 is the fact that Gibson Dunn and Q2 are, by design,
14 working closely together. So, to the extent that Q2 is
15 getting some advice in the process from Gibson Dunn about
16 that kind of issue. And, again, bad example for me to --

17 **COMMISSIONER FILKINS-WEBBER:** But no. If they're
18 working that way together --

19 **COMMISSIONER ANCHETA:** Right. Right.

20 **COMMISSIONER FILKINS-WEBBER:** -- then if that's
21 part of their technical note I would love to see in
22 paren, you know, upon advice of Gibson Dunn.

23 **COMMISSIONER ANCHETA:** Right. I think that's --

24 **COMMISSIONER FILKINS-WEBBER:** That would be
25 terrific. It would be terrific.

1 **COMMISSIONER ANCHETA:** -- what is going on,
2 right?

3 **COMMISSIONER FILKINS-WEBBER:** Okay.

4 **COMMISSIONER ANCHETA:** I think.

5 **CHIEF COUNSEL MILLER:** I do want to respond to
6 that. And first of all, I'd like to say Commissioner
7 Filkins-Webber's comments are correct in terms of a
8 reasonable expectation, and that's the point that I was
9 trying to make about working together in between
10 meetings. I think the best place to flag those things
11 are actually before you get a map. But I don't believe
12 the process -- I'm just being very candid with you. I
13 don't believe that process has been yet perfected. I
14 think it has to be, and I think that the Commission can
15 be helpful in making that occur.

16 **CHAIRPERSON BARABBA:** I've been given a lot of
17 advice just recently about if we don't have bio break
18 pretty soon we're going to have real problems. So --

19 **COMMISSIONER DIGUILIO:** And so can I just say, to
20 wrap that up, I would like to just say that can I assume
21 that kind of this general framework with considerations
22 that have been discussed, it will be an ongoing process,
23 and I would hope that we, as a Commission, can bring this
24 issue up, if it's working we will continue with it, if we
25 need to massage it -- But for now we'll do that. And so,

1 maybe we could take a bio break and we can come back and
2 have hopefully a quick discussion on what we'll do with
3 the wrap up once we receive it.

4 **CHAIRPERSON BARABBA:** Yeah.

5 **COMMISSIONER DIGUILIO:** If it's format is
6 acceptable. Okay.

7 **CHAIRPERSON BARABBA:** No later than five after
8 3:00.

9 **(Off the Record)**

10 **CHAIRPERSON BARABBA:** Let's reconvene the
11 Commission. That means all the conversations have to
12 stop. All right. Michelle, are you --

13 **COMMISSIONER DIGUILIO:** Yes. I'm sorry.

14 **CHAIRPERSON BARABBA:** -- ready to pick up?

15 **COMMISSIONER DIGUILIO:** Yes, sir. Okay. So, you
16 know, being mindful, again, of time here, and following
17 Commissioner Barabba's lead, I just wanted to finish up
18 this conversation a little bit on the wrap up, because,
19 of course, this is something that we need to give some
20 direction to Q2 here.

21 So, if we all are -- if it's okay, if I heard
22 correctly, where we -- it's okay with the format that we
23 have so far that we've been able to work out with Q2 in
24 terms of trying to have them give us a summary, not of
25 the meetings but of the publicly submitted proposals, and

1 then some of the pros and cons or the other options that
2 were submitted by the public in terms of how to deal with
3 these proposals, with the addition of technical notes
4 where applicable, and there would be a notice on there,
5 whether it was just simply a demographic information or
6 if it was something, let's say, about Voting Rights Act,
7 and they would put a note that's in consultation with
8 Gibson Dunn or something along there to give us an idea.
9 So, if we're in agreement with that and that this
10 information would also be provided to us at a minimum of
11 24 hours in advance, and if the opportunity is 48 we
12 would appreciate that.

13 I did want to just make one other note with this
14 is that where possible they will also give us an idea of
15 when it's a public comment? When it's a proposal they
16 would say, proposed by X number -- X out of so many
17 public speakers or so many people out of the written
18 comments. So, we have an idea of, again, not to say that
19 we're weighting these, but just simply to give us a
20 background of was it just one person that proposed this
21 or was it 101 people.

22 So, okay. So, if we're okay with the format, at
23 least in this initial go around, we can tweak it later,
24 then I think the discussion is lead to what do we as a
25 Commission want to do with this wrap up, and how do we

1 want to discuss this with Q2. The idea being this was
2 formatted this way, so that would be a starting point for
3 us to discuss each one of the proposals, whether we
4 agree, we disagree with that proposal, the valid points,
5 and then hopefully with an idea that we could narrow it
6 down and give Q2 an idea of what proposals we think are
7 viable, what options are viable. It may not just be one.
8 It may not be two. It may be a handful, but, again, what
9 we feel is viable.

10 And then whether or not, this is the discussion
11 point we were starting last week, is whether or not we,
12 as a Commission, after we have decided which proposals
13 are viable options, if what we would like to do with
14 that. Would we simply like to say that's it, this is
15 what we agree as a Commission are viable options, or
16 would we like to see a visual representation of those?
17 Would we like to see them run the numbers, so to speak?

18 We've been -- I, for one, was one of those early
19 on, too, that kind of had a knee jerk reaction to the
20 word map, the M word, because I feel as if mapping was
21 going to take place at a later date. But knowing,
22 understanding -- I think those who read Ms. MacDonald's
23 note about just the concerns of the time constraints that
24 we have that if we wait for the full discussion in early
25 June we will be pushing ourselves up against a very tight

1 time deadline. So, the question is whether or not we
2 want to, one, how we want to discuss the options, but,
3 two, what we want to do with those, if there is some type
4 of visual representation we'd like to have done.

5 **COMMISSIONER DAI:** If I could just make a follow
6 on comment, since I and Commissioner had an opportunity
7 to meet with Q2 to discuss this. And their suggestion is
8 that we, as a group, could ask for what we think are
9 viable alternatives that we would like to see, and have
10 them do it right there for us interactively. For
11 example, she pointed out very correctly in her note that
12 perhaps Northern California might be the easiest one to
13 start with since it's bounded on three sides, and so
14 there are a limited number of choices.

15 But if you can see it, then, you know, this will
16 help all of the Commissioners who are, you know,
17 considering one option or the other to understand if it
18 addresses the concerns that we heard in public -- in the
19 public testimony. For example, you know, in the North it
20 was a question of whether rural representation was
21 adequate or not was one of the concerns that were
22 expressed. So, the question would be, if you were to
23 look at one of these options, would it actually go too
24 far south and essentially start encroaching into more
25 urban and suburban areas. And you can't really see that

1 unless they kind of put it up there and start looking at
2 the numbers and say, well, you know, if we took the
3 biggest district, you know, 900 some thousand people, how
4 far down would it come?

5 So, they suggest doing that in the session so
6 that we can visualize these things, and then that will
7 get us to the point where it might actually make it clear
8 which alternatives would be things that we would actually
9 want them to actually go and do the hard work of actually
10 creating the map and figuring out the exact populations
11 and all of this. These are very rough approximations,
12 but might help answer some of the questions, I think, in
13 the Commissioners' minds about whether these options are
14 truly viable, no matter how vocal the support by the
15 public.

16 **CHAIRPERSON BARABBA:** Jodie.

17 **COMMISSIONER FILKINS-WEBBER:** On that point,
18 Commissioner Dai or Commissioner DiGiulio, oh, my
19 goodness, sorry, did Q2 tell you where they might have
20 any limitations on the options that we would ask them to
21 do on the spot? So, I mean, we've got the computers and
22 what type of data that we're -- I noticed that in some of
23 the materials there might have been some suggestion from
24 them that there might be some delay, technical delay, but
25 when we receive the information within 24 hours of the

1 wrap up, will we -- if I were to conceptualize some, you
2 know, option that I would want to propose to them, are we
3 going to be limited at all by technical problems, or is
4 there any data that they told you that they wouldn't be
5 able to easily access when we're asking them to do any
6 proposal, you know, right in the session?

7 **COMMISSIONER DAI:** There might be a delay. For
8 example, the one that they showed us of the Questa and
9 Conejo grades, I mean, I think that took like 10 minutes
10 to do, because they had to pick every block because it's
11 not an identified boundary. So --

12 **COMMISSIONER FILKINS-WEBBER:** I think I was
13 driving at that time. Sorry. Can you pick another
14 example?

15 **COMMISSIONER DAI:** So, most of like if you wanted
16 to say, again, using the North as an example, one of the
17 proposals from the public was an East/West District, and
18 if we said, you know, draw East/West and capture 900,000
19 people and see where that line goes, you know, they could
20 quickly -- you could see how quickly they did it on the
21 map in terms of capturing entire counties. So, as long
22 as it's a rough approximation it can be fairly fast.
23 What takes some time in the estimate in their memo was
24 one to five hours per district. That's like getting it
25 down to the exact population and all that, and that's

1 where we would have to, you know, maybe after we've seen
2 some of these visualizations, if we're ready, and we say
3 we want you to investigate, you know, two or three
4 directions and actually spend the time and go and figure
5 out where the problems are, they would do that offline.

6 **CHAIRPERSON BARABBA:** And that's one of the
7 reasons that I sent out that little note on the -- It
8 seemed to me we were confusing insightful maps with the
9 final map. And so then the reason I call them
10 alternatives is that it puts it in the right tone, I
11 think, that says we haven't decided on this, but this is
12 a possibility that we want to look at. And based on how
13 we look at the range of alternatives, that will give us
14 insight on how to give them more specific questions that
15 will eventually come up with a map that we could then
16 discuss in far greater detail.

17 **COMMISSIONER DIGUILIO:** I think to answer
18 Commissioner Filkins-Webber's question, though, too, is
19 it would be that the amount of time I think with this
20 initial discussion with the wrap ups would be more of the
21 general numbers, so around the 900,000 number for
22 congressional. Just so that -- I'm sorry, excuse me. So
23 that we would have an idea, but it wouldn't be the
24 specifics, because that would just take too long to get
25 exact numbers when we're doing the wrap up. Is that what

1 your question about whether it be specific or how long it
2 would take to do a conceptual map? Was I wrong?

3 **COMMISSIONER FILKINS-WEBBER:** No. I guess I just
4 wanted to know whether they advise you of any limitations
5 if we were asking them to do something on the spot.
6 That's all.

7 **COMMISSIONER DIGUILIO:** I think in that, too,
8 there was a list of things that we can ask them. I'm
9 digging around through all of my material. I think some
10 of that material that Ms. MacDonald has sent too, there
11 was some of the framework so that we could ask her some
12 of the fields, if I'm just getting the terminology
13 correct, that we could ask for her to run for us in that
14 discussion. So --

15 **COMMISSIONER FILKINS-WEBBER:** But as I recall, I
16 thought there was some fields that would take longer to
17 run, as far as the upload.

18 **COMMISSIONER DIGUILIO:** Yeah.

19 **COMMISSIONER FILKINS-WEBBER:** So, that's why I
20 just didn't know if we had a highlight of what will take
21 longer.

22 **COMMISSIONER DIGUILIO:** I'll ask, yeah.

23 **COMMISSIONER FILKINS-WEBBER:** That's all. When
24 we're asking on the spot. If we decide that these wrap
25 ups will allow us to see a visual --

1 **COMMISSIONER DIGUILIO:** Yes.

2 **COMMISSIONER FILKINS-WEBBER:** -- and we use the
3 insight maps that Commissioner Barabba has suggested, if
4 we wanted to go a little bit deeper, where might the line
5 be crossed where they wouldn't be able to do it right
6 there on the spot?

7 **CHAIRPERSON BARABBA:** Yeah. And Commissioner,
8 Jodie, I think we will learn how to do that as we go
9 through this, because it doesn't take long when you
10 realize -- and they can tell us, now, this one is going
11 to take a half hour, and we could then suggest that maybe
12 we'll let that one pass.

13 **COMMISSIONER DIGUILIO:** Okay. So, are there any
14 other Commissioners that would like to have comment on
15 this proposed -- what we will do with the wrap up
16 material? Do people feel comfortable with both
17 discussing the options and maybe -- I think in Region 9
18 being one of the simpler ones, there was maybe a handful,
19 three four maybe at the most, based on what the public
20 submitted. Of course, that will get a little more
21 complicated --

22 **CHAIRPERSON BARABBA:** Yeah.

23 **COMMISSIONER DIGUILIO:** -- in some of these
24 metropolitan areas, but the idea being that we could
25 whittle some of those down to some that are maybe the

1 most viable in moving forward. Some are just people --
2 things that just might never happen. We're not going to
3 have a proposal that says keep one county together if
4 it's only -- keep it whole if it's a million people. We
5 could discuss how to draw a line when incorporating those
6 communities of interest.

7 And, I'm sorry, I should note also, let me just
8 make one important note about communities of interest,
9 because at this point we've had a lot of testimony, the
10 proposals have been on a larger scale because of the
11 population numbers of these counties. We had a
12 discussion with Ms. MacDonald about how will she
13 represent the community of interest testimony as it
14 relates to a proposal. I think that will be something
15 that was kind of work in progress because some of the
16 elements of communities of interest will probably come
17 into play at a later date when we're doing the fine
18 details with the lines in terms of don't split our
19 community of interest, which is based on, again, I'm just
20 falling on a school district. That may not be a
21 discussion point at the early level in terms of what an
22 overall proposal is, but will be very important as we get
23 into the nuances of how to draw these lines.

24 So, just a note that Q2 does anticipate capturing
25 that information on communities of interest, but if she

1 were to report on every community of interest that was
2 presented, as opposed to a proposal that was presented,
3 it would make for a very long document. So, at this
4 point they're trying to focus on the proposals, the
5 options to consider, but knowing that they are capturing
6 the community of interest testimony as well.

7 **CHAIRPERSON BARABBA:** Maria.

8 **COMMISSIONER BLANCO:** So going -- This takes me
9 back to the question I had originally about the -- where
10 the voting rights legal analysis fits in. If even at
11 this early -- you know, I know we won't be -- I
12 understand what you're saying that they can't get into
13 all the detailed and various community of interest stuff
14 at this -- in a wrap up. We'll have to, obviously, deal
15 with that later. But even in these sort of broader
16 options, will we -- will those options include in them
17 Voting Rights Act concerns and implications?

18 **COMMISSIONER DIGUILIO:** I think, first of all,
19 what we've asked Q2 to do is to simply summarize the
20 publicly submitted comments, whether it be in the
21 hearings or in writing in the context of it being the
22 proposals that are options for the Commission to
23 consider. I think that what we would ask them to do is
24 based on those proposals or the information they're
25 collecting to run that past the Voting Rights Act

1 attorneys so that those things can be considered in light
2 of that. But right now it's going back to a little bit
3 of maybe what Commissioner Filkins-Webber said is it's
4 not for them to tell -- to tell us what to do based on
5 VRA issues, but maybe simply to point out areas of
6 concern for us to include in our discussion. Am I
7 answering that? Maybe I'm not.

8 **COMMISSIONER BLANCO:** No, no, you are, but I'm
9 just trying to picture how it would happen. If we said,
10 well, oh, yes, this is the input testimony so throw up
11 this map for us and let's see where the data falls and
12 blah, blah, blah. And we go, we like that option. And
13 then that option has a Voting Rights Act implication, and
14 are we going to go down the road with an option --

15 **COMMISSIONER DIGUILIO:** Okay.

16 **COMMISSIONER BLANCO:** -- that's got a problem?

17 **COMMISSIONER DIGUILIO:** That's a good point. And
18 Commissioner Aguirre had asked me this as well, too. I
19 think before Q2 were to present any proposal to us, they
20 would have vetted that through our VRA lawyers, because
21 they're -- Part of this is we don't waste all of our
22 time, anyone's time. We want to have these issues --
23 There may be things that we haven't considered. And
24 there is a fine line, as we've been talking about, of any
25 consultant telling us what to do versus giving us

1 information that we need to not only be efficient in our
2 discussions but to also, you know, take all issues into
3 consideration. So, we are mindful of that and trying to
4 walk the fine balance to the best of our ability.

5 **COMMISSIONER ONTAI:** So, let me follow up on
6 that. I think the real question is, do we have all of
7 the information that this Commission needs when we look
8 at these insight maps? And it should have the VRA
9 attorney's opinion if he feels, you know, there is an
10 issue here that we need to look at. It should be all
11 part of the package. I just can't see otherwise how
12 helpful -- any less helpful that's going to be to have
13 all that information before us.

14 **COMMISSIONER DIGUILIO:** And it will.

15 **COMMISSIONER ONTAI:** Yeah, I mean, but that's got
16 to be consistent. I'm getting the sense that we're not
17 quite sure it's going to be there.

18 **COMMISSIONER DIGUILIO:** Well, and that's part of
19 the reason why there is a delay from prior -- As you
20 remember, last time we had -- we ended up our regional
21 meeting in Merced and jumped right into a wrap up, which
22 we didn't have time to digest it. It didn't have time to
23 be reviewed. So, now, under this proposal, is that they
24 take all of the information, summarize it, put a proposal
25 together, have it reviewed by legal -- our legal counsel

1 and the VRA attorneys, and then by the time it comes back
2 to us we will know whether that proposal -- how viable it
3 is or if there is issues that need to be considered,
4 based on demographics or based on VRA issues. So, that's
5 -- If there was any misconception, it will be vetted
6 before it comes back to us.

7 **MR. MILLER:** If I could just --

8 **CHAIRPERSON BARABBA:** Go ahead.

9 **MR. MILLER:** I believe you have stated that very
10 well and correctly. I also think that is our
11 expectation. I just add one point to it. I think it is
12 the first time the Commission has expressed it quite that
13 clearly, and finding a way of memorializing that is
14 beneficial to the process.

15 **COMMISSIONER DIGUILIO:** So maybe we could say
16 that our intention is to have that happen. Would that be
17 accurate? And then we will work out the details between
18 Q2 and Gibson Dunn?

19 **MR. MILLER:** Yes. And those shouldn't be
20 difficult, but the fact of the clarity of the direction
21 is still quite useful.

22 **COMMISSIONER DIGUILIO:** And I do believe there
23 was a question, too, because Q2 was presenting to us the
24 proposals that were publicly submitted. There may be
25 some other options that we, as a Commission, also feel

1 are viable that also have VRA implications that will not
2 have had an opportunity -- They come out during the
3 course of our conversation but have not had a chance to
4 be vetted. So, that may be a consideration that we flag
5 those to make sure we are on track.

6 Commissioner Aguirre asked whether our VRA
7 attorneys will be at the wrap ups. We haven't had that
8 discussion yet, but it may be beneficial for them there
9 if we do come up with something, but then, again, if we
10 don't we pay for that -- their time there. So, I think
11 this is a question. I put it on my list to address that
12 we have it, and hopefully I can report back to you about
13 a decision on that, if that's okay.

14 **COMMISSIONER ANCHETA:** One additional concern I
15 have about the -- sort of the relative completeness at
16 particular points where we're doing the wrap ups is the
17 data we would be getting at the end of May from Statewide
18 and regional maps that could be quite informative, but
19 doesn't preclude us from folks who are going to do that,
20 from giving us regional summaries. Maybe that's a
21 suggestion to the public to maybe think about that. But
22 there is this issue that there may be quite a bit of data
23 we're going to get in those Statewide maps that we won't
24 have until that time.

25 So, again, and I have no problem with sort of

1 proceeding to get things started, but that's a lot of
2 data I think that we're going to be getting. And it's
3 expected from quite a large number of groups at the end
4 of May. So, that's something to also kind of factor in
5 as something we'll have to look at as well.

6 **COMMISSIONER DIGUILIO:** Okay.

7 **CHAIRPERSON BARABBA:** Let me just comment that I
8 have been instructed that we're going to have to close
9 down at five o'clock because otherwise the meeting won't
10 be -- the room won't be ready for a six o'clock meeting.
11 So, if we could keep moving along here at a rapid pace.

12 **COMMISSIONER DIGUILIO:** And I think if everyone
13 is good with this setup that we have right now, I think
14 it will be a little bit -- we'll feel it out with this
15 first wrap up and see if everyone is comfortable with
16 that. But do I feel like we have consensus in terms of
17 how the Q2 -- they're looking to us for a little
18 direction to see if this is a good format for them to
19 give us input. And, if so, then we will have a
20 discussion after they've given us this material, and be
21 able to maybe review those options or proposals. Is that
22 acceptable?

23 **CHAIRPERSON BARABBA:** Based on (inaudible).

24 **COMMISSIONER DIGUILIO:** Based on -- Okay. So,
25 with that, I think that takes care of this issue. Maybe

1 I think Commissioner Barabba has something to say about
2 4B, and we'll keep this train moving.

3 **COMMISSIONER DAI:** 4C.

4 **COMMISSIONER DIGUILIO:** I'm sorry. 4C.

5 **CHAIRPERSON BARABBA:** It's just pretty much what
6 was in that -- Are you referring what was in the memo or
7 the other one?

8 **COMMISSIONER DIGUILIO:** Yeah. I think this was
9 in regards to --

10 **COMMISSIONER DAI:** We're deferring until
11 tomorrow.

12 **COMMISSIONER DIGUILIO:** Yeah, the one we're
13 referring until tomorrow.

14 **CHAIRPERSON BARABBA:** Yeah, this is going to be
15 discussed tomorrow in more detail.

16 **COMMISSIONER DIGUILIO:** Okay. And then with
17 that, let's just put it to tomorrow. So, for 4G, the
18 Instructions to Organized Groups Regarding Statewide
19 Maps, again, this is we need to provide, in anticipation
20 that we will have organized groups coming to the
21 Commission to present data, we need to give them an idea
22 of what we're looking for, and to streamline the process,
23 both for them and for us. And I think at this point,
24 Commissioner Ancheta has been working very close on this
25 issue. So, I'll let him briefly discuss it.

1 **COMMISSIONER ANCHETA:** All right. As a reminder,
2 we have -- I'm sorry. As a reminder we have two hearings
3 scheduled, May 24th, and I think it's been confirmed that
4 at Laney College in Oakland, I think specific location to
5 be posted, and then at Cal State Northridge on the 26th.
6 So, what I did circulate via e-mail, and I think you
7 should have copies, I think, in front of you, did
8 everyone get copies?

9 **CHAIRPERSON BARABBA:** We do have copies.

10 **COMMISSIONER ANCHETA:** Okay. And this is posted
11 on the website. So, this is a draft set of guidelines
12 regarding submission of Statewide and Regional, or might
13 be called multiple district plans, and it has three basic
14 parts. First part is going through the various criteria
15 listed in the Voters First Act and the Voters First Act
16 for Congress, and identifying within each of the, as you
17 all have come to know, all the various criteria, what we
18 would be hoping to get, and in some places expecting to
19 get from maps and accompanying reports that are submitted
20 to the Commission.

21 And I should emphasize that one of the things we
22 really are trying to stress with folks who are going to
23 be submitting maps is to give us a, as much as possible,
24 very detailed report, because with these hearings we're
25 not going to be able to listen very long for any

1 individual group, because we may have only 15, maybe up
2 to 25 minutes, 30 minutes, and that's about it. And it's
3 hard to get a lot of information about a Statewide map in
4 a single session. So, the -- we'd still encourage them
5 to provide very thorough and, you know, well documented
6 reports.

7 So, the first part of the document is sort of
8 going through each of the various criteria, the major,
9 you know, the major six criteria that we're familiar
10 with, running through some very specific guidelines.
11 Part of this is also not always requiring everything that
12 we might like to see. We'd love to see all of this
13 wonderful data around the VRA and all of these great
14 reports. We can't expect that. Right? But we are
15 encouraging them, of course, to provide that kind of
16 information. But where we do need specifics, for
17 example, where exactly are your boundaries, what are the
18 census blocks and census block groups that you're using.
19 We want to get that kind of information from them.

20 So, in terms of the first section, this was
21 vetted with both Gibson Dunn and with Karin MacDonald of
22 Q2. So, there are some areas where we might spend a
23 little bit of time, maybe make a committee or at least
24 have some discussion among the legal community around
25 particular definitions. Because, although, again, Gibson

1 Dunn signed off on this, and this is where I sort of
2 interpret areas of all of it, there is some room for
3 different interpretations, particularly around how you
4 rank, if you rank, you know, cities, counties,
5 neighborhoods, communities of interest. Does one rank
6 higher than another? Are they all treated the same? So,
7 there are a couple areas where there might need to be a
8 little discussion.

9 There is some areas where we haven't necessarily
10 given clear definitions in the past, but if you rely on
11 sort of generally accepted definitions regarding, say,
12 contiguous districts, nesting is pretty much defined by
13 the -- by the statute. A little more detail on some of
14 those elements, but, again, sort of eliciting where we've
15 pretty much been agreeing on particular criteria.

16 The second part is a bit more technical, which is
17 sort of the submission formats. This was run by Karin
18 MacDonald in terms of, you know, what are the best
19 formats for the files, what are known as block
20 equivalency files to basically get one set of maps from
21 one computer to the other. Her recommendation, actually,
22 was not to require any printed maps or reports, that
23 printing costs would actually quite high in terms of
24 requiring multiple maps. They could certainly be
25 submitted if they want to, but not requiring them.

1 And then the third part is a set of guidelines
2 regarding presentations at public hearings, and I did
3 take some liberties here just to suggest some time
4 limitations and noticing requirements to the Commission
5 in terms of whether you're going to be presenting at a
6 hearing and if you're going to provide a PowerPoint
7 presentation, how much advance notice should be given --
8 or when it should be given to us in advance of the
9 meeting. Just to highlight, I was proposing here 25
10 minutes for a presentation, a maximum of 25 minutes,
11 which would include questions and answers. If we need to
12 reduce that time, because of the large numbers, to go
13 maybe down to 15 minutes. You can go up or down on those
14 figures if you want to.

15 But, and again, I don't think we have a good
16 sense right now how many groups are going to come in.
17 So, that may be something else we might want to put out
18 there. Like maybe, for example, maybe we want to have a
19 much more longer notice period about whether you're going
20 to come in with maps to give us a sense. But, in any
21 case, it's trying to capture what I think are the basic
22 points of information that the public will need to put
23 these maps together and to come to and speak at the
24 hearings. So, and again, it's a draft. So, you know,
25 certainly (inaudible).

1 **CHAIRPERSON BARABBA:** Well, in fact, you did a
2 very thorough job. I thought it was quite good. I just
3 have -- Mr. Claypool, have we gotten any feedback as to
4 how many organizations have signed up to come?

5 **EXECUTIVE DIRECTOR CLAYPOOL:** We have not. I can
6 check and see if Christina Ship has received any, but at
7 this point I don't believe we've had any sign up.

8 **CHAIRPERSON BARABBA:** Would it be possible to
9 send a little note out to them that we would like to find
10 out whether they're coming or not?

11 **EXECUTIVE DIRECTOR CLAYPOOL:** Absolutely. We'll
12 send it out not only through our regular e-mail blast
13 system, but we'll also identify those individuals who
14 participated in the meeting in Sacramento.

15 **CHAIRPERSON BARABBA:** Yeah. Okay. I think the
16 earlier we've got an idea that that will help make us
17 decide on --

18 **COMMISSIONER ANCHETA:** Yeah, and I think the one
19 thing -- And I think in putting -- This is on the web
20 now, so I think in putting this out, this sort of puts
21 everybody on notice that this is what we're thinking
22 about. And, certainly, anything can be submitted well in
23 advance of these hearings.

24 **CHAIRPERSON BARABBA:** Yeah.

25 **COMMISSIONER ANCHETA:** So, the maps can be

1 submitted, notices can be submitted, suggestions. So, I
2 think once it's sort of out there people will respond.

3 **CHAIRPERSON BARABBA:** Yeah. And the sense I got
4 out of that meeting in Sacramento, that some of those
5 groups will find this very helpful and very capable of
6 meeting these requirements.

7 **COMMISSIONER ONTAI:** Question.

8 **CHAIRPERSON BARABBA:** Yeah.

9 **COMMISSIONER ONTAI:** This is very helpful,
10 Angelo. Should this item number three maybe be on this
11 be part of the guidebook that we've prepared?

12 **COMMISSIONER ANCHETA:** I think it's fine having
13 them separate. I mean, they both need to be posted on
14 the web, probably on the same page. It's helpful to
15 people who are coming -- I mean, not everybody is going
16 to be presenting this level of mapping.

17 **CHAIRPERSON ONTAI:** Sure.

18 **COMMISSIONER ANCHETA:** And most folks aren't
19 going to have software at this level, but you could merge
20 it with the guidebook. I'd certainly want to keep it
21 separate as a downloadable file on the website.

22 **COMMISSIONER ONTAI:** Okay. Well, it could be on
23 both, right?

24 **COMMISSIONER ANCHETA:** Sure. Yeah.

25 **COMMISSIONER ONTAI:** But then the next question

1 would be, is it consistent with the guidebook?

2 **COMMISSIONER ANCHETA:** I think so. There are
3 areas where there are -- there is more in here than is in
4 the guidebook.

5 **COMMISSIONER DAI:** A lot more.

6 **COMMISSIONER ANCHETA:** So, for example, there is
7 really nothing on the VRA and the guidebook. We don't
8 talk about contiguity at all. I think we mentioned a
9 little bit about nesting, but now folks who are really
10 working on this stuff know exactly what is going on.
11 It's not that they don't know what these definitions
12 mean. But, again, there are some specifics here
13 regarding certain things like communities of interest
14 and, again, the ordering of the criteria, which, again,
15 I'm putting it out there as something we should just
16 confirm or change. It's up to us to figure that out.
17 But pretty much where the guidebook itself has certain
18 things it in, this is fully consistent with the
19 guidebook.

20 **COMMISSIONER ONTAI:** Okay. So, just to confirm
21 that, have you've seen this and it is consistent?

22 **UNIDENTIFIED MALE SPEAKER:** Yes.

23 **COMMISSIONER ONTAI:** Okay. Thank you.

24 **CHAIRPERSON BARABBA:** Maria.

25 **COMMISSIONER BLANCO:** So, kind of along those

1 lines, so my comments, I thought it was fabulous, by the
2 way, Angelo, really thorough. In fact, I was like, is
3 this too thorough? But, no, I think --

4 **COMMISSIONER ANCHETA:** Well, that's -- Yeah.
5 And, again, it can be edited down, because the point was
6 actually get a lot in there to make sure we cover
7 ourselves.

8 **COMMISSIONER BLANCO:** Yeah, and so --

9 **CHAIRPERSON BARABBA:** It came from Professor
10 Ancheta.

11 **COMMISSIONER BLANCO:** Yeah. Yes. This is how he
12 tells people to write their papers. But and that is
13 actually an observation. I'm not sure how strongly I
14 feel about it, whether it's too detailed.

15 **COMMISSIONER ANCHETA:** Yeah.

16 **COMMISSIONER BLANCO:** But in the section on the
17 Voting Rights Act, I want to make two points. When you
18 get into Section 2, and it says, "The Commission seeks to
19 comply with Section 2 primarily by preventing vote
20 dilution." And then in the next paragraph it says, under
21 federal case law, you know, "The creation of majority,
22 minority districts is the remedy for minority vote
23 dilution, and the Commission will attempt to draw
24 majority, minority." Both those qualifiers primarily and
25 will attempt to kind of raise flags for me.

1 **COMMISSIONER ANCHETA:** Okay.

2 **COMMISSIONER BLANCO:** So, when I -- when we say
3 primarily in the first one, it's as if we were
4 prioritizing the vote dilution over the creation of
5 minority, majority districts, which we will attempt to
6 draw. So, it reads like the main forum of voter to work
7 we will do -- Section 2 work we will do is avoid
8 dilution. And then later on it says, you know, we will
9 attempt to draw majority, minority districts.

10 So, I'm not sure what your intent was, and it's a
11 little -- it looks -- I'm not sure I would agree with
12 that if what you're saying is we're really going to look
13 at -- the real way we're going to look at the number 2
14 criteria on Voter Rights Act compliance is to make sure
15 that nothing dilutes the vote, but we're maybe going to
16 attempt to deal with the creation of majority, minority
17 districts. If those are the same thing to you, then I
18 think we need to -- and if you mean different things by
19 that, those two paragraphs, then I'm not sure I agree
20 with the preference that one is given over prioritize and
21 the other will merely attempt.

22 So, that's one comment, which kind of leads me a
23 little bit to Gil's point about are we making sure we're
24 consistently talking about all these things across
25 documents, across, you know, all our materials about what

1 we mean by the Voting Rights Act, about what we mean
2 we're trying to do with the Voting Rights Act, etcetera.
3 So, on this section, I want to make sure that it's what
4 our attorneys agree is what we're trying to do, and that
5 we -- it's consistent with any other materials where we
6 describe the -- what we're doing with Voting Rights Act.

7 **COMMISSIONER ANCHETA:** Right. Well, let me say
8 that Gibson Dunn has edited this section. All right?
9 So, there have been -- This is language that they think
10 is fine. Right? So, because they haven't made changes
11 to it, at least from an earlier draft from this week.
12 I'm not sure how much you want to --

13 **COMMISSIONER BLANCO:** And we can go to
14 (inaudible) with that.

15 **COMMISSIONER ANCHETA:** Yeah. Because I'm
16 concerned about the time aspect, too.

17 **COMMISSIONER DIGUILIO:** Yeah. May I suggest that
18 we defer it to the legal committee, and maybe after our
19 VRA training tomorrow, and then maybe a couple people can
20 finish this off for final approval?

21 **COMMISSIONER ANCHETA:** Yeah. And I would suggest
22 -- Again, this is a draft that I think needs some
23 tweaking, and I think Karin MacDonald, I think because of
24 not being able to give it 100 percent attention yesterday
25 would want to take another look at it, particularly on

1 the latter sections. I think as long as we can kind of
2 go forward with it and then just get the Commission's
3 endorsement. Let's get it ready and put it out soon,
4 but, basically, in concept it's fine and we'll address
5 some of these via committee and with a working team.

6 **COMMISSIONER DIGUILIO:** I think Jodie has a
7 question, and then I want to say something about that.

8 **COMMISSIONER FILKINS-WEBBER:** Just for the
9 Commission's information, and I agree, we can work this
10 out in committee, I had made one suggestion to
11 Commissioner Ancheta, and I just wanted to make sure the
12 Commission understands what my recommendation was. It's
13 just maybe another paragraph highlighting encouragement
14 of these organized groups to provide necessary supporting
15 documentation to support the data upon which they are
16 basing their recommendations. So, for instance, if they
17 are suggesting a majority, minority district, they're
18 obviously going to submit a map to that regard. And I
19 had just suggested, maybe we add a couple of paragraphs
20 of encouragement that they provide.

21 We do make reference to evidence, excuse me,
22 requesting some evidence, but I think we want to go just
23 one step further saying, in one sense, we really want to,
24 you know, establish that these proposals are reliable.
25 So, just one additional step asking and encourage them to

1 provide additional supporting data to support their
2 recommendations. A little bit more than what we're doing
3 right in this document.

4 **CHAIRPERSON BARABBA:** And could we indicate that
5 given the time pressure at the presentation that they
6 don't have to present their evidence. They can just have
7 it in their final report, because it --

8 **COMMISSIONER ANCHETA:** Oh, yeah.

9 **CHAIRPERSON BARABBA:** Okay.

10 **COMMISSIONER BLANCO:** So, just, I know, lawyers
11 can never help themselves on these things, but --

12 **CHAIRPERSON BARABBA:** And we're becoming familiar
13 with that.

14 **COMMISSIONER BLANCO:** I'm just a little
15 concerned. I do have concerns about the way that it's
16 worded, and I'm a little concerned, I know the draft has
17 gone up, that this will already indicate how we're
18 leaning in a way that I'm not sure that I would agree
19 with. And so, in terms -- I mean, it's a draft, but I
20 just -- that's one of the concerns I have, even in draft
21 form.

22 **COMMISSIONER DIGUILIO:** Okay.

23 **CHAIRPERSON BARABBA:** Okay.

24 **COMMISSIONER DIGUILIO:** So, I think with that, if
25 we agree that that can be -- the details can be delegated

1 to legal, we can move on, then, to I think one of the
2 last things we'll have time for today, which would be 5A,
3 a Discussion of Input -- of the Input Hearing Calendar.
4 And I believe there were some Commissioners that would
5 like to discuss the consideration of expanding input
6 hearings to additional counties. And with that, I think
7 I'd like to have Commissioner Ontai maybe take the helm
8 on that discussion.

9 **COMMISSIONER ONTAI:** Thank you. As you probably
10 all know, we've been receiving e-mail requests from the
11 Northern parts of California and some requests from the
12 extreme Southern part, Imperial County. So, these two
13 areas have not been sites that we had visited on our
14 schedule. And so the question is, should we go back and
15 try to fit in, in our busy schedule, some method for us
16 to have some form of hearing, either in Humboldt County,
17 Del Norte --

18 **CHAIRPERSON BARABBA:** Del Norte.

19 **COMMISSIONER ONTAI:** Del Norte. Del Norte and
20 Imperial County and possibly others as well. And so I
21 think we can make something work, and I think the most
22 important thing is I would hope that all of us would feel
23 at the end of the process when it's all over with that we
24 can feel safe in our thoughts that we did fully reach out
25 to all of the communities. And so that's why I thought

1 we should have a discussion on it.

2 **CHAIRPERSON BARABBA:** Gil, are you suggesting
3 that this be done earlier than any one of these to be
4 decided meetings?

5 **COMMISSIONER ONTAI:** You mean a pre-map meeting?

6 **CHAIRPERSON BARABBA:** Yeah.

7 **COMMISSIONER ONTAI:** Yes. Yeah, I think it's
8 legitimate to get their input on the same level that
9 we've approached all the other counties.

10 **CHAIRPERSON BARABBA:** Okay.

11 **COMMISSIONER DIGUILIO:** And I'm not sure if this
12 is viable, but in anticipation of this, the only -- in
13 terms of at least going into the North Coastal Area,
14 Eureka or whatnot, looking at our calendar, if it's
15 before the first map it really leaves May. And just to
16 throw out for the discussion, I would think the only
17 place really you could put like a meeting in Eureka would
18 be on May 18th, which is prior to the start of the session
19 which started with Auburn, Santa Rosa, Oakland, in a
20 sense that -- And I don't know the costs that are
21 involved, but if we are going to be up in Sacramento Area
22 for Auburn, if the Commissioners came up a day early to
23 Sacramento, did a puddle jumper to Eureka on the 18th and
24 came back and could continue without having to bump any
25 other meetings. But other than that, I don't know where

1 you'd fit in a Eureka. And for that matter even
2 Imperial. But that's an option.

3 **CHAIRPERSON BARABBA:** The ride to Eureka from
4 Sacramento would be a long one, I would think.

5 **COMMISSIONER FORBES:** It's -- yeah, it's very
6 long. But I had a thought, and I've shared this with the
7 Executive Director, is that rather than truck the whole
8 Commission up to Arcada or wherever up there, or down to
9 Imperial, to send a delegation, if you will, of three
10 members, one of each of our groups. And so what we would
11 do -- And we'd actually also send the live streaming
12 folks with them. And what we do, the idea would be to
13 have two meetings in one day.

14 So, in other words, let's say it's a Saturday and
15 we have our normal meeting, which is 2:00 to 5:00. This
16 delegation would go to this community and they would hold
17 an input meeting. It would all be live streamed. The
18 rest of us, who are not at the meeting, would be in front
19 of the TV screen or in front of a computer screen so we
20 could watch the live streaming of it. And we could, you
21 know, how we've had a case where we've had one person
22 call in to be a part of a meeting, to have the 11 of us
23 noticed that we're -- And we stay in Sacramento, for
24 example, if we're going to Arcada. What that does, and
25 then when that is over, the other three -- those three

1 who went come back and the other 11 hold the regular
2 scheduled meeting for that day.

3 What that does is, it allows us to at least show
4 the flag, if you will, show that we are concerned about
5 them. We all -- the entire Commission, we get an
6 opportunity to hear what they had to say, and it would
7 lower the cost substantially and would allow, as I said,
8 to get two meetings in one day so we don't have to add a
9 day to the schedule. So, that was just structurally a
10 way of doing it. Whether that would meet, you know, the
11 Commission's needs, I don't know, but that would be a way
12 of doing it inexpensively and getting two meetings in one
13 day.

14 **CHAIRPERSON BARABBA:** And Stan did submit that to
15 me, and I read that, and I wanted to ask Dan, how would
16 that work?

17 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, first of all,
18 so many -- our budget is tightening, and so I have to
19 tell you, just the thought of the additional costs of our
20 live streaming just, you know, makes me nervous. So, you
21 know, I'm confident we can get there, but we're getting
22 to that point where we're starting to watch every penny.

23 What I would say is this, and it's what I had
24 originally stated to Commissioner Forbes, it works very,
25 very well if we can get those venues to donate

1 everything. And so far we have had amazing results with
2 our staff, and we commend them over and over again, in
3 being able to get them venues to help us out quite a bit,
4 and Long Beach is certainly no exception. So, if you
5 want to do that, let us contact people and start working
6 on the logistics, and let's see what it costs you. If it
7 doesn't cost the Commission, you know -- Because at some
8 point it will start costing you some type of technical
9 consultant, because that will be the trade off in order
10 to find the funds to do that.

11 So, if that's what you want, let's see what we
12 can arrange and then come back. But we have to make that
13 decision right now, because we have to notice it if you
14 want it as early as May or very early June. We have to
15 start noticing that now and seeing what's possible.

16 **COMMISSIONER DIGUILIO:** The other question is had
17 is, I mean, is it possible just to do an entire video
18 conference kind of meeting instead, because that would
19 cut down on the travel. And since it's a video
20 conference, it would be captured.

21 **EXECUTIVE DIRECTOR CLAYPOOL:** Well, if we can
22 find -- For instance, and Arcada is a good point, or El
23 Centro is a very good point, we're going to find venues
24 there that if people are as generous as many have been to
25 us so far that we will really run ourselves only into the

1 need to get you there for an extended session, such as
2 today, where we could have run Arcada from 1:00 until
3 5:00, and you could sit here and watch that screen and
4 comment, and then vice versa, they could turn around up
5 there and then you could run Long Beach here and they
6 could chime in from there. There is that possibility.

7 I don't -- I'm not as -- I know that the live
8 streaming is preferable, but I also believe there is an
9 extreme value to them meeting you. And so in that
10 regard, the only thing that I would ask you to consider
11 is rather than send three, possibly split and send maybe
12 six, and to make sure that when you go to Arcada that you
13 represent the diversity of this State so that we could
14 get some of our Southern Commissioners up there, and,
15 conversely, when we go out to El Centro that we have
16 Northern Commissioners there.

17 **CHAIRPERSON BARABBA:** Michael?

18 **COMMISSIONER WARD:** Thanks. I don't know how to
19 turn it on. (Inaudible).

20 **COMMISSIONER ONTAI:** Turn it off.

21 **COMMISSIONER WARD:** Mute. Oh, thank you. I
22 missed the briefing. Sorry. I appreciate that,
23 Mr. Claypool. I think it's important, too, that we
24 capture and make sure that we're accessible, and that all
25 of California feels that their input and knows their

1 input is important to us, and it's considered equally.
2 The only question I have is understanding that we've kind
3 of evaluated the cost of doing this. I'm kind of just
4 wondering what it is that we gain considering that cost.
5 We obviously have an extensive outreach that was well
6 thought out, realizing that we can't hit every single
7 part of California.

8 And with the strains that are on staff already,
9 and with our tight budget, and a lot of unknown to come
10 that might certainly affect that or such what remains up,
11 I'm just wondering what is the major gain being that
12 whatever input that we will receive is certainly still
13 able to reach the Commission and be considered in just
14 the same fashion, especially if you start sending up
15 delegations or doing webinars or teleconferences. It
16 just seems like at that point it's a big expense and a
17 lot of staff for, it seems to me, limited gain.
18 Although, again, I do agree that we want all of
19 California to know that, you know, their input it equally
20 as important, and we do need to hear from those areas.
21 But, obviously, we can't be in all of California at the
22 same time. We don't have the resources to do that. So,
23 I'm just wondering if the gain is really worth the
24 expense of staff and the expense of the Commission.

25 **COMMISSIONER DIGUILIO:** I'd like to follow up

1 with that. I'd like to us to see if we could have just a
2 quick -- well, not quick, but a discussion on whether we
3 should do these first. And we've heard from a number of
4 people who have requested it, but beyond just people
5 asking for it there must be a good justification. So,
6 I'd like to follow up with that, before we decide on
7 logistics, is to talk about whether we should do them or
8 not and where.

9 **COMMISSIONER FORBES:** Well, I -- Oh, I'm sorry.
10 Thanks. The one -- I am not familiar enough with the
11 Southern California, the El Centro and Imperial Valley
12 issues, so I can't speak for that, but I think that the
13 -- we've heard before that the Northern part of the State
14 does feel slighted, and they have felt slighted not just
15 in this Commission but just in generally because they're
16 so far away, and that's just true. I think the advantage
17 of going to Arcada, and I think Michael's concerns are
18 absolutely correct, is that if we are going to
19 potentially change the Northern State Districts from a
20 North South to an East West configuration in some
21 fashion, if we're going to consider that, that offering
22 them an opportunity to weigh in on that issue face to
23 face, I think, perhaps has some merit. That would be the
24 (inaudible).

25 **CHAIRPERSON BARABBA:** The only comment I made,

1 I've heard a lot about that issue, and I'm not sure what
2 else we would hear that we haven't heard already, other
3 than being physically there. And I understand the value
4 of the public presence, but under the circumstances, I'm
5 just not sure that Michael's point, that the value gained
6 for the money spent, I don't think we're going to learn
7 anything we didn't hear before, or have been hearing on a
8 continuous basis.

9 **COMMISSIONER DIGUILIO:** Yeah, I would just add
10 that we've gotten a lot of written testimony about that.

11 **COMMISSIONER FILKINS-WEBBER:** Commissioner Ontai,
12 and I may have missed it through all of the numerous
13 public comments, which I diligently read every one, and I
14 am a little behind, maybe a few days based on the last
15 volume we got last night, at midnight, by the way.
16 Commissioner Ontai, did I miss a public comment? Where
17 is the outpouring coming from for Imperial Valley and a
18 consideration of El Centro? I am familiar with the area
19 and have been there several times.

20 **COMMISSIONER ONTAI:** I think I -- It's on, right?
21 I think I received one, maybe two e-mail requests from
22 residents from Imperial Valley.

23 **COMMISSIONER FILKINS-WEBBER:** I saw the one from
24 Coachella, which is different from El Centro, but --

25 **COMMISSIONER ONTAI:** I can't recall, but I did --

1 I think I did see a request from an e-mail saying that
2 they would like to have a hearing in Imperial County.
3 Now, there might be others. I haven't read them all, but
4 almost 99 percent of them, that one percent is probably
5 the one that I missed. But I distinctly remember seeing
6 at least one request for Imperial County. Now --

7 **COMMISSIONER DIGUILIO:** Imperial Valley?

8 **COMMISSIONER ONTAI:** Imperial Valley. Well, now
9 I've got me confused. But, I mean, Commissioner Ward's
10 point is correct. I think if you look at Imperial
11 County, if I recall, the total population there is under
12 50,000 people, which is small. But it has a significant
13 growth over the last 10 years. But is that enough for us
14 to warrant our time and resources to go there? I'm not
15 sure.

16 **CHAIRPERSON BARABBA:** And Commissioner -- Jodie,
17 is it a long ride from Imperial County to San Diego?

18 **COMMISSIONER DIGUILIO:** No.

19 **COMMISSIONER FILKINS-WEBBER:** Yes. Well, in
20 looking at the calendar, I was looking at if we did have
21 a significant number of people that were looking at
22 Imperial County, we do have the Palm Springs meeting.
23 Generally, anybody who is from Coachella, it's not
24 unusual for them to come up into Palm Springs. Where you
25 get into a little bit of trouble is that if the requests

1 are coming from El Centro. And that is -- From San Diego
2 you just go straight over on the 8. It is a long drive.
3 It's beautiful and you see the border of Mexico, or what
4 border there is there. I think there is a little wall.
5 But it is a little difficult. But that's why
6 practicality, and listening to Commissioner Ward's
7 suggestion, and maybe even taking a look at some of the
8 numbers down there, you know, Brawley is the main center
9 where the hospital is at.

10 And, to be honest, I haven't looked at the recent
11 population numbers down there. That's why I was
12 wondering, do we really have an outpouring of individuals
13 who are interesting in holding a hearing there? Maybe if
14 anybody is watching this and there are community groups
15 that have connections down there, maybe we might need to
16 table this so that we could get an idea, because I
17 haven't seen the public comments or the outpouring.
18 That's why I had made the inquiry, because it would be a
19 tremendous expense to get down there, to travel down
20 there if we're really only going to get, you know, 10
21 people or 20 people to show up.

22 Because one thing that the public should take
23 into consideration is that we certainly understand the
24 request for public presentation of testimony, but that's
25 not to say that anybody's testimony that's presented in

1 written public comments that we're reviewing day in and
2 day out is taken at any less value. So, if we cannot
3 make it to your area, that's not to say that, your area
4 is not considered. I mean, we're definitely reviewing
5 all of the community of interest testimony, and all the
6 public comments. And as this Commission has already
7 discussed earlier, we're turning that all over to our
8 technical experts who are going to provide us
9 compilations, you know, when we do the wrap ups. So, no
10 area is going to go ignored whatsoever. We've looking at
11 everybody's public comment.

12 **COMMISSIONER DAI:** I'd just like to echo
13 Commissioner Filkins-Webber's comments, and also
14 Commissioner Ward. I mean, I think this Commission put a
15 lot of thought into our regional breakout of the State in
16 key areas within each of those regions where we felt it
17 was important to have a hearing, because of either
18 significant changes in the area, because it's a major
19 population center, or, you know, the controversy about
20 the way the lines are currently drawn in certain areas.

21 So, I think that we need to be cautious about
22 just responding to people who want to have a hearing,
23 because, I mean, we are in a day and age when the
24 internet affords, you know, people to provide testimony
25 to us very cost effectively, and we are weighting that

1 equally with anything we hear presented in a public
2 hearing. So, I, personally, unless I see something
3 really compelling, and maybe it's because I sit on the
4 Finance Administrative Committee, I think our budget
5 pressures are such that I think it would really have to
6 give us new information that we somehow would not
7 otherwise get for that region, I think, for us to
8 significantly deviate from our current schedule. And I
9 would suggest if we decide it's really compelling that we
10 consider replacing one of our current hearings in that
11 same region.

12 **COMMISSIONER DIGUILIO:** Could I suggest that
13 maybe we would prefer to think of the majority of
14 requests, the vast majority has been from the North
15 Coast, and I think that those individuals understand that
16 we have heard them and we've taken this very seriously.
17 And under different circumstances, more time, more
18 resources, we may very well be able to take that
19 opportunity to do that. But to definitely impart to that
20 area to say that we are reading all those comments that
21 come in, and we are taking them very seriously.

22 And just because, as Commissioner Dai had said
23 is, just because we're not there doesn't mean it's of any
24 less value. So, we encourage those same individuals that
25 are very adamant about us coming up there to let them

1 know to continue to let us -- to give us feedback,
2 because those will be given equal weight, and that's very
3 important that if we do not make it up into that area
4 physically we will hear their testimony.

5 **COMMISSIONER ONTAI:** Yeah, and I thought this was
6 a very healthy discussion overall, because I do feel that
7 the viewing public from these areas should understand why
8 and how we made those decisions. So, I'm thankful for
9 that. But we're still dangling with the Northern part,
10 so where are we with that?

11 **CHAIRPERSON BARABBA:** It sounded to me like we
12 were saying we have -- the current plan is the current
13 plan, and we're not likely to expand it.

14 **COMMISSIONER FORBES:** That's right. I think the
15 virtue of this conversation has been, I mean, we have
16 gotten a number of requests from the North Coast, and the
17 virtue of this discussion is to let them know that we
18 took their account seriously, we discussed it, and we,
19 you know, for financial and time reasons we're going to
20 stay with the plan that we have, but that we did not
21 ignore their request.

22 **COMMISSIONER ONTAI:** Great. Thank you.

23 **CHAIRPERSON BARABBA:** Okay. Yes.

24 **COMMISSIONER BLANCO:** And on the Imperial County,
25 or what I would call the Imperial Valley issue, I'm a

1 little concerned. I agree completely with the cost and,
2 you know, that kind of analysis. This is an area which
3 may seem strange to believe, but in some ways people
4 there feel as isolated as Del Norte. This is, if you
5 know the area and you've worked there and you know that
6 that's a similar sense of constantly being left out.
7 And, in fact, probably less vocal and organized than the
8 North in terms of being able even to say, please come,
9 you know, we need you. We want you to be here, and
10 etcetera.

11 So, and they have had issues around redistricting
12 in the past, serious ones that, you know, they weighed in
13 on Prop 11 because of some of those concerns, etcetera.
14 So, I think what we could do there is really maybe do a
15 very deliberate outreach strategy about getting -- making
16 sure we get soliciting input. And, you know, that's the
17 way we do it. We just do that deliberately, and we
18 deliberately, when we release the first draft, we're, you
19 know, again, another deliberate round of making sure
20 there is -- it's received and that there is input.
21 Because I do think that area shares a sense of isolation
22 as Northern California.

23 **COMMISSIONER DIGUILIO:** So, could we maybe task
24 the Public Information Advisory Committee to make it a
25 point to send -- to hit that area in terms of letting

1 them know that we considered meeting there, that we are
2 listening to them, to do a special effort to reach out
3 before the maps and after the maps, because that might be
4 just realistically the best we can do.

5 **CHAIRPERSON BARABBA:** Okay.

6 **COMMISSIONER PARVENU:** Unless it's absolutely
7 necessary that -- This is going back to the initial
8 conversation about the pre-map round, but we do have open
9 dates later in June that we may consider as a compromise.
10 But beforehand, before the maps are actually drawn, I
11 totally agree getting an extensive communication outreach
12 effort, newspapers, radios, just more extensive than what
13 we have done up to this point I think would be
14 appropriate to address them at the time being.

15 **CHAIRPERSON BARABBA:** All right. So, we've got
16 that covered. Okay? We're not making any extra trips
17 before the maps.

18 **COMMISSIONER DIGUILIO:** Okay.

19 **CHAIRPERSON BARABBA:** So, I think we could delay
20 the discussion of policy for public events.

21 **COMMISSIONER DIGUILIO:** Defer it?

22 **CHAIRPERSON BARABBA:** Defer it to --

23 **COMMISSIONER DIGUILIO:** To the 5th.

24 **CHAIRPERSON BARABBA:** -- to the 5th. And then,
25 so, public -- We want to get an update from the Public

1 Information Commission (inaudible)?

2 **MR. WILCOX:** So, you all have received a couple
3 days ago my update on what's been happening with the
4 communications plan and the public information efforts.
5 I just want to hit a couple of highlights. Number one,
6 on our website, we are having the five languages up,
7 translated, professionally translated for our guide, and
8 also our public input worksheet, and also next week you
9 will see -- or at the end of this week and the beginning
10 of next week we'll see all hearing notices also in those
11 five languages.

12 Of course, we're continuing the outreach and
13 publicizing all of the hearings, and, with all of the
14 good work of the Commissioners doing interviews, I have
15 drafted and will be sending to you new talking points
16 that just talk more about, you know, what our process is
17 now, the timeline and the next steps and the kinds of
18 questions that I've been hearing that Commissioners have
19 been getting in their interviews, and just kind of give
20 you an overview to use that.

21 Also, our choral fellows who are with us for five
22 weeks and are out there in the community, Foread
23 (phonetic), Benamore (phonetic), and Andrew DeBlock, who
24 you will meet tomorrow evening. They will be at the LA
25 hearing, and they have been out there working with

1 community based organizations, churches, neighborhood
2 counsels, business organizations. They just started last
3 week, but they've been out there working all day and have
4 just really provided -- It's incredible what they've been
5 able to do, and I want to thank them.

6 **CHAIRPERSON BARABBA:** Any questions of
7 Mr. Wilcox?

8 **COMMISSIONER DAI:** I just want to comment that
9 it's been an amazing --

10 **CHAIRPERSON BARABBA:** Yes.

11 **COMMISSIONER DAI:** -- job that you've been doing.
12 I mean, just fantastic. I know that several of us have
13 been involved in this world wind of media events, and
14 it's just been -- I really want to commend you.

15 **MR. WILCOX:** Well, I thank you, but I couldn't
16 have done it without you, because I might set it up, but
17 you do the work. So --

18 **CHAIRPERSON BARABBA:** All right. So, we'll get
19 into -- Is there anything else on this subject that we
20 need to talk about?

21 **COMMISSIONER DIGUILIO:** Update on the video?

22 **COMMISSIONER WARD:** Sure. Yeah. Chapman is
23 continuing to edit and put together the video. The hang
24 up has been sound. We anticipated a controlled
25 environment, so they brought professional sound, and for,

1 as you know, many Commissioners events, particularly,
2 were really great about working in some tough conditions,
3 but the equipment picks up everything. So, what we've
4 been left with is a product that's got great quality
5 video, and through about half of it exceptional sound,
6 but it's pieced together with some rough stuff. So,
7 they're having to go through and put it through a number
8 of filters. It's a very time consuming process, and it's
9 just simply pushed us back because of the facility issues
10 we had that day.

11 So, I took the liberty of making a decision for
12 the Commission that it would be better to have a fully
13 professional product and a little late than one that is
14 pieced together with some choppy sound. So, we hope to
15 have that completed. There is a team of four -- five
16 people working on it presently, so we expect to hopefully
17 have all the filters and enhancements done by the end of
18 the week, and so that should put us at a post of early
19 next week.

20 **CHAIRPERSON BARABBA:** Any chance of any of us
21 sounding better than we actually do? Okay. So, we can
22 now move to the finance and administration?

23 **COMMISSIONER DAI:** So, Mr. Claypool, perhaps you
24 can give us an update on our million dollar budget
25 augmentation.

1 **EXECUTIVE DIRECTOR CLAYPOOL:** Absolutely. Did
2 you receive the e-mail?

3 **CHAIRPERSON BARABBA:** Yes.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. Then I'm
5 happy to tell you that our final, final letter through
6 finance was forwarded by the Director Ana Matosantos to
7 the legislature saying that they have no objections and
8 that they believe that we need the money as quickly as
9 possible, and that it will be released to us. Now it's
10 up to the legislature to actually release the money, and
11 we've heard from them earlier that there is no objection
12 in the legislature. So, we start the 30 day clock from
13 the time that the letter was distributed to us, which was
14 today. We will get that letter to all of you.

15 This is, by the way, one of many letters that has
16 gone out to -- on your behalf from not only your staff,
17 but from the Department of Finance who have done a great,
18 great job for us trying to find a route to the most
19 sufficient and efficient funds that we could find. So,
20 we anticipate that no later than the end of May we will
21 have those funds and that we have plenty of funds to
22 operate until then.

23 So, that's the good news. And now we're going to
24 hand out the budget documents. That's still good news.
25 I don't want to make it sound like we're heading to bad

1 news.

2 **CHAIRPERSON BARABBA:** I was going to say. It's
3 all right to have two good newses.

4 **EXECUTIVE DIRECTOR CLAYPOOL:** It is. And so, I
5 just have to say, with that amount of money, and the way
6 that we have budgeted this operation, we can get this
7 Commission to the final -- to the final outcome that you
8 have to have. Now, what happens beyond September, or,
9 actually, August 31st is -- you know, it just has to be
10 with the budget, and we are all -- all of California is
11 kind of captive to that process, but, for us, it gives us
12 the operating funds we need.

13 What I'd like to do, these are all produced by
14 Deborah Davis and Lisa Halterman, our fine budget staff.
15 And I'm just going to run it in the order that you have
16 it. To start with, as you can see, I'd just like you to
17 get an idea of the staff hours. This was as of March
18 31st. You continue to see a significant amount of time in
19 overtime non-paid, which is a big plus to the Commission.
20 And that comes from all of your supervisory staff level
21 individuals, such as your Director of Communications,
22 your Chief Counsel, and your Office Manager, your Budget
23 Officer. So, that helps us a lot. We try to work them
24 as much as we possibly can. We like to think of them as
25 cheap labor.

1 If you go to the next handout, this is
2 Commissioner per diem. The important thing, you're going
3 to see that we are over by about 13 percent on business
4 meetings as we start across. Really, some of that is a
5 slight miscoding issue. I'm not too concerned with it.
6 What we have now is you're going to see the public input
7 meeting category that we're at seven percent on start to
8 really pick up the bulk of all of these meetings. In
9 fact, we probably won't have any meeting again that isn't
10 a dual purpose meeting, and given that you can only
11 collect 300 dollars for each day you work, regardless of
12 whether it's when we have a dual purpose, this is pretty
13 much what we expected to see.

14 Some of the -- some of the budget overrun in the
15 business meetings are just nuances that I think the
16 Commission is going to address, and so I'll save that for
17 later. And then you look across. We have also, you
18 know, used substantial amounts of our Commissioner prep.
19 Again, I'm not overly concerned with this, but it is --
20 we do need to reaffirm what the policy is there, and
21 we'll discuss that later.

22 **COMMISSIONER DIGUILIO:** Before we go on, can I
23 just ask --

24 **EXECUTIVE DIRECTOR CLAYPOOL:** Any questions?

25 **COMMISSIONER DIGUILIO:** -- a quick logistical

1 question?

2 **EXECUTIVE DIRECTOR CLAYPOOL:** Go ahead.

3 **COMMISSIONER DIGUILIO:** In regards to these -- as
4 we do our per diem, when we have a joint business meeting
5 and an input hearing, would you prefer for us just to say
6 input hearing?

7 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes.

8 **COMMISSIONER DIGUILIO:** For clarification.

9 **EXECUTIVE DIRECTOR CLAYPOOL:** And, in fact, yeah,
10 that's where we're headed.

11 **COMMISSIONER DIGUILIO:** Okay.

12 **EXECUTIVE DIRECTOR CLAYPOOL:** That way we won't
13 come up short in one and way over in the other. So,
14 that's why we have -- as we shift over into input, all of
15 yours should be going into that. And I'm assuming that
16 everybody here received the coding that we're going to
17 use.

18 **COMMISSIONER DIGUILIO:** I don't think -- No.

19 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. If not --

20 **COMMISSIONER DIGUILIO:** We'll distribute it.

21 **EXECUTIVE DIRECTOR CLAYPOOL:** Yeah, we'll go
22 through it. But and it's going to be simple. We don't
23 want this to be overly complicated.

24 Switching over to the next table, we have
25 Commissioner travel. Again, we have done quite well

1 here. Now, I don't know if that's because many of you
2 are holding the big surprise for us until the last.
3 Hopefully not, so I'm going to take this opportunity to
4 reiterate that we need to have all of you submit your
5 TEC, your Travel Expense Claims, as soon and as often as
6 you possibly can. If you follow the example of staff, we
7 send ours in after every session or after every travel
8 event that we had. So, the other day I traveled out to
9 Berkeley to work with Q2 for the day, and then submitted
10 one just for that day to make sure that it was just in
11 and out of the way. If we do that and we stay current,
12 we're going to be fine.

13 **COMMISSIONER DIGUILIO:** And, again, the
14 Commission has committed to do it within 15 days, so the
15 sooner the better.

16 **EXECUTIVE DIRECTOR CLAYPOOL:** Any questions about
17 Commissioner travel? Okay. We're going to move over now
18 to total expenditures, working on a 3.5 million dollar
19 budget. You can see that as of this point we have only
20 expended 13 percent of the funds allotted to us.
21 Certainly, we are in that accelerating time and this is
22 through March 2001, obviously. So, you've got April in
23 there. But it is why I'm not overly concerned. Yes, I'm
24 always harping about money, and I will continue to do
25 that until the very last day, but I think we're doing

1 very well as a Commission. You're doing very well
2 policing yourselves, and that's -- you're to be
3 commended. Any questions about overall expenditures?

4 I would like to point out that we boosted
5 overtime, by the way. We switched some money into
6 overtime, because if we had taken the original projection
7 we were over it already, and we recognized that. And
8 we'll be talking about where some of the money has
9 changed.

10 If you go to the next page and this is probably
11 the one that's going to be the most mesmerizing and the
12 most complicated. Does everybody have the -- just the
13 spreadsheet?

14 **CHAIRPERSON BARABBA:** Yeah.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** Okay. What we gave
16 to the Finance Administration Committee last time is the
17 first column -- or, actually, the second column that says
18 -- that ends in 3.8 million dollars. At one time we were
19 working against the possibility that we might have found
20 an additional 300,000 dollars that we could have used in
21 this budget before we hit August 31st. That didn't
22 actually come to fruition. So, we had to come up with a
23 way to reduce down to the 3.5 million in order to bring
24 you in under budget with what we knew you would have
25 before August 31st.

1 If you look at the reduction in the asterisk
2 column, that's where the money started to get reduced.
3 Now, we have the actual documentation that backs up each
4 one of these -- each one of these columns. But, for
5 instance, the most material, if you will look at it, is
6 staff salary. What we've done there is we have reduced
7 -- we have said that staff salary will be paid for
8 through June 30th, and after that that the government will
9 -- that the State will continue to honor paying staff
10 salaries. And we're encouraging staff to move their
11 money over to -- or move their direct deposit over to
12 Golden 1 Credit Union, which has traditionally honored
13 staff salaries until the budget has been passed.

14 Now, that doesn't mean that Department of Finance
15 isn't going to keep dipping into your budget and just
16 ignore staff salaries. They'll keep paying them, but
17 we've also moved some of the money -- we have the
18 possibility of moving some of the money out of the
19 contract section. If you go down you'll see that there
20 is a 52,000 dollar reduction. That's the second one
21 that's materially important to you. That 52,000 is
22 coming directly out of your inline peer review process.
23 So, we've only left 23,000 in that process for that. And
24 that's what I had said earlier, that if we run into
25 trouble, then that's where we're going to dip.

1 If the Commission decides to go forward with the
2 inline peer review process, then we will turn around and
3 go into the pot of money that has technical consultants,
4 and we will up the amount to the full 75,000 or the
5 amount that we need for your inline review process, but
6 we will have to reduce the other monies that we might
7 have had for statisticians and so forth. This is a
8 common process of moving money around within our budget.
9 So, this isn't something, by the way, that comes as any
10 surprise whatsoever to the Department of Finance, because
11 they're constantly moving those monies around for us
12 anyway. And so that's why we have so many iterations of
13 this document.

14 If you go to the third column that says changes,
15 these are all internal changes that we've made. So,
16 whereas we reduced our staff salaries by 225,000, in
17 order to fund a different category for our retired
18 annuitants, we went and added 20,000 back in and made
19 these changes that you see in order to balance ourselves
20 out to the 3.5 million. I promise you that we will never
21 make any changes that go beyond 3.5 million, because, if
22 they do, then whoever the current Chair is at that time
23 has to pay the balance. So, we're not going there. And
24 so --

25 **CHAIRPERSON BARABBA:** I've just announced my

1 retirement.

2 **EXECUTIVE DIRECTOR CLAYPOOL:** Does anyone have
3 any questions about this? Okay. Now we have one more
4 document to hand out. Do you have -- Did you already
5 give it -- Okay. So, what you have right now is, if you
6 can hand me one, is I'm going to say exactly what I asked
7 Ms. Davis to put together, but it unfortunately missing
8 one thing, and it is the totals for that -- for all
9 Commissioner per diems. Although if you go by month, you
10 can look at this and say, okay, we have the total
11 Commissioner per diem over here, and so I have an idea of
12 exactly how much we've expended, and which we know is 41
13 percent. But if you go to each one of those different
14 categories you can see the minimums, the averages and the
15 maximums for each of the categories for both Commissioner
16 per diem and travel by month.

17 If you look at January you see that clearly no
18 public input hearings. Your business meetings were
19 ranging from some Commissioners who had yet to submit a
20 TEC to others who had gone to a maximum of 3,300. Some
21 of these expenses are -- you know, it's because you're
22 serving as a Chair or Vice-Chair or you're doing a video
23 or you're -- you know, or you're going out and you're
24 doing any number of meetings, not only with media and
25 with -- with our consultants. So, I wouldn't read a lot

1 into these other than to take a look and you'll get an
2 idea of about how things are getting charged by month.

3 If you go to February, again, we start picking up
4 media travel. I was curious as to how we got a \$64.29
5 per diem, but I just realized that's -- this is all just
6 the average and the way it's dividing up. You start
7 seeing the Commissioner prep really pick up with a high
8 end of 4,200, and, again, a low end of zero. And then
9 moving on to March just the same thing. Now we're
10 starting to -- we'll start picking up input meetings, but
11 you can see that the business meetings are as high as
12 3,000, as low as zero, and, again, the Commissioner prep
13 as low as zero and as high as 4,800.

14 So, next time this will include totals so that
15 you can have an idea of the total amount that is in each
16 category, although you could go over to that other graph,
17 as I said, and pick it up there. But does anyone have
18 any questions?

19 **COMMISSIONER GALAMBOS-MALLOY:** I have some
20 comments that I would like to add into your overviews of
21 the per diem, which I really appreciate. I did find the
22 per diem codes, and they were stapled to -- I believe,
23 because I had already ripped them off, I think they were
24 stapled or -- No, maybe that was my own internal copy.
25 Okay. Well, we'll make sure that you get your per diem

1 codes within the next 24 hours. That will be easy to
2 accomplish.

3 What I wanted to reiterate for Commissioners,
4 because we're coming up on the end of the month, and with
5 that, again, the turnaround time for getting our per diem
6 requests in. Just to revisit what our policy actually
7 is, and by the time we meet on May 5th I will have drafted
8 some written guidelines. I apologize we weren't able to
9 turn that around in time for this meeting, but I do think
10 it's fairly simple and it is something that we have
11 discussed before, so this is more of a review.

12 Utilizing the per diem codes, which you will be
13 provided, and these codes match with the codes that you
14 see listed that Ms. Davis is using to track our per diem,
15 our policy is that any day in which you are engaging in
16 Commission business for six hours or more that you are
17 able to claim per diem for that day. We did agree as a
18 Commission, given that we are citizen Commissioners and
19 so many of these hours for our work on the Commission
20 outside of meetings are actually happening in little
21 pockets of time here and there, that you could accumulate
22 hours over the course of many days, and once you
23 accumulated six hours that you could submit for that day
24 worth of per diem.

25 On days where we are spending 14, 16, 18, 20

1 hours worth of Commission work, you still can only put in
2 for one day's worth of per diem. I think we all know
3 that. I'm not questioning whether folks have been on the
4 same page about that. What I wanted to preview for you
5 was that we are thinking to use a system much like what
6 CPAs use, and use 15 minutes as the smallest time
7 increment in which we would want you to track how you're
8 spending your time. So, if you have -- again, the
9 purpose behind this is that --

10 **COMMISSIONER DIGUILIO:** For the attorneys, that
11 will be easy.

12 **COMMISSIONER GALAMBOS-MALLOY:** -- you're keeping
13 notes. These notes enable Ms. Davis to give us the most
14 accurate budget information that she can possibly give us
15 so that your per diem form would simply use these codes
16 and you'd say, you know, one hour MT, you know, two hours
17 CP, which would be Commissioner prep. So, that's the
18 level of detail we're trying to get to moving forward for
19 your future submissions.

20 My suggestion would also be that we all consider
21 whether we want to amend previous per diem requests that
22 we have submitted. Not necessarily that your total per
23 diem request would change, but, again, remember these are
24 public documents. I think there is vast discrepancies in
25 the level of detail that we've all been providing to our

1 staff. It doesn't mean we don't have the documentation
2 at home, but, again, would your per diem form pass the
3 sniff test for an investigative report, right? That's
4 the level of detail and thinking that we want to make
5 sure that we have. And so, again, our staff is on call
6 if there is any Commissioners who would like to provide a
7 greater level of detail for previous months before things
8 start moving so fast that we don't remember. So, again,
9 on May 5th we'll have something in writing for your
10 consideration, and I'll work to make sure you get these
11 codes in the next 24 hours.

12 **CHAIRPERSON BARABBA:** Is there a code for filling
13 out forms?

14 **COMMISSIONER DAI:** Actually, as part of the
15 finance and administration meeting on the 5th we'll do a
16 little training, because I think there may be some
17 questions on what's acceptable to claim. So, we'll give
18 some examples, and this may prompt some folks to want to
19 amend their past forms. I will note that, you know,
20 while not disputing any of the claims that have been
21 made, there may be, like I said, misunderstanding on
22 what's reasonable to claim and what's not. But some of
23 these numbers are -- the maximums are actually surprising
24 to me. So, I think that -- as are the minimums,
25 although, certainly, the minimums may be due to not

1 turning in a form.

2 But, you know, we are citizen Commissioners, and
3 so, again, back to passing the sniff test, you know, if
4 you have a full time job, you know how many days is it
5 reasonable to claim a per diem for something that we're
6 doing on the side? It's fine if you have documentation
7 for that, but, again, all of these forms are public. You
8 should assume that there will be a public records request
9 for this at some point, and do you have the documentation
10 to back that up. So, there have been cases where, you
11 know, there is so little detail that it's very unclear
12 how that time was spent. So, we just want you to start
13 thinking about providing that detail so that when that
14 investigative reporter comes then you'll feel very
15 comfortable with your form.

16 **COMMISSIONER DIGUILIO:** Could I just ask for -- I
17 know one thing we had talked before was a reminder being
18 sent by staff in terms of timelines when things are due.
19 Maybe that's not as productive. I was hoping that we
20 could get finance and administration, not necessarily do
21 a policy, but, again, something formal for staff that
22 says -- I know I've sent stuff in, and then I just assume
23 they have it. It's kind of like that wedding present.
24 If you don't get a thank you, you never know if they
25 really received it or not. You're kind of out there in

1 limbo.

2 So, and maybe we could set some kind of framework
3 that says if you -- unless you hear from staff they've
4 received it, you're up to date. I mean, kind of default
5 to the minimum amount of extra work for them. So, that
6 if there is a problem, if you've passed the 15 days or
7 the 30 days and staff hasn't gotten it, gotten your per
8 diem or your travel requests, that they would contact
9 you. Otherwise, you're up to date. No news is good
10 news. Would that be something acceptable? Does that
11 make sense?

12 **COMMISSIONER GALAMBOS-MALLOY:** I'm happy to fold
13 that into the drafting that I'm doing, because we will be
14 having conversations with staff to make sure that what
15 we're suggesting is actually viable. So, let's say I
16 will come back to you on May 5th with some clarity on
17 that.

18 **COMMISSIONER DIGUILIO:** Okay. And keeping in
19 consideration the least amount of work for staff but some
20 way to communicate to us whether we're up to date. And,
21 lastly, I just was -- I don't know if this would be
22 helpful, but I am curious. I think with those
23 Commissioner prep numbers, particularly, I'm assuming a
24 lot of those are due to when someone has a Chair, Vice-
25 Chair role that if we could maybe -- And I don't want to

1 add, again, too much work, but it might be helpful to
2 have another line that says, Commissioner prep for those
3 that have served in a month that were Chair or Vice-
4 Chair, because you could get an idea of what the minimum
5 and maximum are for every Commissioner who is not a Chair
6 or Vice-Chair, and then what that is for Chair or Vice-
7 Chair. And also in the sense that it would be helpful
8 for the next Commission to know that if you are a Chair
9 or Vice-Chair, these are the numbers and types of time
10 you should be putting -- you might expect to put in.

11 **COMMISSIONER GALAMBOS-MALLOY:** Yeah, that's a
12 good point, and when I said some of them were surprising,
13 some of them were not --

14 **COMMISSIONER DIGUILIO:** Yeah.

15 **COMMISSIONER GALAMBOS-MALLOY:** -- for folks who
16 have served in that capacity. So --

17 **COMMISSIONER DIGUILIO:** And it would be nice --

18 **COMMISSIONER GALAMBOS-MALLOY:** -- it's not
19 surprising for someone; believe me, serving as Chair or
20 Vice-Chair.

21 **COMMISSIONER DIGUILIO:** And I think it would help
22 us to understand really, again, how much work the Chairs
23 and Vice-Chairs -- So, maybe there would be a way to
24 incorporate a line in there that pulls out the Chair or
25 Vice-Chair for the month, and then the maximum for

1 everybody else who is not a Chair or Vice-Chair.

2 **EXECUTIVE DIRECTOR CLAYPOOL:** We start running
3 into some real coding issues if we start doing that. For
4 instance, it was one of the things that Janeece leaned
5 over and said, you know, a lot of times we don't know
6 when you're traveling. We know when you're attending
7 these meetings, but we don't know when you're going on
8 media meetings. We don't know when you're doing -- There
9 is so many things that we don't know what you're doing,
10 and we rely on the coding and so forth. I think we can
11 certainly work with Commissioner Galambos-Malloy to put
12 in whatever reminder system we need to that will be
13 beneficial, but it may only be just every couple of weeks
14 saying, hey, don't forget to send those in. Because
15 other than these meetings, we draw a blank sometimes.

16 **COMMISSIONER DAI:** Yeah. And back to
17 Commissioners can easily solve this problem. I mean, you
18 can code it AM and then say interviews with the LA Times,
19 blah, blah, blah. Just provide a little bit of detail
20 knowing that this is a public document.

21 **COMMISSIONER DIGUILIO:** I think that maybe
22 they're referring to whether or not they should be
23 sending reminders for us to submit it if we're up to
24 date. Is that what you were talking about? Whether
25 we're up to date?

1 **EXECUTIVE DIRECTOR CLAYPOOL:** Right. When I
2 said, you know, reminders, we can certainly be -- you
3 know, every week send out a reminder, don't forget your
4 TECs, but as far as reminding -- If we haven't seen --
5 For instance, if we haven't seen a TEC from somebody for
6 a couple of weeks, is it because they haven't traveled
7 for a couple of weeks or is it because they haven't --
8 you know, we don't know, and we certainly don't know how
9 much time or effort they've made in those couple of
10 weeks.

11 **COMMISSIONER DIGUILIO:** Well, for the bare
12 minimum we would know -- we would all know that we've
13 been partaking in these input hearings, and so if we
14 haven't received it within the cutoff or two weeks after
15 that. The in between stuff, there is no way for staff to
16 know. That would kind of be our personal responsibility,
17 I guess. But the bare minimum would be for those events
18 that we're aware of that staff would be aware of.

19 **COMMISSIONER GLAMBOS-MALLOY:** You know, I could
20 work -- I'll work on a couple different options. I mean,
21 I think there is a way that we could just systematize it
22 so all of us are set up on Google calendar. We can set
23 up auto reminders that fall a certain period of time
24 after each tour that we do and that fall 15 days past the
25 end of a month. So, I am sure there is a way of doing

1 this that is very low maintenance for staff, and I'll
2 continue working on this over the next week.

3 **COMMISSIONER DAI:** Just moving on to the staffing
4 and personnel, we're going to defer most of this.
5 Everyone received a Commissioner Code of Conduct, and I
6 was hoping we could actually adopt it. The suggestion
7 was made that the official Code of Conduct actually be
8 the second one that sounded more official, but I hope
9 that you --

10 **COMMISSIONER WARD:** The non-poetry --

11 **COMMISSIONER DAI:** I hope you enjoyed the poetry
12 anyway. Any thoughts or comments about that, or is that
13 something people are ready to approve?

14 **CHAIRPERSON BARABBA:** Any questions on that one?
15 If not, we can just take a raise of hands that we approve
16 it. All in favor, raise your hand and say aye.

17 **ALL:** Aye.

18 **CHAIRPERSON BARABBA:** Opposed? Passed.

19 **COMMISSIONER DAI:** Okay. We're going to go ahead
20 and defer everything else to the 5th. I do want to note,
21 I'm just going to do a quick update on our required
22 sexual harassment and ethics training. I asked Ms. Shoop
23 to give me an update on that. I remind the Commission
24 that we committed to finish this by the end of the month,
25 which is coming up in a few days. You should have

1 received a reminder if you are one of the folks who have
2 not completed it. I am sad to say that only three of us
3 have actually completed the sexual harassment training,
4 which requires us to be online for two hours, and only
5 four of us have completed the ethics training. So, we
6 need to do a little better job with this. This is -- Our
7 schedule is only going to get worse, so if you have some
8 down time while we're here, you might consider getting at
9 least one of these done, because we actually are running
10 out of time, particularly for the Commissioners who
11 started in the first eight.

12 We only have six months to complete it, so we --
13 some of us are going to be hitting that deadline, and at
14 some point we are going to be illegal as Commissioners.
15 So, this is actually serious. It is required State
16 training, so I urge the Commission to set aside the time
17 and get that done, and I guess that will be coded
18 appropriately on the form.

19 **COMMISSIONER DIGUILIO:** Okay. So, moving on --

20 **COMMISSIONER ONTAI:** I do have a question. So,
21 how is this recorded to staff? You automatically get
22 that information through the Cal Chamber?

23 **EXECUTIVE DIRECTOR CLAYPOOL:** Yes.

24 **COMMISSIONER ONTAI:** So, do we have to give you
25 our --

1 **EXECUTIVE DIRECTOR CLAYPOOL:** They get the -- the
2 certificates are sent to us.

3 **COMMISSIONER ONTAI:** Okay. So, we don't have to
4 give you our signature, with our signature on it?

5 **COMMISSIONER DIGUILIO:** For the ethics one you
6 do.

7 **COMMISSIONER ONTAI:** Okay.

8 **COMMISSIONER GALAMBOS-MALLOY:** We were actually
9 requested by Ms. Shoop that even though it is set to auto
10 forward the certificates, if we could also forward the
11 certificate that we're sent just to make sure with the
12 volume of e-mails that she's getting that nothing slips
13 through the cracks. So, you know, an extra two seconds
14 to send that would be appreciated.

15 **EXECUTIVE DIRECTOR CLAYPOOL:** Sure.

16 **CHAIRPERSON BARABBA:** Yes, Jeanne?

17 **COMMISSIONER RAYA:** I just completed mine over
18 the weekend, but just for people who haven't done it;
19 it's really easy to go in and out. So, you don't have to
20 think. First I thought, oh, where am I going to find two
21 hours, but if you just do a little bit here and a little
22 bit there, it's easy to go back and pick it up.

23 **COMMISSIONER DIGUILIO:** Was that for both or --

24 **COMMISSIONER RAYA:** Yeah.

25 **COMMISSIONER DIGUILIO:** For both. Okay.

1 **CHAIRPERSON BARABBA:** Okay. Anything else? Are
2 you --

3 **COMMISSIONER DIGUILIO:** Done.

4 **CHAIRPERSON BARABBA:** You're done. Good for you.
5 Now, the legal discussion topics, which have been moving
6 at a rapid pace, Jodie, are you prepared to lead that
7 discussion or --

8 **COMMISSIONER FILKINS-WEBBER:** Given the interests
9 of time and in coordination with Commissioner Ancheta
10 when we realized that, we'll defer items two and three to
11 May 5th. I think if we're scheduled for advisory
12 committees that day. I believe item number one, I would
13 defer to Mr. Miller. I think that he had put that on
14 there for meeting update, because, as I understand it,
15 there has been some work and some meetings between Gibson
16 Dunn and Crutcher and Q2 in order to coordinate their --
17 a better working relationship between the two of them,
18 and to assist the Commission on how the two of them will
19 work together. What can you tell us, Mr. Miller?

20 **MR. MILLER:** And there have been two meetings,
21 one in San Francisco and one in Berkeley, that being the
22 subject matter of the meetings. We are planning a third
23 meeting, and hopefully early this coming week with the
24 same theme. I believe Commissioner Dai and Commissioner
25 Barabba will be able to join us for those meetings. We

1 hope that that is the case.

2 I think that the direction that you gave earlier
3 today coming directly from the Commission regarding
4 expectations outside of these meetings about the nature
5 of the collaboration. It will be very helpful in the
6 successful outcome of those meetings. That's pretty much
7 my report to date on that situation.

8 **COMMISSIONER DAI:** I love his brevity. Got to
9 love his brevity.

10 **COMMISSIONER FILKINS-WEBBER:** Did anything come
11 about in the meetings that either Gibson Dunn or Q2 would
12 like the Commission to address? Are we at that point
13 yet?

14 **MR. MILLER:** Well, yes, and I think that the
15 direction that you provided is responsive to that
16 request.

17 **COMMISSIONER FILKINS-WEBBER:** Thank you. Does
18 anyone on the Commission have any questions regarding the
19 meeting that had taken place?

20 **COMMISSIONER ONTAI:** Anything negative?

21 **MR. MILLER:** As I commented earlier, I don't
22 believe we've perfected the relationship between the two
23 groups.

24 **COMMISSIONER FILKINS-WEBBER:** Any other questions
25 real quick? Okay. As I said before, two and three are

1 deferred. Item, I guess, is supposed to be four, in
2 consultation with Mr. Miller, who he has drafted an RFI
3 for the Commission's consideration of the potential
4 consultant expert that we may wish to retain for racially
5 polarized voting analysis. We have taken a proactive
6 approach in this regard to have the document available,
7 because it will be in our RFI format, and we have seen
8 how that has worked previously and how time consuming it
9 can be. So, if I -- Mr. Miller, did we pass that out to
10 the Commission or you've all seen it in an e-mail?

11 **MR. MILLER:** We do have a copy of it, and just to
12 make it a little easier for the Commission, I think it's
13 useful to focus on just, from my perspective; one portion
14 of this would be Section 5 of the document. The document
15 as a whole is very similar to what we've used for other
16 consultants. Section 5 zeros in on the actual work that
17 the person would be doing, and that's why I would call
18 your attention to that piece. No, the -- for the -- Let
19 me see. That's the (inaudible). Is there another stack
20 there? Ah, nuts.

21 **COMMISSIONER ANCHETA:** For those of you who are
22 online, I can send you an electronic copy, if you like.

23 **MR. MILLER:** I believe this is the one where I
24 did not correctly attach the attachment last night and
25 thought that I had a hard copy to make up for that, and

1 it's not the case. But Commissioner Ancheta has a fix
2 for this, or you could just describe Section 5. It's not
3 that --

4 **COMMISSIONER FILKINS-WEBBER:** Actually, let me
5 see if I can find it as well. I apologize for the delay.
6 Let me see if I -- Yeah, we should be able to.

7 **COMMISSIONER ANCHETA:** For those of you online,
8 did you get it yet?

9 **COMMISSIONER ONTAI:** I did not.

10 **COMMISSIONER ANCHETA:** It sent.

11 **COMMISSIONER DIGUILIO:** Yeah, I have it.

12 **COMMISSIONER ANCHETA:** Okay.

13 **CHAIRPERSON BARABBA:** Mr. Miller, are you
14 referring to Section 5 VRA or Section 5 in the format on
15 page 4?

16 **MR. MILLER:** The latter of the document itself.

17 **CHAIRPERSON BARABBA:** Okay.

18 **MR. MILLER:** And it's just a paragraph that
19 describes the work that would be performed pursuant to
20 this agreement.

21 **CHAIRPERSON BARABBA:** Okay.

22 **COMMISSIONER FILKINS-WEBBER:** Mr. Miller, did you
23 change Section 5 after our conversation? If not, because
24 I think I'm looking at the older version.

25 **MR. MILLER:** I changed Section 3 where there was

1 a sense that it was defensive in the way it was stated,
2 and I removed that portion to cure --

3 **COMMISSIONER FILKINS-WEBBER:** I reviewed that.

4 **MR. MILLER:** -- cured that.

5 **COMMISSIONER FILKINS-WEBBER:** Thank you. Okay.

6 **COMMISSIONER ANCHETA:** Do you have a copy
7 yourself?

8 **MR. MILLER:** I'm afraid I don't.

9 **COMMISSIONER ANCHETA:** Okay.

10 **MR. MILLER:** I thought that I had included that
11 in my stack, but that's not the case.

12 **COMMISSIONER FILKINS-WEBBER:** Well, go ahead and
13 summarize it.

14 **COMMISSIONER ANCHETA:** I think you could
15 summarize the work quickly.

16 **MR. MILLER:** Okay. Well, again, if you've got --
17 if you're connected it's on page -- Section 5, whoops, of
18 the document.

19 **COMMISSIONER FILKINS-WEBBER:** I think its page 4.

20 **COMMISSIONER ANCHETA:** It's page 4. Okay.
21 Sorry. If I could get it down here. Again, it's fairly
22 boilerplate language throughout the document, except for
23 the statement of work. It gets a bit technical, but
24 there are a number of well accepted statistical analyses
25 that are performed with these kinds of studies, what I

1 would call homogeneous precinct analyses, various type of
2 statistical regression analyses. Again, for those of you
3 who are into those kinds of things, there -- But they are
4 well accepted techniques, and certainly since the last
5 1990s there are sort of three major techniques that just
6 about everybody looks at, for the most part.

7 There is some, you know, a little bit of debate
8 within the academic community, because certainly for
9 court cases pretty much all the experts on the
10 plaintiff's side will present this kind of analysis.
11 There may be some competing analyses on the defense, but
12 it's fairly traditional and standard in terms of the
13 types of analyses.

14 So, the scope of work is having someone who is,
15 one, familiar with all these techniques, and, two, has
16 some experience, and demonstrated experience in most, if
17 not all, of them, and can, in addition to that, sort of
18 look at various other sorts of data sources that might be
19 relevant to VRA compliance, including, you know, survey
20 research, historical stuff, other people's studies that
21 they can kind of sort of get a sense of what's going on.
22 They don't have to actually know how to do it, but they
23 can read it in an informed way.

24 Again, it's basically the sort of set of
25 qualifications you'd ask for an expert witness in a

1 lawsuit. And it's actually what we're looking for,
2 because a lot of academics who actually do work on the
3 VRA, both plaintiff and defense side, go out as expert
4 witnesses. So --

5 **MR. MILLER:** While that was an excellent summary
6 of Section 5, it occurred to me it didn't really tell the
7 story as well as I thought it was going to.

8 **COMMISSIONER ARCHETA:** Okay.

9 **MR. MILLER:** And what I mean by that is, not
10 Mr. Ancheta's description, but the section of the
11 contract. We have discussed, that is Commissioner
12 Ancheta and Commissioner Filkins-Webber, with VRA counsel
13 whether or not they have reached a conclusion that this
14 person will be needed. That's been an open question, and
15 you'll have an opportunity to talk with them about that
16 tomorrow. But the answer to that is, yes, they feel it
17 is in the best interests of the Commission to obtain this
18 person.

19 The other thing is this. The research, if you
20 will, that's involved is around information that's
21 already in the databank. It's not like going out and
22 doing new survey research to reach conclusions. And,
23 third, well, it would be done not Statewide, but in areas
24 of concern as they're identified. And, lastly, those who
25 are familiar with this inquiry believe we can find

1 academics to do the work. So, that kind of flushes out
2 the totality, along with the specifics, of the nature of
3 the work and the individual we would be looking for.

4 It was our hope, given the technical nature of
5 this and the fact that we can have the discussion
6 tomorrow, if you'd like, with VRA counsel, that the
7 Commission would be comfortable authorizing Commissioners
8 Ancheta and Filkins-Webber on the legal committee to move
9 forward with what I'll call turnkey authority around the
10 form of the document and the selection of the individual.
11 The reason for that is, we are moving more rapidly toward
12 our deadline, and if we were to follow the procedures
13 that we've used for other consultants we're concerned
14 we'd get very close to the mark before we have somebody
15 in place. So, that would be a way of both in keeping the
16 Commission informed and permitting a couple of people to
17 have responsibility for concluding the contracting
18 portion of this.

19 **COMMISSIONER FILKINS-WEBBER:** So moved.

20 **COMMISSIONER ONTAI:** Second, if you need one.

21 **CHAIRPERSON BARABBA:** Okay. Any discussion?

22 **COMMISSIONER DAI:** Make it so.

23 **CHAIRPERSON BARABBA:** Okay. Hearing no further
24 discussion, all in favor say aye.

25 **ALL:** Aye.

1 **CHAIRPERSON BARABBA:** All --

2 **MR. MILLER:** We'll give you the language later.

3 **COMMISSIONER DAI:** It was to give Commissioners
4 Ancheta and Filkins-Webber the authority to --

5 **COMMISSIONER FILKINS-WEBBER:** To do everything.

6 **COMMISSIONER DAI:** To clean up the RFI and make
7 it so.

8 **COMMISSIONER FILKINS-WEBBER:** And to make sure
9 you understand, that would include, if we do consider
10 interviews of these individuals, also, the full delegated
11 authority for selection of that individual, hiring and
12 everything, and it would just come back to this
13 Commission just for acquiescence in the decisions that
14 have been made by legal.

15 **CHAIRPERSON BARABBA:** Yes.

16 **MR. MILLER:** And I think in the program, we still
17 have to follow the constitutional requirements -- I'm
18 sorry. We still have to follow the constitutional
19 requirements or can that be delegated?

20 **COMMISSIONER ANCHETA:** Well, I think that we will
21 have satisfied those when you bring your report back and
22 the Commission endorses it with a super majority.

23 **MR. MILLER:** Okay. That's fine.

24 **CHAIRPERSON BARABBA:** Okay.

25 **MR. MILLER:** That should be fine.

1 **CHAIRPERSON BARABBA:** Okay. We've got to --

2 **COMMISSIONER FILKINS-WEBBER:** That concludes --
3 and one other, Mr. Miller, on the agenda it has legal
4 opinion from Gibson Dunn. Is that something that we're
5 referring? I don't know what that was.

6 **COMMISSIONER DAI:** That was referring to the fact
7 they recommend that we go ahead and hire this person.

8 **COMMISSIONER FILKINS-WEBBER:** Oh, okay. I see.
9 Terrific. Then legal is done. Thank you.

10 **CHAIRPERSON BARABBA:** Way to go. Okay. So, if
11 there is no further comments from the Commission --

12 **COMMISSIONER ONTAI:** Over here. Janeece, where
13 is our red cups? Mr. Chair, we have a red cups speaker
14 here.

15 **CHAIRPERSON BARABBA:** Mr. Miller. Yes.

16 **MR. MILLER:** Thank you, Chair.

17 **CHAIRPERSON BARABBA:** Yes.

18 **MR. MILLER:** I just had one thing I wanted to
19 bring up under public information that I was going to
20 hold and only if time permitted, and since there is eight
21 minutes. I was thinking that we had talked before and
22 never came to resolution on whether or not we felt that
23 staff bios were something that we wanted to get posted
24 online on the website, and I just thought maybe we could
25 make a quick decision and direct staff to do that if we

1 agree that it's the appropriate thing to do.

2 **CHAIRPERSON BARABBA:** Anybody got any
3 reservations? Field directed.

4 **COMMISSIONER WARD:** Yes, the staff has provided
5 me with their bios, which I am editing, and we're also
6 putting an org chart, and we will have that online.

7 **CHAIRPERSON BARABBA:** Okay. Good. Mr. Miller
8 has just one brief, and then we want to leave -- save
9 some time for the public.

10 **MR. MILLER:** I'm sorry. I'm sorry for the
11 informal nature of our communication, but I wanted to let
12 you know, as part of the training tomorrow we'll have a
13 discussion of proposed guidelines for the Commission to
14 approve to instruct the line drawer about preparation of
15 districts. And we've been working this across the week
16 in real time, which is why it's coming in this way.

17 I believe I forwarded to you earlier today, by e-
18 mail, the preliminary draft of those instructions. Since
19 then, when they came to us early this morning they also
20 went to Q2. That was the first time that either of us
21 had seen the revised draft, just the second round. As a
22 result of some input that Karin MacDonald provided
23 earlier this morning, there is a further revised copy of
24 the proposed guidelines, which we're going to undertake
25 to send to you this evening. They'll be at the heart of

1 the discussion tomorrow, and I just wanted to alert you
2 to that and give you some context around what you'll be
3 receiving. Thank you.

4 **CHAIRPERSON BARABBA:** All right. Are there any
5 members of the public who would like to make a comment?
6 Are there any members of the public who would like to
7 make a comment? Yes, would you come on down, please.

8 **MS. WALLACE:** Do I have turn on -- Oh, it's on.

9 **CHAIRPERSON BARABBA:** There you go. You're on.

10 **MS. WALLACE:** I'm Diane Wallace. I live in
11 Manhattan Beach here in Los Angeles County, for those of
12 you that aren't from LA County. And out of interest of
13 full disclosure, Mr. Barabba and I have met when I worked
14 with Peter Ducker. So, I wanted to tell you that I
15 wanted to put a face to the people that started all of
16 this that got you sitting in those chairs.

17 I read about California Forward, and I think I
18 signed up on the day that it was established on the
19 internet and you could sign up and be -- and get
20 information. And I supported the Proposition, and I
21 followed the process in which you were all selected. And
22 so I want you do know that as a citizen I think this is a
23 very good idea. I'm sure some of you wonder why you
24 applied, but just know that there are people around the
25 State that appreciate the fact that you were willing to

1 do this in the first place, and we're very grateful for
2 your efforts on behalf of the State. We think you stand
3 a good chance of doing a good job for our State. And
4 I'll be back later to tell you about my area of Los
5 Angeles, which none of you are from. So, I'll be back at
6 6:00.

7 **CHAIRPERSON BARABBA:** And my guess, if Peter was
8 still around, he'd be pleased too.

9 **MS. WALLACE:** Peter would love this. Are you
10 kidding? He would think it's great. Thanks.

11 **CHAIRPERSON BARABBA:** Okay. Any other comments?
12 Anyone else want to make a comment? If not, I think
13 we'll call this meeting to an end, and rejoin here at six
14 o'clock for the public input meeting. Oh, and one other
15 thing. A major event occurred today. One of our staff
16 members got a little bit older. Happy birthday, Rob
17 Wilcox.

18 **COMMISSIONER DAI:** And thank you for working on
19 your birthday.

20 **MR. WILCOX:** Thank you.

21 (Meeting adjourned)

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