

BEFORE THE
CALIFORNIA CITIZENS REDISTRICTING COMMISSION

In the Matter of
Full Commission Business Meeting

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

VOLUME I

Wednesday, June 29, 2011

9:00 A.M.

Reported by:
Kent Odell

APPEARANCES

Commissioners Present

Peter Yao, Chairperson

Cynthia Dai, Vice Chairperson

Angelo Ancheta

Gabino T. Aguirre

Vincent Barabba

Maria Blanco

Michelle Di Guilio

Stanley Forbes

Connie Galambos Malloy

Lilbert "Gil" Ontai

Michael Ward

Commissioners Absent

M. Andre Parvenu

Jeanne Raya

Jodie Filkins Webber

Staff Present

Dan Claypool, Executive Director

Kirk Miller, Legal Counsel

Janeece Sargis, Administrative Assistant

Raul Villanueva, Business Manager

Deborah Davis, Budget Officer

APPEARANCES (CONT.)

Staff Absent

Rob Wilcox, Communications Director

Also Present

Tamina Alon, Q2 Data & Research, LLC

George Brown, VRA Attorney, Gibson, Dunn & Crutcher

Jamie Clark, Q2 Data & Research, LLC

Karin Mac Donald, Q2 Data & Research, LLC

Public Comment

Trudy Schafer, League of Women Voters of California

Rick Gonzales, Mexican American Concilio of Yolo County

Eugene Lee, Asian Pacific American Legal Center, L.A.

Tom Hiltachk, CA Institute for Jobs, Economy, and
Education

Astrud Garcia, NOLEO Educational Fund

Debra Howard, CalChamber Cal Institute

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JUNE 29, 2011

9:15 A.M.

CHAIRPERSON YAO: Good morning, everybody. Today is Wednesday, June 29th. We are at the University of the Pacific, McGeorge School of Law, and we are going to be starting our combination map drawing and Business Meeting today. The agenda is posted on the website for those of you who are listening to us on the webcast; you can extract a copy and follow along with us.

What we intend to do is to hear from our counsel, the VRA Counsel, as soon as we finish with the public comments, and then, following that, we're going to go right into the line drawing. Commissioner Dai, do you have a little more information on that?

VICE CHAIRPERSON DAI: Sure. We're going to be on a very tight time schedule for line drawing. We're going to do it by regions, and what we'll do is we'll have the Commissioner pair that was assigned to the region kind of start us off because they may cover 90 percent of the issues, and then we'll open up to the full Commission. But I'll go through this in more detail when we're ready to start.

CHAIRPERSON YAO: Basically, we're going to start the line drawing after we hear from our VRA Attorney and we're going to go continue with the line drawing activity

1 all the way until approximately 3:00, at which time we're
2 going to transition over to the business portion of our
3 agenda. And we have quite an extensive list of items
4 that we need to discuss today, so it is very likely that
5 we're going to go beyond the 6:00 timeframe that we had
6 originally planned for this meeting.

7 After today, we are going to break for one day
8 and we're going to resume on the 1st of July, same time,
9 same station, right here at McGeorge campus and starting
10 at, I believe, 9:00 in the morning. It is our intent to
11 continue doing the map drawing for three more days, and
12 then we're going to allow Q2 to take the information
13 before we again resume meeting a few days later in
14 reviewing the final version of the maps, getting ready
15 for the second draft release.

16 So, at this point, let me - oh, I'm sorry, roll
17 call.

18 MS. SARGIS: Commissioner Aguirre - Here;
19 Commissioner Ancheta - Here; Commissioner Barabba - Here;
20 Commissioner Blanco - Here; Commissioner Dai - Here;
21 Commissioner Di Guilio - Here; Commissioner Filkins
22 Webber - [Absent]; Commissioner Forbes - Here;
23 Commissioner Galambos Malloy - Here; Commissioner Ontai -
24 Here; Commissioner Parvenu - [Absent]; Commissioner Raya
25 - [Absent]; Commissioner Ward - Here; Commissioner Yao -

6

1 Here.

2 We have a quorum.

3 CHAIRPERSON YAO: Thank you. I do know that the
4 Commissioners who are not here are participating with us
5 through the webcast process. All right, at this point, I
6 would like to open the mic for public comments and I
7 would like to limit the comments to two minutes at this
8 point in time so that we can stay on schedule. So,
9 anybody that is interested in addressing this Commission,
10 please come up to the mic.

11 MS. SCHAFER: Good morning, CHAIRPERSON Yao and
12 members of the Commission. I'm Trudy Schafer, Senior
13 Director for Program of the League of Women Voters of
14 California. I wanted to speak in praise of many things
15 about the Commission, partly in response to comments I
16 heard at your hearing yesterday that had some criticisms
17 that I don't think were founded. One of those criticisms
18 was, in a strange way, a criticism of the civility with
19 which you have conducted your business. And speaking for
20 the League of Women Voters and, I think, Californians all
21 around the state, I want to say that we have greatly
22 appreciated the fact that, as Proposition 11 required,
23 you have had a very open process that has invited public
24 participation, and you have dealt with that whole process
25 and with all the input you've received in a manner that I

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1 think is a compliment to the American -- the dream that
2 we had of this Commission being a model for the rest of
3 the nation.

4 I believe that it's unfounded to say that you
5 have never been in disagreement as much as you should
6 have been, I heard something to that effect, but, in
7 fact, I've certainly, and others who have watched the
8 Commission, have seen that you have not agreed on every
9 point. Sometimes a dissention has been fairly strong,
10 sometimes much less so, but I praise you for the fact
11 that you have all kept in mind the need to come together
12 and to make decisions that are for the good of the
13 public.

14 There was also some challenge to the manner of
15 your operation and your time schedule and, again, I think
16 that those who make those kinds of challenges are
17 forgetting that, again, this was a first time ever
18 process and you have had to deal with the fact that State
19 contracting rules made it very difficult to get going,
20 you weren't able to hire the essential line drawers,
21 Voting Rights Attorney, and so forth, until well into the
22 operation toward the end of the spring. And, thus, you
23 weren't able to have that very important first round of
24 public hearings until April, and that did last until late
25 into May. So, I applaud the process that you have done.

8

1 Finally, the speaker commented about special
2 interest groups, and I want to point out that they are
3 actually community-based organizations whose goal is to
4 involve the public and the redistricting process, to do
5 that through education and outreach, and some of those
6 groups, who they especially seem to be offended by,
7 represent millions of Californians who are affected by
8 the Voting Rights Act. You may remember that the Voting
9 Rights Act is, in fact, other than equal population, the
10 very top priority that you must pay attention to, and for
11 good reason. There is a history and, in some cases,
12 current discrimination against certain peoples, and our
13 Federal law and the best interest of all of us requires
14 that you pay special attention to what the Voting Rights
15 Act requires in your deliberations. So, overall, I would
16 like to state for the public and to you that we do very
17 much appreciate the work you are doing and your best
18 wishes as you continue on what is a very difficult task.
19 Thank you.

20 CHAIRPERSON YAO: Thank you. Next speaker,
21 please.

22 MR. GONZALES: Good morning. My name is Rick
23 Gonzales. I'm a native of Yolo County, born there, went
24 to school there, and I'll probably die there. I'm also
25 the President of the Mexican American Concilio of Yolo

1 County. In 1983, we started our first recognition dinner
2 in Woodland. We honored Latinos who had made a
3 contribution to the community. At that time, we had four
4 sponsors and we had about 100 people that would attend,
5 this was a yearly thing that started in 1983. And so, I
6 took over the dinner dance in 1998, I'm a former teacher,
7 now retired, and so I started a scholarship program. The
8 first event we had, we gave two scholarships back in
9 1998, and so we diversified the Concilio recognition
10 dinner dance in the way of, instead of honoring only
11 Latinos, we started honoring Native Americans, African
12 Americans, Anglo, Asian Americans, and we started
13 expanding the Concilio to a countywide instead of only
14 Woodland-based. So, as we expanded, we now have, for the
15 last five years, I've given 80 scholarships a year, we
16 have 400 people that attend our event, we honor again
17 adults from those ethnic backgrounds that I just
18 mentioned. We have 125 sponsors and we give 80
19 scholarships per year. We serve 15 schools in Yolo
20 County, every high school, every continuation school
21 throughout the County, that's Woodland, River City, Delta
22 High School, Winters, Esparto, Davis, and so it includes
23 all of those schools. This last year, we just awarded
24 our 500th scholarship since 1998, it's the largest Latino
25 event in Yolo County and it's one of the largest events

1 in the entire County.

2 The point I'm trying to make is that, by
3 expanding it throughout the County from just a one-town
4 situation to the County, by communities of interest, we
5 have a top notch event that's going on, that's helping a
6 lot of folks, okay?

7 The second point I want to make is the water
8 issue we have in Yolo County --

9 CHAIRPERSON YAO: Sir, I need you to wrap it up.

10 MR. GONZALES: Okay. We have the Woodland, Davis
11 Clean Water Agency, is a Joint Powers Authority, the
12 Cities of Woodland and Davis, formed in 2009 to build,
13 own, and operate a regional surface water supply project
14 to serve Woodland, Davis, and U.C. Davis. This is going
15 at the cost of \$325 million. One City could not do it.

16 CHAIRPERSON YAO: Sir, thank you. If you could
17 just leave the notes with Ms. Sargis.

18 MR. GONZALES: Okay, so basically what I'd like
19 -- my final comment is, you know, Yolo County is a very
20 active community of interest. If it is not broken,
21 please, don't fix it.

22 CHAIRPERSON YAO: Thank you, sir. Thank you.

23 MR. LEE: Good morning, Commissioners. I'm
24 Eugene Lee and I work at the Asian Pacific American Legal
25 Center in Los Angeles. And I wanted to -- I had heard

1 that there were some comments made at last night's
2 hearing referring to so-called special interest groups,
3 and I guess we are one of those groups that are being
4 referred to. And as Ms. Schafer at the League of Women
5 Voters clarified, we are actually one of several
6 community-based organizations working across the state to
7 help Californians engage in the redistricting process and
8 I think there has been some comments that we're hindering
9 the process, and I hope -- and I think that you know that
10 -- that our goal all along has not been to do that, but
11 instead to partner with you and help inform your process
12 to make the best possible decisions that you can.

13 I think part of those comments last night were
14 based on some sort of frustration that the Commission is
15 running out of time and it's true that the Commission is
16 facing a lot of time pressure, and we recognize that.
17 The comment I wanted to make today is that I understand
18 the Commission is considering, or has already decided,
19 I'm not exactly sure which, to have a July 19th deadline
20 for comments on the July 4th draft that is coming out,
21 that the second draft is coming out on July 14th, and I
22 think a lot of that is driven by the fact that the
23 Commission is facing a huge time crunch. But I guess I
24 just wanted to raise for the Commission's consideration
25 that you extend this deadline by perhaps one day. There

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1 are a couple of points that I want to make in support of
2 that, one is that I went back and looked at the text of
3 the Voters First Act and looked at Government Code
4 Section 8253(A) (7), which specifies at the end of that
5 section public comment shall be taken for at least 14
6 days from the date of public display of any map, and so,
7 given that statutory requirement, it seems to me that
8 it's reasonable to consider extending the July 19th
9 deadline for at least one more day since, technically,
10 the comment period would need to run until July 28th.

11 CHAIRPERSON YAO: Mr. Lee, I need to ask you to
12 bring your comments --

13 MR. LEE: Oh, okay, I'm so sorry. Okay, I'll
14 submit something in writing. Is that okay?

15 CHAIRPERSON YAO: Absolutely. Thank you very
16 much.

17 MR. HILTACHK: Good morning, my name is Tom
18 Hiltachk and I am here on behalf of the California
19 Institute for Jobs, the Economy, and Education, and I
20 want to thank you for the opportunity to address you
21 again. As you may recall, we submitted statewide maps,
22 gosh, nearly a month ago, more than a month ago, and
23 what's being handed out to you is another set of
24 statewide maps for Assembly and Senate Districts that
25 were submitted electronically last evening. And what we

1 did is we took many of the comments that you all gave to
2 us when we submitted our first plans to you. We've been
3 monitoring what's been going on over the course of the
4 last several weeks, we've taken the comments that you've
5 all received to your own draft maps and we've tried to
6 incorporate those and what we've handed out are color
7 copies of what was submitted last evening.

8 So I'll just give you the highlights of what we
9 did and where we tried to improve on the maps that we
10 previously submitted. Starting with population equality,
11 you will see that the Assembly and Senate maps that we
12 submitted to you achieve near population equality
13 significantly below one percent, the Assembly map is at
14 .88 percent, the Senate map is at .68 percent population
15 equality. With respect to the Voting Rights Act, we
16 believe these plans are completely legally compliant with
17 Section 2 and Section 5. We've created 23 majority-
18 minority districts, and these are outlined in the letter
19 that I've accompanied with the maps. With respect to
20 Section 5, we believe we've actually gone above and
21 beyond what Section 5 requires in terms of not providing
22 for any retrogression in those counties, but actually
23 improving Section 5 compliance.

24 And I think, also, we've done a better job in the
25 first maps we submitted to you in terms of the division

1 of cities. Of the 481 incorporated cities in California,
2 we keep 436 of them intact in our Assembly maps,
3 overnight almost 90 percent. Seven cities, of course,
4 have to be split because of their size, but only 38 other
5 cities are split in our Assembly maps and the reason that
6 those cities are split is largely the Voting Rights Act,
7 in order to comply with the Voting Rights Act.

8 And lastly, our plan fully nests Assembly and
9 Senate districts and we think that, as a requirement,
10 that is found and the law applies and it is our belief
11 that any final plans presented to you that does not nest
12 Assembly and Senate districts simply ought to be
13 rejected, there is no good reason why you cannot
14 accomplish that.

15 So, in closing, we think this plan is suitable
16 for adoption. You can probably improve upon it, I'm sure
17 you will, but we hope you will give it due consideration.
18 Thank you.

19 CHAIRPERSON YAO: Thank you for your input.

20 MS. GARCIA: Good morning, Commissioners. Astrid
21 Garcia with NOLEO Educational Fund. We would like to
22 first associate ourselves with the comments made by Ms.
23 Schafer and Mr. Lee. And I would like to just continue
24 those comments by also requesting that, given the tight
25 timeline for comment on the second draft maps that, when

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1 the Commission releases these maps on July 14th, that it
2 hold itself accountable to the same standards that were
3 set forth in its guidelines for mapping submissions by
4 members of the public, providing information on which
5 cities and counties are included in each district,
6 information about city splits, deviation figures to
7 whittle population, including voting age population, and
8 single voting age population figures. All of this
9 information is critically important so that the members
10 of the public can access as much information about how
11 the lines impact their communities. And so, given the
12 tight timeline, unless a member of the public has very
13 expensive software like *Maptitude*, or relies on attending
14 the Assistance Centers that Berkeley has set up, or the
15 Redraw CA website, it's very difficult to understand
16 these maps with the visualizations that the Commission
17 has had. So, we encourage the Commissioners to provide
18 this information. It did not do so for its June 10th
19 maps, and we encourage you all to do that for the second
20 draft maps and any other drafts of maps that will be
21 released. Thank you.

22 CHAIRPERSON YAO: Thank you. All right, seeing
23 no one else approaching the mic, we'll continue to our
24 next agenda item, which is to have Mr. George Brown
25 participate in this meeting by phone. All right, we'll

1 take a two-minute break.

2 (Recess at 9:33 a.m.)

3 (Reconvene at 9:38 a.m.)

4 CHAIRPERSON YAO: This is the Citizens
5 Redistricting Commission meeting. We are reconvening
6 after a short technical break. We have Mr. George Brown
7 on the phone with us, our VRA Attorney.

8 Mr. Brown, would you budget your time so that you
9 can address the Commission for approximately 15 minutes?
10 And then we'll use the balance of the 45 minutes for Q&A?

11 VRA ATTORNEY BROWN: Sure, absolutely no problem.

12 CHAIRPERSON YAO: Okay.

13 VRA ATTORNEY BROWN: Are you ready for me?

14 CHAIRPERSON YAO: Yes.

15 VRA ATTORNEY BROWN: Okay. I wanted to take this
16 opportunity to give you an update and report on our legal
17 opinion about certain Section 2 areas, and also offer
18 you, in answer to a question I understand exists about
19 one of the Section 5 areas. So, let's start with the
20 Section 2 areas.

21 As you know, we have been working with an expert
22 consultant, Dr. Barretto, in evaluating the facts and
23 circumstances surrounding various geographic regions of
24 the state. Our evaluation includes consideration of
25 voting behavior in a variety of past elections and

1 considering of the legal issues that arise from
2 understanding those facts and circumstances. We've also
3 been reviewing the demographic data and the proposed
4 maps.

5 Our work is ongoing, but as of today, I want to
6 offer you the following legal opinions. We believe that
7 the Commission should treat certain areas as requiring a
8 majority-minority district in order to comply with
9 Section 2 of the Voting Rights Act. With respect to
10 Assembly Districts, there are five areas that I want to
11 point out at this time and they are all areas that are
12 outside of Los Angeles County. The first is in Fresno
13 County and its label is "FSEC2." According to the data
14 that we have, it has a Latino CVAP of 50.56 percent. The
15 second is known as Pomona Valley, its label is "POMVL."
16 And according to the data we have from the Mappers, the
17 Latino CVAP is 50.56 percent. The third area Assembly
18 District is known as Rialto-Fontana, its label is
19 "RLTOFO," and according to the data we have from the
20 Mappers, it has a Latino CVAP of 52.57 percent. The
21 fourth area is in San Diego County and its label is
22 "SSAND." It has a Latino CVAP of 50 percent. The fifth
23 area is in Orange County and, here, there is a little
24 more work to be done. We have updated our view on the
25 treatment of the concentrations of Latinos that are in

1 Santa Ana and Anaheim, and we've reviewed updated Census
2 intensity maps in that area, and we've reviewed some of
3 the legal points raised by some of the outside groups
4 about the compactness criteria. Assuming that the
5 Mappers can draw a reasonably compact district that
6 includes Santa Ana and Anaheim, we believe that Section 2
7 of the Voting Rights Act would require drawing an
8 Assembly District in that area. We still would like to
9 see the visual depiction and the underlying data. Those
10 are five areas that fall within the opinion I wanted to
11 give you on Assembly Districts.

12 In addition, I wanted to note that the Mappers
13 need to continue to look for and report on additional
14 areas that have greater than 50 percent CVAP in a single
15 minority, in a geographically compact area if any exist.
16 I'm not aware specifically that any exist, but it's
17 something that we should continue to be attentive to.

18 With respect to Congressional Districts, most of
19 the Majority Congressional Districts were in L.A. County
20 and we're not prepared to give you an opinion about those
21 today. There was an area that is labeled "IMSAN" that
22 runs along the border in Imperial and San Diego Counties,
23 and we continue to be of the view that that's not a
24 Section 2 area. There is one area in San Bernardino that
25 I have a little bit ambiguity about because, in reviewing

1 my files that I have available to me for the draft maps,
2 there's an area that appears to be above 50 percent in
3 the Congressional District, but in the data the closest
4 labeled district I have is "ONTPM," and my data from the
5 Mapper is that it's showing a 42 percent Latino CVAP, but
6 in an actual map that I had in my file, it's in a folder
7 with South San Diego and Imperial that was provided by
8 the Mappers, I have one labeled "San Bernardino Ontario
9 Congressional District," it includes Ontario, Fontana,
10 and Rialto, and has a 52.2 percent Latino CVAP -- what I
11 don't know is whether that actually was in the first
12 draft or not, I just haven't had time to chase down that
13 ambiguity -- but my view is that, if there's a
14 geographically compact district that contains more than
15 50 percent Latino CVAP in that area, then the Commission
16 should treat that as requiring a Majority-Minority
17 District and should draw the District in order to comply
18 with Section 2 of the Voting Rights Act.

19 With respect to Senate Districts, I don't have a
20 specific opinion on specific districts because there's
21 additional work that I understand is ongoing with respect
22 to the Senate Districts. One of the things I did want to
23 point out is that we need to be attentive to the
24 possibility that there are areas where a geographically
25 compact single minority could form a majority CVAP in a

1 Senate District. And I wanted to make sure people
2 understood that that would be in addition to the idea of
3 nesting. And I don't know if any of these exist, but if
4 there's an area that would constitute a majority-minority
5 CVAP in a geographically compact area, it needs to be
6 considered.

7 With respect to Section 5, I understand that
8 there's been some discussion about the Monterey District
9 and the need to meet the benchmark, and we've offered our
10 -- our views remain the same, but I want to make sure
11 we're clear on it. I think if there is a question based
12 on what I understand about the possibilities our view is
13 that the benchmarks should be met, so if it's two percent
14 short, it should be adjusted so that it's not short of
15 the benchmark.

16 And that's a summary of my updated views
17 [inaudible].

18 CHAIRPERSON YAO: Questions for Mr. Brown?

19 COMMISSIONER BLANCO: Mr. Brown, can you hear me?

20 VRA ATTORNEY BROWN: Yes.

21 COMMISSIONER BLANCO: This is Commissioner
22 Blanco. In the Congressional Districts that you
23 reviewed, did you review the Anaheim, Santa Ana
24 Congressional Area as under a Section 2 review?

25 VRA ATTORNEY BROWN: I tried to look at that this

1 morning and, in my data from the Mappers, it's showing
2 44.25 percent Latino CVAP, and so the question there
3 would be, can a Congressional District be drawn with plus
4 50 percent Latino CVAP? And if the answer is "yes," then
5 that would become a Section 2 required area.

6 COMMISSIONER BLANCO: Thank you.

7 CHAIRPERSON YAO: Commissioner Galambos Malloy.

8 COMMISSIONER GALAMBOS MALLOY: Good morning, Mr.
9 Brown, this is Commissioner Galambos Malloy.

10 VRA ATTORNEY BROWN: Good morning.

11 COMMISSIONER GALAMBOS MALLOY: My question is in
12 regards to your last point about Section 5, regarding the
13 benchmark needing to be met. My assumption is, in giving
14 us this guidance, you're well aware of the implications
15 that there is a significant cost or trade-off to being
16 able to meet that benchmark, and it may result in city
17 splits, county splits, community of interest splits, and
18 even taking all that into consideration, you're still of
19 the opinion that we should strive to meet the benchmark,
20 or exceed it?

21 VRA ATTORNEY BROWN: Yes.

22 COMMISSIONER GALAMBOS MALLOY: Okay, thank you.

23 CHAIRPERSON YAO: Commissioner Barraba.

24 COMMISSIONER BARRABA: Yes. Relative to your
25 recent response to Commissioner Malloy --

1 CHAIRPERSON YAO: Can you turn on the mic or get
2 closer to it?

3 COMMISSIONER BARRABA: Okay. If it's in the 40
4 percent range and it's a difference between 44.5 and 46,
5 you're saying we still need to meet the 46?

6 VRA ATTORNEY BROWN: Yes.

7 CHAIRPERSON YAO: Commissioner Aguirre.

8 COMMISSIONER AGUIRRE: Regarding the benchmarks
9 for Section 5, were you referring to Latino CVAP or every
10 CVAP?

11 VRA ATTORNEY BROWN: Our preference is that you
12 try to achieve it for every group, or explain why not.

13 COMMISSIONER AGUIRRE: Yeah, even the
14 retrogression of the smaller minority populations?

15 VRA ATTORNEY BROWN: Yes.

16 COMMISSIONER AGUIRRE: Okay, thanks.

17 CHAIRPERSON YAO: Commissioner Ancheta.

18 COMMISSIONER ANCHETA: Good morning, Mr. Brown.

19 VRA ATTORNEY BROWN: Good morning.

20 COMMISSIONER ANCHETA: Two questions. One is I
21 believe it is still your position that there wouldn't be
22 a Section 2 district that includes Imperial County and
23 the Coachella Valley, that that would not be required
24 because of compactness issues. Is that still counsel's
25 position?

1 VRA ATTORNEY BROWN: That is based on looking at
2 the visualizations that have been provided. If there is
3 another argument to be made, we should have that
4 discussion.

5 COMMISSIONER ANCHETA: Now, that doesn't preclude
6 that type of district being drawn for other reasons,
7 however? In other words, Section 2 notwithstanding, we
8 could still draw that if it's based on sufficient public
9 testimony, is that correct?

10 VRA ATTORNEY BROWN: That's correct. You can
11 always follow the other criteria.

12 COMMISSIONER ANCHETA: Okay. Well, let me just
13 -- I think we had some discussion this morning, or I had
14 an email with Mr. Brown just regarding possible Section 2
15 issues in the Kings County area because it might be
16 possible; although we are attentive to the voting age
17 population figures, and I think we do hit the benchmark
18 there, there's a possibility of going above 50 percent on
19 the Kings Congressional District, but I don't think Q2
20 has had a chance to fully flesh that out. I think at
21 this point, Mr. Brown, your position would simply be
22 let's sort of figure that out and let's see if we can hit
23 the 50 percent and just try to test the waters at this
24 point?

25 VRA ATTORNEY BROWN: Well, yes. It should be

1 explored. If there is a geographically compact area, and
2 I'm sorry to sound like a broken record, if there is a
3 geographically compact area where a single minority group
4 has greater than 50 percent CVAP, then the Commission
5 must evaluate whether a Section 2 District is required in
6 that area. So, where you've got, you know, initially I
7 assumed that, in focusing on the Section 5 Districts, we
8 were focused just on the benchmark comparison, but when
9 you started to get really close to 50 percent, it's at
10 least worth asking is there a compact adjacent area that
11 would push that over to 50 percent.

12 COMMISSIONER ANCHETA: Thank you. And I think we
13 can maybe take a look at that today. I think the
14 percentage is somewhere about 49.3 percent and I think it
15 may not be as easy as we think to get above 50, but we'll
16 take a look at that.

17 CHAIRPERSON YAO: Commissioner Ward.

18 COMMISSIONER WARD: Good morning, Mr. Brown, this
19 is Commissioner Ward.

20 VRA ATTORNEY BROWN: Good morning.

21 COMMISSIONER WARD: I had a question for you
22 regarding your briefing on the Assembly District for
23 Orange County and a Section 2 recommendation for Santa
24 Ana and Anaheim. I, along with Commissioner Forbes, was
25 tasked by the Commission to review all of the public

1 testimony for that area and come up with visualization
2 options for how we could address each of those areas, so,
3 in conjunction with that effort, I had contacted your
4 office as early as last week to ensure that, in making
5 sure that my time was well placed, that the VRA advice we
6 received on that district to date was still unchanged,
7 and it was that that district would not fall under VRA
8 boundaries. And now, this morning, obviously we're
9 getting a different opinion. And so I guess I'm curious
10 as to what information has come forward that has changed
11 what has been a consistent policy.

12 VRA ATTORNEY BROWN: Right, I'm happy to answer
13 that, but I'm sorry to say that I was unaware that you
14 contacted us last week, so if ever there is any
15 uncertainty, you know, people should feel free to contact
16 me or ask Kirk to contact me. There were two or three
17 things that were under consideration, one was what is the
18 law on compactness, and in the absence of any case law
19 that was particularly clear, and looking at the
20 visualizations that were originally provided by Q2, it
21 appeared that there were two geographically separate
22 populations and that they were strongly separated by the
23 City of Orange. That was the only thing I'd seen from
24 the Mappers early on, and so I raised a question on
25 whether that was a geographically compact area. So, two

1 things happened since then, one is that, in MALDEF's
2 letter after the Draft Maps came out, they did a very
3 good job of discussing some of the details explained by
4 the Supreme Court in the LULAC case, LULAC v. Perry, and
5 while it's not binding, it suggested that geographic
6 compactness under the first Jingles precondition does not
7 require that a population be contiguous and that
8 populations could be nearby each other, reasonably close,
9 particularly if they were related and had some shared
10 interest.

11 So, that was one helpful thing to point out and
12 then, in the absence of other legal authority, I find
13 that the information that was pointed out, I find that to
14 be persuasive. In addition, several days ago, I got for
15 the first time a more detailed visualization of that
16 geographic area that showed Census tracts with Latino
17 CVAP for each Census tract, and you all should be sure to
18 get a copy of that, Commissioner Ancheta has it. And if
19 you look at it, you can see that there are many Census
20 Tracts that have significant Latino populations in them,
21 that are kind of scattered all the way from Santa Ana up
22 to Anaheim, and if you think about it, that's pretty
23 consistent with what we know about California's
24 population. So, you'll see Census tracts with 34 percent
25 Latino CVAP, and 22, and then another 34, and so on and

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1 so forth. And so, the separation between those two areas
2 was less stark than when I first looked at it. But,
3 given those two situations, there was an argument made
4 that the only thing separating the two populations was
5 Disneyland, and I didn't believe that to be accurate, and
6 I think a close look at the Map, if anybody has ever been
7 down there, they would know that that's not entirely
8 accurate. But I think if you look at that visualization
9 I just described, I think that it then becomes more
10 apparent that, if a district can be drawn in that area
11 that is, you know, reasonably compact in itself and
12 achieves 50 percent plus Latino CVAP, then it's going to
13 be, based on our consultations and information from
14 working with Dr. Barretto, it's going to be a required
15 Section 2 area. So, those two things are the things that
16 have happened since the time of the June 10th Draft Maps.

17 Now, I would like to see the next visualization
18 of that area, to see whether, in fact -- an early version
19 I saw had a bit of an unusual shape and I'd like to see
20 if that can be drawn without the unusual shape that I saw
21 the first time around. But subject to further
22 confirmation, that area is looking like it should be a
23 required Section 2 Assembly District.

24 CHAIRPERSON YAO: Commissioner Di Guilio, did you
25 want to chime in?

1 COMMISSIONER DI GIULIO: I just wanted to know,
2 today we had some idea about the Section 2 issues in
3 areas outside of L.A., and I'm assuming at some point
4 we'll also get a report on those in the L.A. Area. Do we
5 have any anticipated timeline for that, just because
6 we'll be moving on to that later this week?

7 VRA ATTORNEY BROWN: I'm planning to be up on the
8 agenda for Friday and I expect that we would talk about
9 Los Angeles County in greater detail on Friday.

10 COMMISSIONER DI GIULIO: Thank you, Mr. Brown.

11 VRA ATTORNEY BROWN: Yes, okay.

12 CHAIRPERSON YAO: Commissioner Blanco.

13 COMMISSIONER BLANCO: Mr. Brown, this is
14 Commissioner Blanco. Commissioner Ancheta mentioned when
15 he was talking about the potential Kings Congressional
16 District and he mentioned the CVAP. It reminded me that
17 we had talked early on, about a month, month and a half
18 ago, about what to do in situations where we were between
19 45 and 50 percent with CVAP, knowing that CVAP has a very
20 imprecise measurement, and that we should do a series of
21 things when we would encounter a district with those
22 numbers in that range, to sort of go another step and see
23 if, by doing a series of things like surname
24 dictionaries, voter registration, to see if that in
25 itself would put a district over 50 percent. And we

1 talked about really, in a way, how we're dealing with
2 this Ninth Circuit standard on CVAP as the appropriate
3 population for Section 2, and yet it's not a scientific
4 figure or measurement, and I think it would be really
5 helpful to revisit that and see where we are with your
6 opinion on what we should do, given the imprecise nature
7 of that statistic and of CVAPs, and whether these
8 districts that are between 45 and 50, or at least 48 and
9 50, whether there is something to be done there. Can you
10 comment on that?

11 VRA ATTORNEY BROWN: Yes. When I made my
12 presentation in Culver City, the Commissioners had
13 available to them my suggested next steps and, included
14 in that list, was precisely the point that you're raising
15 now, and the person best available to do this analysis is
16 your Mapping Consultant. And the point is that the
17 Census Bureau itself tells us that the CVAP data that's
18 reported in the American Communities Survey is unreliable
19 and shouldn't be used as a point estimate. The Mappers
20 have used an adjustment to that ACS data to improve on it
21 somewhat, but they have told us that it is, in fact,
22 unreliable, and likely an underestimate. So, the task
23 that needs to be engaged in is that they should evaluate
24 -- what the goal should be is to develop the best
25 evidence on what CVAP is in an area in question. And if

1 there is other data available that can help inform what
2 CVAP is, then that data should be looked at. My
3 understanding is that there is registration data with
4 surname matching that can be done to see whether, in
5 fact, the voting age population is registered in greater
6 numbers than the reported CVAP. That would be evidence
7 that the CVAP is actually higher. My understanding is
8 that the American Community Survey also has an annual
9 survey that can be a bit more accurate, and that the 2009
10 data is available. That information should be
11 considered. So, what we've been asking for, for some
12 time, is that the Mappers undertake to look at those
13 areas that are above 45 percent and below 50 percent, to
14 see whether, in fact, there is more information about the
15 percentage CVAP.

16 COMMISSIONER BLANCO: Thank you.

17 CHAIRPERSON YAO: Commissioner Dai.

18 VICE CHAIRPERSON DAI: Hi, Mr. Brown. This is a
19 question that we got into a little bit on the call
20 yesterday that I think might be helpful. It's actually
21 in regards to the San Bernardino District that you said
22 you were unclear about, I think, as mentioned on the call
23 that we had, since the first Draft Maps, at our last
24 session looked at two potential options for alternative
25 Congressional Districts, trying to address some of the

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1 issues that were brought up by the public in our second
2 round of input hearings in Southern California. So we
3 looked at two alternative visualizations in San
4 Bernardino that were adjacent districts, one that
5 included the Pomona Valley and that was, I think, labeled
6 "ONT," and the adjacent district which was labeled "SB."
7 And in one visualization, the Pomona Ontario District had
8 a higher than 50 percent LCVAP and, in a second
9 visualization, it was under, but instead the district
10 immediately adjacent to it on the east, SB, had increased
11 to very close to 50 percent, it was 48.6 or something,
12 approximately, LCVAP. The second visualization was
13 actually a little more compatible with the other public
14 testimony about communities of interest in the area, but,
15 again, it's slightly under 50 percent LCVAP. We did give
16 instructions to Q2 to look at how to increase that to 50
17 percent. We're not sure they're going to be able to meet
18 it, but probably very very close to 50 percent. And what
19 is your opinion about the Commission choosing to draw
20 that district as opposed to the first one, which I think
21 was 51 percent?

22 VRA ATTORNEY BROWN: Okay. There are a couple of
23 issues. The first question is this 50 percent
24 requirement in a geographically compact area, and if you
25 can draw a majority-minority district, and if the other

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1 factors are satisfied, then Section 2 requires you to
2 create an effective district, one where minority vote
3 won't be diluted or, you know, abandoned by block voting
4 by the rest of the population in a district. And so,
5 that usually requires you to consider, gee, is it high
6 enough? Is that 50.1 percent, is that going to be
7 enough? So, I think that if you're talking about just
8 one district, if you can't draw one with a majority, then
9 you should draw one that has over 50 percent. Now, in
10 this area where you've got a 50 and a 48, it seems to
11 give rise to the question whether you can draw two
12 districts and, if you can't, then you're certainly not
13 required to draw two districts, but you're required to
14 draw at least one. But because the numbers are so close,
15 it's worth investigating whether those CVAP numbers are
16 reliable because, if you could draw two that are over 50
17 percent, then it's perhaps going to be the case that you
18 should draw two to comply with Section 2. I would not
19 draw two that are under 50 percent.

20 VICE CHAIRPERSON DAI: Yeah, actually, you
21 misunderstood me. They're two different visualizations
22 and Commissioner Ancheta may be able to help me remember
23 exactly what the percentages were, but in the first
24 scenario, one district, the Ontario one, was I think 51
25 percent, and the San Bernardino one right next to it was

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1 below 50 percent -- I'm remembering something like 39 or
2 40 percent, somewhere in the 40's, I think, and the
3 second visualization, the Ontario Pomona one, had fallen,
4 I think, down to 39 percent, but the San Bernardino one
5 was extremely close to 50 percent. And what I was saying
6 is that the second visualization was much more compatible
7 with some of the other community of interest testimony
8 and it's extremely close to 50 percent, we think we can
9 get it very close to 50 percent, but we're not sure we
10 can get it over 50 percent.

11 VRA ATTORNEY BROWN: I see, okay. So, based on
12 what you're describing, then, it doesn't sound like it's
13 even a close question about whether you could draw two,
14 so you can only draw one and the question is, are you
15 going to draw it one way where, so far, you can clearly
16 do a plus 50 percent, you've got 51 percent, or draw it
17 the other way where doing it another way is more
18 compatible with the public input and community of
19 interest, but you're not yet above 50 percent. If I
20 understand that correctly, I think that you have to draw
21 one, and if you can work to get the other one above 50
22 percent and you conclude that it is the better choice for
23 the minority group's representation, in addition to being
24 compatible with the other community of interest
25 testimony, then I think you could go with option 2. But

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1 I think you would want to make sure you evaluate the
2 public input and conclude that that section option is, in
3 fact, the better choice.

4 VICE CHAIRPERSON DAI: Thank you. I think
5 Commissioner Ancheta may have an additional comment on
6 that.

7 COMMISSIONER ANCHETA: No, I think you covered
8 it, that pretty much covers it. I think the reality, of
9 course, is that even though we think you're really close
10 to 50 percent, sometimes it's very hard to get to 50
11 percent, so that's one of the challenges we face.

12 VRA ATTORNEY BROWN: Yeah, if you can't get a
13 majority district there, then it's certainly not going to
14 be a required district and it looks like the other one
15 would be required. I hope that's clear enough, if it's
16 not, you know, we can talk about it some more.

17 VICE CHAIRPERSON DAI: So, again, just to clarify
18 because it sounded like what you said was just a little
19 bit contradictory, we believe we can draw one, and the
20 option that we would prefer to draw, just because we
21 currently perceive that to be more consistent with other
22 communities of interest in that area, as well as
23 particularly for Latinos in the area because they've
24 asked us to draw certain other districts below it that
25 would, if we had to draw two, then I think it would

1 really break up that community in Riverside Moreno, so
2 you're saying that if we can conclude with evidence from
3 the public that this is actually a better choice, not
4 only for Latinos in the area, but also for other
5 communities of interest, that that could be a choice that
6 the Commission makes and we just have to document the
7 reasons why.

8 VRA ATTORNEY BROWN: Generally, yes, but let me
9 just be a little bit more precise. Because the Voting
10 Rights Act is going to apply here, I think your primary
11 focus has to be on what is the better choice for Latino
12 representation in a majority district, that has to be the
13 primary focus. And if you conclude that the better
14 choice is option 2 and that's also preferred by the
15 Commission because it's consistent with the community of
16 interest testimony, then you're okay. But if you view
17 that the first option actually was the better choice for
18 Latino representation, then I think the Voting Rights Act
19 is going to require you to make that first choice. And
20 what is better is not a numerical thing, it's one based
21 on the public testimony that you've received and what's
22 known about those areas.

23 CHAIRPERSON YAO: Commissioner Ancheta.

24 COMMISSIONER ANCHETA: Yeah, no disagreement. I
25 think the challenge of the Commission is I think option

1 2, if we can hit 50 percent, would be the preferable
2 option. I think it's difficult -- certainly the Mappers
3 have tried to up those numbers, but we may not be able to
4 get there, in which case I think option 1 would have to
5 be the one we pursue.

6 VICE CHAIRPERSON DAI: Is that consistent with
7 your thinking, Mr. Brown?

8 VRA ATTORNEY BROWN: Yes.

9 VICE CHAIRPERSON DAI: Okay. So I guess this is
10 part 2 of that question. I believe at least one group
11 was able to draw two, however, I think the second
12 district resembled an octopus, I think, is what one of
13 the Commissioners had said. There were a lot of fingers
14 going into other areas further south in order to achieve
15 the 50 percent LCVAP, which is inconsistent with the
16 testimony we had from the Latino community in Riverside
17 and Moreno Valley. And what are your thoughts on that?
18 And we have not been able to verify it with the Mappers.

19 VRA ATTORNEY BROWN: I should look at it at some
20 point, but it doesn't sound like it's something the
21 Commission needs to do.

22 VICE CHAIRPERSON DAI: Okay.

23 CHAIRPERSON YAO: Commissioner Ontai.

24 COMMISSIONER ONTAI: Mr. Brown?

25 VRA ATTORNEY BROWN: Yes.

1 COMMISSIONER ONTAI: Going back to the San Diego
2 Congressional, could you state that again what you said?

3 VRA ATTORNEY BROWN: Sure. Our prior advice
4 remains the same and that is that the area that is
5 includes Imperial and a portion of San Diego County
6 doesn't appear to meet the compactness requirement under
7 the Jingles three pre-conditions. And, consequently,
8 we've argued that it's not a Section 2 required area.

9 COMMISSIONER ONTAI: Now, would that same line of
10 thinking applying to the Senate District?

11 VRA ATTORNEY BROWN: Probably. I would need to
12 look at it again, but, yes, I mean, it's strong in the
13 same area, it's the same [inaudible].

14 COMMISSIONER ONTAI: Okay, thank you.

15 CHAIRPERSON YAO: Commissioner Ward.

16 COMMISSIONER WARD: Mr. Brown, I was just wanting
17 to get a clear understanding of what percentage CVAP is
18 our upper limit, or above which would constitute packing?

19 VRA ATTORNEY BROWN: That's going to be a
20 judgment call in every case. So, yeah, I don't think I
21 can give you a bright line number. In part, it's also
22 because it depends on the facts and circumstances and the
23 reasons why a district ended up the way it did.

24 CHAIRPERSON YAO: Commissioner Dai.

25 VICE CHAIRPERSON DAI: Okay, just to -- I just

1 really want to clarify this point again about the San
2 Bernardino district. If we cannot reach 50 percent in
3 the preferred option, and by not reaching 50 percent,
4 that includes trying to get a better estimate of LCVAP in
5 the ways that you had mentioned, just looking at surname
6 matching and other data, you know, one-year ACS data and
7 whatever, to see if there are alternative numbers here
8 for CVAP, then we must go with visualization 1 since that
9 one is over 50 percent?

10 VRA ATTORNEY BROWN: Yes and the reason is
11 because your obligation is to create a district where
12 Latinos will have the ability to elect their preferred
13 candidate. And choosing a district where they are less
14 than a majority is a context where there is significant
15 block voting by other groups. On its fact, it doesn't
16 seem like it creates the ability for them to elect,
17 that's why you have to choose an option that has more
18 than 50 percent.

19 VICE CHAIRPERSON DAI: Right, thank you, that's
20 very clear. One final question. Back on Section 5, just
21 to clarify definitively for the Commission, we had a
22 problem with meeting the benchmark for Latinos -- this is
23 a follow-up on Commissioner Aguirre's question -- for
24 Latinos in Monterey, and there was also in a couple of
25 versions we saw, there was also some mild retrogression

1 for the other groups consistent with our previous
2 discussion about whether we had to put the Stockton
3 finger back, we should try to improve it for all groups,
4 and we should definitely improve it for Latinos, and if
5 we cannot improve it for the other groups consistent with
6 the testimony that we've received from the public, then
7 we need to document why.

8 VRA ATTORNEY BROWN: Yes.

9 VICE CHAIRPERSON DAI: Thank you.

10 CHAIRPERSON YAO: Commissioner Di Guilio.

11 COMMISSIONER DI GUILIO: Okay, I'm going to go
12 back to the first part of Commissioner Dai's questions to
13 you, Mr. Brown, one is maybe to Mr. Brown and one is to
14 Commissioner Dai. So, if your recommendation is to do
15 the option 1, and there are so many visualizations, I'm
16 trying to remember exactly what option 1 was --

17 VRA ATTORNEY BROWN: Are we talking about San
18 Bernardino now?

19 COMMISSIONER DI GUILIO: I'm sorry, excuse me,
20 I'm sorry, yes, for San Bernardino, I apologize. Is that
21 compact enough to be able to - okay, so I see
22 Commissioner Dai nodding her head, so if that's the case,
23 then I'm curious from maybe Commissioner Dai what the
24 implications are with some of those discussions that we'd
25 had a couple days ago, you know, what the implications --

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1 I know you and Commissioner Filkins Webber had looked at
2 both option 1 and 2, and I believe option 2 is your
3 preference? So does that significantly change what we
4 could do in those other areas?

5 VICE CHAIRPERSON DAI: It's just not quite as
6 clean for some of the other communities of interest.
7 Basically, it involves swapping Fontana back and forth
8 between these two districts, and so I believe in
9 visualization 1 that it is harder for us to keep San
10 Bernardino Valley whole; it's not catastrophic, but it's
11 not as clean. The other one would have been very neat,
12 so we definitely have requested that Q2 see what they can
13 do and look at the other data because, you know, again,
14 because CVAP is such a poor measure, maybe with surname
15 matching it will show that it's over 50. But, if not, it
16 sounds like we need to draw the Ontario Pomona one and
17 that's okay, but we need to figure that out very soon
18 because it does affect the other districts.

19 COMMISSIONER DI GIULIO: All right, thank you.

20 CHAIRPERSON YAO: Mr. Brown, it seems like we've
21 exhausted all the questions and we still have a few
22 minutes left. Are there other topics that you wanted to
23 address the Commission?

24 VRA ATTORNEY BROWN: Not at this time. I expect
25 to provide some further input on Friday on L.A. County.

1 CHAIRPERSON YAO: All right, we'll work with you
2 offline and schedule you in on Friday's agenda.

3 VRA ATTORNEY BROWN: Okay, thank you.

4 CHAIRPERSON YAO: All right, thank you very much.

5 VRA ATTORNEY BROWN: Bye.

6 CHAIRPERSON YAO: All right, Commissioner Dai,
7 why don't you take charge of the first portion of the Map
8 Drawing agenda?

9 VICE CHAIRPERSON DAI: Okay, I just to go over
10 the - we're going to try doing this process because we
11 have very little time and we need to cover, if possible,
12 all of Northern California today. We definitely want to
13 finish all the Congressional, we hope to take a shot at
14 finishing the Assembly Districts, or at least a large
15 portion of it, our Mappers can stay here until 3:00. So,
16 what we're going to do is take a regional approach, as we
17 talked about before, and we had assigned Commissioner
18 pairs to kind of reach the public comment for every
19 region to make sure we capture all the public testimony
20 and look at the alternative proposals. And the goal
21 today would be to get all of our instruction to Q2, to
22 give them parameters and hopefully broad parameters
23 because there were competing proposals from the public.
24 Some of these proposals which may or may not be preferred
25 by individual Commissioners or certain members of the

1 public are nonetheless, you know, viable, potentially
2 viable options for a particular region and may actually
3 be more compatible with COI testimony from other regions,
4 and, you know, one of the challenges is that it's been
5 difficult for us to kind of see them all together at the
6 same time, so the idea is to give Q2 enough broad
7 instruction looking at these alternatives from the public
8 so that they can see what fits, and they can come back
9 and tell us, you know, "Here's the consequence if we
10 protect this COI, here's what's going to happen to the
11 surrounding area." If it has a large ripple effect, or
12 it doesn't have a large ripple effect, or in fact the
13 ripple effects are really positive and they fix a bunch
14 of other splits that we had in our first draft maps. So
15 that's going to be the goal.

16 We're going to have a time for every region,
17 which will be challenging, but what we'll do to be
18 efficient is we'll let the Commissioner pair that's
19 primary assigned to the region, talk about what they
20 picked up from reading all the public comments, and
21 listening on our second tour. In some cases, there will
22 be another region that is affected because many of our
23 districts actually overlap regions, so then if it's
24 appropriate, then we'll let the other Commissioner pairs
25 who also have those counties talk about what they read in

1 the public comment, and then, after we capture all that,
2 we'll open it up to anyone else on the Commission
3 because, you know, we've got 14 brains, and so we'll make
4 sure we cover that area well. And if possible, we've
5 asked Q2 as our experts to let us know because they've
6 been working hard to try to look at all of the input and
7 they've been listening with us on our tour, so they've
8 been trying to some things so, to the degree that they
9 have anything to show us, or they know that they've tried
10 something and they can tell us what the constraints are,
11 we'll ask them to give us some feedback on that, and then
12 we're going to move to the next region. So, we'll have
13 an opportunity to see -- and they're going to go away,
14 remember, and do some line drawing, and we'll have a
15 chance to see what they come up with later on next week.

16 Are there any questions about the procedure?

17 COMMISSIONER ANCHETA: Are we going to see things
18 on the screen which is not down at the moment?

19 VICE CHAIRPERSON DAI: We're going to take a
20 break t put the screen up. Any other questions?

21 CHAIRPERSON YAO: While we're working on a very
22 tight schedule and we want to accomplish just trying to
23 get all the maps, all the visualizations done so that Q2
24 can start drawing the "second draft maps" for us to
25 review when we come back, what I'm talking about is

1 between now and before we break for 4th of July, so
2 between now and July 3rd, we want to try to get the
3 visualizations done. But I don't want anybody to go away
4 and leave something that you cannot accept. In other
5 words, if you can't live with whatever version that we
6 agree to give to Q2 as a direction, that in my opinion is
7 not the objective. In other words, we are going to have
8 to compromise, but take time out to dwell on the issue,
9 or discuss the issues thoroughly so that, when we give a
10 unanimous -- not even a unanimous, but a consensus
11 direction to Q2, that you can live with it, even though
12 it's not the optimal configuration in your opinion
13 because, if we approve a certain version, visualization
14 at this point, when it comes back for a final vote and
15 you can't accept it, then I think we would have missed
16 the point altogether. So, we need to take whatever time
17 necessary to make sure that we have close to consensus.
18 My definition of consensus is that you can live with it,
19 okay, even though it is not optimal in your opinion. So,
20 I want to make sure that is the case. Yes, we do have a
21 time crunch, but at the same time, we need to get to that
22 point, otherwise we run the risk of having a set of Final
23 Maps that you may not approve, and that defeats the whole
24 purpose of what we're trying to do here. Commissioner Di
25 Guilio?

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1 VICE CHAIRPERSON DAI: Oh, I just wanted to add on
2 to what Chairman Yao said, which I think it is absolutely
3 right, remember, consensus doesn't mean we all agree, it
4 means we can live with it and move forward, and I just
5 want to clarify that we may or may not see visualizations
6 in the next several days; the whole point of the next
7 several days is actually to give line drawing
8 instructions so they can go off and explore these
9 options. So, when we are giving line drawing direction,
10 what we're really says is we would like Q2 to explore
11 this, so I encourage Commissions not to draw hard lines
12 in the sand at this point because that means we won't
13 even see what the implications are, so even if it's,
14 again, not your favorite version, I mean, we just spent a
15 lot of time talking about San Bernardino where we may not
16 get our preferred option there, you know, the point is we
17 want them to explore it so we can see what the
18 consequences are: "If we do X, what happens?" If you do
19 not give Q2 the latitude to go out and explore it for us,
20 we won't see or we won't ever know. So, I would really
21 encourage Commissioners to be open minded. We have done
22 a lot of very good testimony from the public and many of
23 those options deserve to be explored.

24 CHAIRPERSON YAO: Comments on what we --
25 Commissioner Galambos Malloy.

1 COMMISSIONER GALAMBOS MALLOY: Sure. My question
2 is in relation to the fact that we're not a full team
3 today, we are missing a couple of key Commissioners, I
4 suspect this won't be the last time in our line drawing
5 sessions that that happens. And so, in the event that a
6 Commissioner is not present for a line drawing session
7 and something moves forward that is something that they
8 cannot live with, for example, are we to assume that the
9 Commissioner simply is not here on a line drawing day and
10 that they are essentially waiving their right to flag a
11 major concern with that map? Or do we have some
12 mechanism in place where that Commissioner can submit
13 some questions or concerns in writing before we actually
14 get to the line drawing?

15 CHAIRPERSON YAO: I would encourage all the
16 Commissioners who are watching us on webcast to find ways
17 to get that input to us, either by email, a phone call to
18 Janeece Sargis, or any way to get the information to us
19 so that we can deal with it in real time. Even though
20 they're not with us physically, I think they'll find a
21 way to get that information to us. It's my own personal
22 preference not to do any hard lines at this point in
23 time, saying, "If you're not here, too bad," because I
24 don't think that fully addresses the process we subscribe
25 to and the way that we want to reach final consensus.

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1 Commissioner Di Giulio.

2 COMMISSIONER DI GIULIO: I'm just going to take a
3 brief moment to just kind of look at it in terms of the
4 work plan a little bit here, a couple points I think have
5 been mentioned, but I think, again, it would be helpful
6 to look at the larger picture. One is based on what you
7 will see, Commissioner Dai, being a very tight time
8 schedule, people have limited time to discuss these, this
9 is why it is very important for Commissioners to come
10 prepared not only for your region, but to generally talk
11 about things in a very specific way, those permissions
12 that we're willing to give and options to explore, and
13 also to do it in a very concise way so that we can move
14 the process forward. Some of the details in the larger
15 discussion hopefully will be - this is why you give your
16 comments to the Mappers ahead of time.

17 The second aspect of that, too, is for any
18 Commissioner that has, whether it's those regional areas
19 that you are assigned, or whether it is just a general
20 comment that you want to make about an area outside your
21 region, I believe Q2 will be providing us with some
22 deadlines for those to be incorporated into these first
23 visualizations because they do have to have time to work
24 on those, even if it's simply just to have a discussion
25 point in these next three days. So, those are the two

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1 points.

2 And, again, the one over-arching aspect of this
3 is to look at this in terms of the rest of today, the
4 line drawing for today, as well as the three days that we
5 have July 1st through 3rd, is really our chance to go in,
6 make these suggestions, give these options, give these
7 directions to the line drawers, so that they will have
8 their marching orders, so that when we come back for the
9 July 7th and 8th days, we will be able to review what they
10 have done and, at that point, we can make those
11 adjustments. But it's really incumbent upon us to give
12 those very clear orders -- well, not orders, it sounds
13 like -- those directions to our line drawers so that when
14 we come back on the 7th and 8th, we can review that and
15 have a pretty good sense of where we're going for our
16 second draft map.

17 CHAIRPERSON YAO: Yes, before we break to set up
18 the larger screen, I just want to gain concurrence from
19 everybody present here that we are going to give
20 directions to Q2, but we also expect them to take
21 whatever initiative to make the appropriate decisions in
22 terms of precisely where to put the lines in full
23 adherence to our direction; in other words, I don't want
24 them to stop and wait for further specific instructions
25 from us in proceeding because I think that we need to

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1 give them that kind of latitude in order to get a set of
2 maps for our review when we come back the 1st of July.
3 Commissioner Galambos Malloy.

4 COMMISSIONER GALAMBOS MALLOY: I'm in general
5 agreement with that. I think what would be helpful,
6 then, is, as Q2 comes back to us with specific
7 visualizations, that they present them in a context that
8 says, you know, "Here's what the Commission directed,
9 here's what worked, here's where we ran into challenges,
10 here is the options that we considered, and the reason
11 that we went with the option that we did is because of X,
12 Y, or Z," so that we then have a clear trail that the
13 Commission is in full agreement with the direction we
14 moved, that we provided that direction to Q2. And if
15 there's any concerns over those areas where they had to
16 exercise a small judgment call here or there, then we can
17 bless it as a Commission.

18 CHAIRPERSON YAO: So, again, just addressing it
19 from a process standpoint, I would suggest that Q2 can
20 come back to the pairing that's been assigned to that
21 particular region, to get any and all questions resolved
22 during this process when they're developing the final set
23 of maps.

24 COMMISSIONER DI GUILIO: Commissioner, just one
25 last point. I do think, as Commissioner Galambos Malloy

1 mentioned or was alluding to, we have hired Q2 because
2 they are experts in this field and similarly when we have
3 our VRA Counsel, we give them parameters, they use their
4 legal knowledge, and they come back with their opinion.
5 In this case, we will provide direction to Q2 and they
6 utilize their technical skills, this is why we hired
7 them, and then they can come back and present those
8 options and the justifications and reasons why, but,
9 again, as Commissioner Yao said, too, we're trying to
10 make sure they have as much ability to use those
11 professional skills as possible in making this process
12 move forward.

13 CHAIRPERSON YAO: All right, let me allow Ms. Mac
14 Donald to make a comment.

15 MS. MAC DONALD: Good morning, Commissioners. I
16 just wanted to clarify with respect to visualizations
17 that, in some situations, we may not be able to present
18 visualizations, but rather we will present you with the
19 logic for why something didn't work because, often times,
20 when we get an idea from a pair of Commissioners, it will
21 basically have a ripple effect throughout the State of
22 California. Obviously, there is no time to redraw the
23 entire State of California based on, you know, one idea.
24 So, we will have to weigh that on some level. I just
25 wanted to give you the heads up on it.

1 CHAIRPERSON YAO: That's understood. Is there
2 any question in your mind as to whether we give you
3 enough authorization to go off on your own and proceed
4 with coming up with a set of visualization maps for the
5 second draft?

6 MS. MAC DONALD: I think we might just go through
7 a list of the instructions and, then, if something is
8 missing, we will let you know.

9 COMMISSIONER BLANCO: A question or comment?

10 CHAIRPERSON YAO: Yes.

11 COMMISSIONER BLANCO: Just following up on that,
12 but it's my understanding that, from here forward, no
13 Commissioners or even teams are giving individual
14 instructions to Q2, it's all done as a group from here on
15 out. Correct?

16 CHAIRPERSON YAO: My interpretation is that, as
17 far as the major directions, absolutely. We have to do
18 that as a group.

19 COMMISSIONER BLANCO: We have to just stick to
20 this now --

21 CHAIRPERSON YAO: Right. In terms of resolving
22 the clarifications area by area, I'm suggesting that the
23 individuals assigned to that region should stay on top
24 and should be able to answer those questions without
25 being in the entire group, it's just simply that we don't

1 have enough time to meet in this group and, secondly, is
2 that we're continuously getting public comments and they
3 are the ones that are tasked to review those specific
4 public comments and they're in the best position to
5 address those questions. Anything else you want to add
6 to that? Commissioner Ancheta?

7 COMMISSIONER BLANCO: Well, now I'm confused
8 because I thought the public comment period had ended and
9 that we were supposed to have turned in our team comments
10 and that now we were working as a group. I think we have
11 to clarify, or else we're going to have a situation --

12 CHAIRPERSON YAO: Right, I for one have not
13 reviewed all the input over the last couple days, for
14 example, and those are the ones that I'm referring to.
15 Yes, we're no longer accepting any additional comments
16 for the Phase 2 Maps, but I need to get caught up, as
17 well. Let me finish with Commissioner Blanco and make
18 sure I addressed her concerns.

19 COMMISSIONER BLANCO: No, because I just want to
20 -- the situation we've been in is that, up to now we've
21 been sort of, you know, in a combination of group
22 direction, but also team comments that have been given to
23 Christina to forward, and I'm trying to clarify whether
24 that process is ongoing, or from now on we're working as
25 a group with nothing else going to Q2, so that we're not

1 in the situation that Ms. Mac Donald just mentioned.

2 COMMISSIONER DI GIULIO: Let me just clarify on
3 the work plan idea is that, what we've done with these
4 regional assignments is that, in terms of the discussion
5 for, let's say, the Northern CDs, we're going to have
6 that discussion today, so that information has been given
7 to Q2, all the areas. So, in terms of the discussion
8 that, yes, we'll have this discussion, what we have in
9 giving them directions they will go and work with. But,
10 in terms of, let's say, the L.A. areas, the Southern
11 California, the Northern California AD and SD, we will
12 still as groups be giving our information because we have
13 not addressed that in a group. Once we address it in a
14 group, they will have those directions to move forward.
15 I think that's your point, is not that we're cutting it
16 off now, but what's kind of a rolling basis as we address
17 these different districts, we will give information to
18 Q2. The second point, though, I do think Commissioner
19 Blanco raises an issue where, once we have given these
20 directions to Q2, if they have points of clarification,
21 initially we had said if they have areas to clarify, it
22 could be initiated from Q2 to contact those Commissioners
23 in those regions, are we allowing that to still continue?

24 VICE CHAIRPERSON DAI: I would say yes just
25 because, like I said, there are still public comments

1 even though we cut off the period, we got a massive
2 amount of public comments, as you can imagine, yesterday.
3 Many of those comments are still being processed, we
4 still expect our Commissioner teams to sit down and
5 review those, so I think for clarification, yes, but
6 we're going to be meeting for three consecutive days, so
7 if they have a question, they can certainly bring it back
8 up in open session so everyone can answer it, and we
9 would still defer to our Commissioner pairs who are
10 supposed to be on top of the public comments in that
11 region to, you know, to speak first.

12 COMMISSIONER DI GIULIO: Okay, thank you.

13 CHAIRPERSON YAO: In terms of the process as to
14 whether we're going to continue doing it the way we're
15 doing it in terms of routing the comments through
16 Christina --

17 VICE CHAIRPERSON DAI: Just to clarify, we were
18 not routing comments through Christina, we were routing
19 directions --

20 CHAIRPERSON YAO: Directions to Q2 through
21 Christina.

22 VICE CHAIRPERSON DAI: That is coming as a group?

23 CHAIRPERSON YAO: If we want to continue doing
24 that, I have no -- Commissioner Ancheta?

25 COMMISSIONER ANCHETA: The other thing is,

1 though, there is still a parallel track we've been
2 working on for the VRA Districts and, unfortunately, we
3 didn't finish yesterday, so there is still some Senate
4 work that I think we were trying to complete on Thursday
5 during the "off" day. I think we'd still like to do
6 that, obviously, on Thursday, so treat that as a track
7 still moving ahead.

8 CHAIRPERSON YAO: Before we -- I know we need to
9 set up the screen and so on, but before we break, let's
10 resolve this matter as to how we're going to get the
11 information to Q2. It seems like, while we have three
12 days to decide, so maybe we should see how things work
13 and, before we break for the 4th of July, we'll make that
14 final call if that's okay with everybody.

15 All right, let me at this point call for a
16 technical break. We have to set up a big screen,
17 actually the screen didn't arrive until 9:00 this
18 morning, so we couldn't set it up ahead of time, so we're
19 going to take about a 15-minute break. And so we'll
20 resume by approximately 11:00. Thank you.

21 (Recess at 10:43 a.m.)

22 (Reconvene at 11:02 a.m.)

23 CHAIRPERSON YAO: All right, it's two minutes
24 past 11 and I'm reconvening this meeting of the Citizens
25 Redistricting Commission, so we're going to go right into

1 the map drawing process. Commissioner Dai, you have the
2 floor.

3 VICE CHAIRPERSON DAI: Okay, so again we're going
4 to take it by region, so the Commissioner pair for Region
5 9 was Commissioner Forbes and Commissioner Ontai, so
6 again, we're going to ask them to confine their remarks
7 hopefully to five minutes or fewer and, again, the point
8 of this is to review proposals, alternative proposals
9 that have been suggested by the public, options that they
10 would like the Commission to explore, and let's kind of
11 talk about it as a region. It will also affect some of
12 the Bay Area Districts, so after Commissioners Forbes and
13 Ontai are finished, then we'll let Commissioners Galambos
14 Malloy and me go over just the Sonoma Napa Solano area,
15 part of Region 9, and then we'll open it up to the rest
16 of the Commission to see if we've missed anything and
17 make sure that Q2 has their instruction for this. I'm
18 going to go ahead and ask who is going to speak --
19 Commissioner Forbes is going to speak, so we'll let you
20 go and, while that's happening, we're going to try to
21 conference in Ms. Alon, who did the mapping for the Bay
22 Area, since it also affects the Bay Area.

23 CHAIRPERSON YAO: Before we start the process, I
24 do have to take care of an administrative item. After we
25 release the second Draft Maps, we will -- again, we will

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1 -- receive public comments for the next 14 days,
2 understanding that, because of the scheduling, we will
3 have to start preparing the Final Maps starting on the
4 21st, so the earlier that the public can get the comments
5 to us, the better it will be in terms of the process, but
6 we will receive comments all the way until the 28th of
7 July. So, let's go ahead. Commissioner Forbes.

8 COMMISSIONER FORBES: Okay, let me see if I can
9 be the original -- try this out -- in looking at the
10 public comments and hearing public testimony on Region 9
11 Congressional, there seem to be seven points that need to
12 be considered, one, we heard a lot of testimony about
13 putting American Canyon back into Napa, we heard last
14 night about how to put Tahoe back into Placer County, we
15 heard about recombining Siskiyou, there was one comment
16 earlier that came by email about keeping Glenn County
17 whole, there also was a comment about trading Butte for
18 Shasta Counties on the theory that Butte is more
19 agricultural than Shasta, and Shasta is more mountain.
20 We heard a comment about the need to keep Yolo County
21 whole. And then, there were some minor changes
22 regarding, I believe, Sacramento City proper. Also, we
23 read lots of testimony about, and I think it is probably
24 going to be the most difficult one to deal with, is going
25 to be whether Santa Rosa should be combined in the Yuba

1 District, in other words, is Yuba City too far from Santa
2 Rosa. The significance of that is because Santa Rosa is
3 a major population component.

4 One thought that I had, and there was no sort of
5 complete set of comments that would change the whole
6 structure of the maps -- oh, we also heard -- I'm sorry
7 -- that the North Coast District was too long. So, in
8 view of those, my thought was for a couple of things to
9 be considered, was to combine Marin and Sonoma in a
10 potential Congressional District, to have the North Coast
11 District go across the top further and pick up more of
12 Northern California for population, and then move the -
13 essentially we're going to make -- right now, Northern
14 California has three districts outside of Sacramento, or,
15 rather, has four districts outside of Sacramento -- would
16 be to go to three districts outside of Sacramento, which
17 would be the North Coast top, the one that -- we have the
18 yellow Solano one, but that would actually be combined
19 with some of the Yuba District and then we would have the
20 mountain cap district, but it would go further into the
21 valley. So, those are some of the issues and a thought I
22 had on how they could be addressed. But, essentially,
23 the biggest part is to take Sonoma out of the Yuba
24 District, combine it with Marin, and when you move the
25 Tahoe District into the Foothills District, you basically

1 have removed 700,000 people, which is roughly a
2 Congressional District, so you go from four districts to
3 three.

4 VICE CHAIRPERSON DAI: Do you want to speak for
5 the Bay Area?

6 COMMISSIONER GALAMBOS MALLOY: I actually had a
7 question, not transitioning to speak for the Bay Area
8 yet, but I wanted to ask, in your thoughts about taking
9 out Sonoma and Marin, and creating this northern coastal
10 and then moving inland in the northern areas, what was
11 the exact grouping of counties or portions of counties
12 that you visualized? And the reason that I ask is that I
13 think we have gotten significant comment of concern,
14 particularly from Siskiyou County, about the possibility
15 of them being joined with the Northern Coastal District.

16 COMMISSIONER FORBES: The counties that I had
17 would be Mendocino, Humboldt, Trinity, Siskiyou, Modoc,
18 Shasta, Lassen, and Plumas, I think, is what came out.
19 Again, those are not large population counties, and so
20 mixed and matched to get to the appropriate number.

21 COMMISSIONER DI GIULIO: But is this the issue,
22 did we not start off with something like this originally
23 and we had gone against kind of combining a coastal?

24 COMMISSIONER FORBES: That's right because, you
25 know, there had been both pro and con conversation about

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1 whether or not any sort of an east-west district, but we
2 also had criticism of having the length of the coast
3 district and, given the fact that, again, it goes back to
4 Santa Rosa and Sonoma County, it is such a population
5 number, though, you have to pick up -- you have both the
6 north coast and east-west -- it's both north-south and
7 east-west.

8 VICE CHAIRPERSON DAI: It may be appropriate at
9 this time just to let -- like I said, let's let, if you
10 don't mind, Connie, if you could go over because our
11 Region 8 actually included Sonoma, Marin, Napa and
12 Solano, so if you want to make comments about those, so
13 we cover Region 9 thoroughly.

14 COMMISSIONER GALAMBOS MALLOY: Okay, so you want
15 me to do just kind of the broad strokes overview? Okay,
16 so I'll give the overview on what were some of the main
17 issues that we received in regards to Region 8 from the
18 public comment to date, since the first Draft Maps; some
19 of them more directly impact you than others. One is
20 that Northern Contra Costa County is now split from the
21 rest of Contra Costa County, and we know this is a
22 population problem that spilled over from the Central
23 Valley, and so we wanted to explore whether we might be
24 able to pull from Hercules or Pinole instead, and we've
25 given some direction to Q2, and I think we'll be seeing

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1 the results of their work here shortly. Our attempt was,
2 we didn't want to split Antioch or other pieces of this
3 north-east corridor COI, we tried to grab Benicia and
4 that wasn't quite working. So, there is some fine-tuning
5 that needs to be done around this area of Contra Costa
6 County.

7 We also had to split Pittsburgh off from Antioch
8 in our work to date, this is not our intent, but because
9 of the population size of the two cities and this being a
10 really key part of the region where a pivot happens
11 between the various regions, this is where we're stuck.
12 And so far, we have not been able to keep Pittsburgh and
13 Antioch together. We also have, as you know, the tri-
14 cities area in South Alameda County, the Fremont Newark
15 and Union City area, we wanted to direct Q2 to be able to
16 look at what would it take to keep the tri-cities
17 together. We've had different proposals come from the
18 public and we also had some ideas as a Commission. We
19 had noted even before we came out with the first Draft
20 Maps that, as a Commission, we were concerned with the
21 American Canyon area being split off from Napa County,
22 and so we want to prioritize having those back within
23 their home county. In the Mendocino Lake Sonoma Napa
24 area, we have gotten significant COI regarding the
25 connection between these counties as an agricultural -- a

1 viticulture region, a winegrowing region, so we want to
2 try to preserve the nature of that region. We've also
3 gotten significant COI testimony in response to the fact
4 that we split Santa Rosa off from Sonoma, which is really
5 the government seat for the county and the majority of
6 their population, so there was concern about them being
7 split off from essentially all the other communities in
8 Sonoma that depend on them for a variety of services and
9 functions. We also had a couple of city splits that we
10 wanted to address, one is Richmond, which is a small city
11 in Contra Costa County, it is, I believe, about 90,000 in
12 population, roughly, so we wanted to see if we could --
13 oh, so it's about 100,000 now -- so we wanted to see if
14 we could keep Richmond intact. Menlo Park was another
15 city that had come to our attention with a split. And we
16 also got some COI regarding the split that occurred on
17 the San Mateo Coast, and alternatives to kind of reunite
18 some of those areas. So that's an overview. I think
19 that, you know, one of the takeaways I had from both
20 working on this region and also the San Gabriel Mountains
21 area in Southern California was that there were times
22 that the public directed us to consider an environmental
23 community of interest such as the foothill district and
24 the San Gabriel Mountains, such as the Coast along the
25 west side of L.A. or the northern coast here in Southern

1 California, I think we did our best attempt to address
2 those things in the first draft, but we actually took it
3 too far, so invariably the coastal districts and the
4 mountain districts, they were too long, or they were too
5 wide, east-west, to actually represent the communities.
6 And so, I think with the North Coast issues that you
7 raise, Stan, that's just another example of that trend we
8 saw with the first draft maps.

9 COMMISSIONER FORBES: I wanted to make just one
10 comment and I think that one thing we'll have to
11 consider, and I ask Q2 to do it in both ways, is where
12 does Mendocino go? Does it go up the coast? Or does it
13 stay with the wine country? Because, again, if you pull
14 the population out of Mendocino, that has a significant
15 impact coming down the Central Valley and the east side
16 of the state, so -- and there's no value judgment on
17 that, just the reality.

18 VICE CHAIRPERSON DAI: So I think the question
19 is, I think we received a lot of testimony about, yes,
20 we're a part of the coast, but Del Norte and Humboldt are
21 really different from Marin in terms of socioeconomics
22 and, so, we've talked before about urban areas that were
23 going to dominate districts that are otherwise
24 consistent, sparsely populated, rural areas. So, I think
25 the question becomes, in terms of direction to Q2, can we

1 resolve the issue of where American Canyon and also Santa
2 Rosa, those two area? And look at creating two kinds of
3 north coastal districts, you know, how far out would we
4 have to go in order to try to keep Lake and Napa as part
5 of the viticulture area and part of the coast? How does
6 that affect going down further south? And if we also
7 want to address the split in Siskiyou, which we've
8 received conflicting CIO testimony about, so I think
9 there are two options which is to leave it split as it
10 is, or make it whole, and I think they mostly want to be
11 whole, but I think there was a preference to be in the
12 mountain cap district instead.

13 So let me at this point open it up to the rest of
14 the Commission and see if we missed any of the problem
15 areas that were suggested to us by the public.
16 Commissioner Blanco.

17 COMMISSIONER BLANCO: It's a comment based on
18 some things we've heard and read in this whole area of
19 Lake, Napa, Sonoma, you know, that cluster there. One
20 thing we heard in the COI was to keep Santa Rosa with
21 Sonoma as the county seat. We have had several people
22 say, "Sonoma has been split before and if the wine
23 producing portion of Sonoma to the northeast goes with
24 Napa, Lake, and Mendocino, that's okay with us because
25 then you are really combining that wine part of Sonoma

1 with the other wine producing counties, so I just wanted
2 to throw that in the mix because I know -- the other
3 thing I think that is a threat throughout a lot of our
4 earlier maps, along with the sort of geographic,
5 ecological sort of principles, was we also stuck very
6 hard to counties. And we have now, interestingly enough,
7 up and down the state in different situations, have had
8 people say either it's okay to split us, or we want to be
9 split, so I think we should consider that testimony, as
10 well about Sonoma, that part of it could go in with the
11 wine producing, and then you could keep Santa Rosa with
12 the rest of Sonoma and with Marin.

13 VICE CHAIRPERSON DAI: Okay, I'm going to remind
14 everyone, I forgot to remind everyone of the time limit
15 on this region, it's actually half an hour, and we've
16 already used 20 minutes of it, so I'm going to see if
17 there are any other Commissioners who feel like we've
18 left out a problem area and then I want to focus on
19 making sure we give direction to Q2. I would also like
20 to give Q2 an option to comment on some of the things
21 we've talked about because I'm sure that they've been
22 trying to address some of these issues. So, to the
23 degree that they can comment, or show us anything, we'd
24 love for them to do that. Commissioner Di Giulio.

25 COMMISSIONER DI GIULIO: That was simply -- since

1 we've set some of the parameters, I was looking for a
2 process question in terms of we've had the northern
3 region and the parts that affected Commissioner Dai and
4 Commissioner Galambos Malloy, they've set out some of
5 these issues that are directions, and I would like to get
6 a comment from Q2 to see if they've incorporated that,
7 and then if we have to make some more decisions, I think
8 we've given the initial, but to have some back and forth
9 now.

10 MS. CLARK: Concerning the north coast mountain
11 cap, Yuba shift from east to west, I think that a lot of
12 that will be possible. I've looked at it a little bit,
13 don't have any visualizations that I felt were good
14 enough, or close enough to actually show you today, and,
15 yeah, I think that will be possible. And I think that it
16 shouldn't be too affected by the constraints concerning
17 the Yuba County District as that's a Section 5 District.

18 As far as the Marin keeping -- I want to clarify
19 that the direction would be to try and incorporate Napa
20 and Lake with the coastal areas, with the coastal
21 district, so basically the idea would be that the coastal
22 district would run not from Humboldt or Del Norte south,
23 but maybe from Mendocino, depending on population
24 switches. It would be Mendocino, Lake, Napa, and part of
25 Sonoma. Is that correct?

1 COMMISSIONER FORBES: And parts north, then you
2 go up the coast because I think, by population, you're
3 going to need to go up the coast.

4 MS. CLARK: Yes.

5 COMMISSIONER DI GIULIO: So you're moving Marin.
6 Is that what you're saying? Commissioner Forbes?

7 COMMISSIONER FORBES: Yeah. Again, Marin and
8 Sonoma, to the extent you can join them, to get to
9 703,000 would be together.

10 MS. CLARK: And as far as moving the Lake Tahoe
11 region, joining it with the rest of Placer, or, I'm
12 sorry, with Placer and El Dorado Counties, I want to be
13 clear that that's also including Truckee. And I think
14 that that should be possible. That area is approximately
15 50,000 people. I'm not sure exactly what the effect will
16 be on this Fresno County area, right now Fresno is in
17 four different Congressional Districts -- excuse me, five
18 different Congressional Districts -- and we heard a lot
19 of testimony in Fresno about trying to reduce that
20 number. I think that moving that population, the
21 population will move south, and so I think that that
22 could help reduce that four, but again, not 100 percent
23 positive about that exchange.

24 VICE CHAIRPERSON DAI: Let me just make a comment
25 on the two North Coastal Districts. So, I think the idea

1 is that you would -- Marin keeps getting left out, you
2 know, people talk about the viticulture and nobody
3 mentions Marin, so what happens to Marin. So, I think it
4 is Marin and Southern Sonoma, and then you're going to
5 need more population, so the question is where do you
6 flow? So, I think you could do - if we could give Q2
7 some broad direction to look at, you know, Sonoma and
8 Napa and Marin, and then there was also some testimony
9 potentially about Yolo County, as well, because it has
10 some region. Again, I think we need to see what the
11 population number is --

12 COMMISSIONER FORBES: Yolo County does not belong
13 with those -- does not.

14 VICE CHAIRPERSON DAI: Okay, so then that gives
15 us limited parameters there in terms of population.

16 MS. CLARK: So just to repeat that back, the
17 direction would be to not incorporate any of Yolo County
18 in with the more western counties. What about Glenn,
19 Colusa, or Tehama?

20 COMMISSIONER FORBES: They all belong in the
21 Central Valley with Yolo County to the extent they can,
22 that's the Central Valley. So, essentially what I'm
23 saying is that Marin and Sonoma, and if you need to go to
24 Napa to make it work right, in the context of
25 viticulture, that's fine, that's not a problem.

1 COMMISSIONER DI GIULIO: So you're saying Marin,
2 Sonoma, Napa will be kind of a southern coastal district,
3 and then from there up you're dealing with Mendocino,
4 parts of it, and the northern coast and whatever you have
5 to go inland up top to get to the population.

6 COMMISSIONER FORBES: Right.

7 MS. CLARK: Okay, there are also -- I just want
8 to mention that, with the direction about Regions 7 and
9 8, the Bay Area, that is also going to affect all of this
10 stuff. We have some visualizations prepared for that
11 area that do not cross the Golden Gate Bridge, that are
12 still kind of a work in progress, but -- and, again, this
13 is Tamina's region. Maybe actually these do cross the
14 Golden Gate Bridge, but some of these issues are
15 addressed in visualizations that we have, that are not
16 perfect, but are sort of representative of what might
17 happen in conjunction with the direction concerning the
18 Bay Area.

19 VICE CHAIRPERSON DAI: I want to know if there
20 are any comments about Yuba County because we've had some
21 submissions from the public that kind of address this
22 upper area, and I think a number of them move Yuba
23 around. Does anyone have any comments or concerns about
24 that? They're kept whole in all of the other proposals
25 from the public.

1 COMMISSIONER BLANCO: I just wanted, Commissioner
2 Forbes, you ran through really fast for me the top part
3 of this map of Region 9, and if you can just slow down.

4 COMMISSIONER FORBES: Sure.

5 COMMISSIONER BLANCO: I really want to understand
6 what we're saying here.

7 COMMISSIONER FORBES: I was paying attention to
8 Commissioner Dai, she said be fast!

9 VICE CHAIRPERSON DAI: Slow enough for
10 comprehension, though. Jamie, could you pull down the
11 map?

12 COMMISSIONER FORBES: In essence, it would be
13 Mendocino, Humboldt, Del Norte, Trinity, Siskiyou, Modoc,
14 Shasta, Lassen, Plumas, and then to the extent -- I don't
15 know what you do with Tehama now because I don't know the
16 population numbers.

17 COMMISSIONER BLANCO: So you would be combining
18 the sort of inner - the whatever you want to call it, the
19 lower mountain areas, you know, mainly on the other side
20 of the 5, sort of with the Coast?

21 COMMISSIONER FORBES: Yeah, that's correct and
22 the reason for that is that, if we're going to -- you
23 need it for population, you just don't have enough people
24 unless you go inland and come down, there just aren't --
25 otherwise we're going to have this long coastal district

1 that there was testimony that that was too far. And
2 also, we lose the opportunity or the potential
3 opportunity to combine the wine areas, and so it's just
4 going to be a very large district solely because there
5 are no people; to get to 703,000, you have to gather up a
6 whole lot of folks.

7 COMMISSIONER BLANCO: And this is driven in large
8 part by the hard break at the Golden Gate Bridge,
9 correct?

10 COMMISSIONER FORBES: No, no.

11 COMMISSIONER BLANCO: No?

12 COMMISSIONER FORBES: It's really driven by three
13 things, I think; one is that Santa Rosa does not belong
14 with Yuba City, that's one.

15 COMMISSIONER BLANCO: Right.

16 COMMISSIONER FORBES: It's driven by the coastal
17 district is too long, and those are really -- I guess
18 those two are really the driving factors. And then, an
19 opportunity to hold together the wine growing area.

20 VICE CHAIRPERSON DAI: So, Jamie, do you want to
21 comment on the Golden Gate Bridge comment?

22 MS. CLARK: Could you repeat the Golden Gate
23 Bridge comment?

24 COMMISSIONER BLANCO: My comment is that, in some
25 ways, the way we ended up with a long coast and

1 population issues, and now we're rearranging the top part
2 of the state, that in some ways this is driven by the
3 hard line at the Golden Gate Bridge.

4 MS. CLARK: Yes.

5 COMMISSIONER GALAMBOS MALLOY: And I guess at
6 this point it would be useful for Commissioner Dai and I
7 to express, having been the leads on this region, that it
8 is our clear preference not to cross the Golden Gate
9 Bridge both based on our own individual knowledge of the
10 area from living there, and also from the public
11 testimony that we've received. We've gotten some
12 conflicting COI in this area, a very limited number of
13 public comments, that suggest that actually it would make
14 sense to include the very southern urbanized areas of
15 Marin in a district that included San Francisco. We are
16 at this point trying to balance the many different
17 priorities that we have directed Q2 to implement, and so,
18 you know, if we get to a point where crossing the Golden
19 Gate Bridge does actually release the pressure valve and
20 allow us to address a multitude of other issues, we would
21 be interested in seeing that visualization. I think this
22 is an example of it's not either of our first preference,
23 but we need to actually see all the options to be able to
24 come to a decision we feel comfortable with.

25 VICE CHAIRPERSON DAI: And we also did hear a

1 comment, I can't remember which day it was now, whether
2 it was yesterday or the day before, about moving the line
3 down in the Congressional for San Francisco; San
4 Francisco has 800,000 people and 702,000 in Congressional
5 -- there was a comment about moving the line down, so it
6 is also possible to go the other direction of the Bridge
7 if we need to relieve the population pressure that way.
8 So, basically either side of the bridge with a limited
9 number --

10 COMMISSIONER FORBES: Is it appropriate for me to
11 comment on that? My comment is, I mean, I think that in
12 view of all the testimony we've heard from Marin, I think
13 they were concerned about being subsumed by San
14 Francisco.

15 VICE CHAIRPERSON DAI: Correct.

16 COMMISSIONER FORBES: And so I think we probably
17 could move south 100,000 people or whatever the magic
18 number would be, and that would not be inconsistent with
19 what we heard about Marin.

20 VICE CHAIRPERSON DAI: Okay.

21 MS. CLARK: Could I suggest that we pull up the
22 visualizations for the Bay Area, now reconfigured --

23 VICE CHAIRPERSON DAI: I was going to say we have
24 one minute left, so...

25 COMMISSIONER DI GIULIO: Could I ask, could we

1 focus on the Region 9, though, to some degree?

2 COMMISSIONER BLANCO: Yeah, because I think we
3 have some real issues here, which is why I bring up the
4 Golden Gate Bridge because we've got a lot of testimony
5 about this region and Siskiyou, and a lot of stuff, but
6 the districts that those folks are all used to living
7 with, in a sense, my whole point is that they've been
8 possible because of the Golden Gate Bridge population
9 resolution. So, I want us to really look at that. I
10 would comment that, with Siskiyou, Commissioner Forbes,
11 one of the things that maybe we could look at in those
12 options is we did hear several times last night, in fact,
13 that if beyond being kept whole, that if they were going
14 to be kept with other counties in the region, that they
15 would feel most aligned with Modoc and Lassen, and so I
16 just think that presents another possibility, they might
17 not go down to Shasta, but they may go over with Modoc
18 and Lassen.

19 COMMISSIONER FORBES: No, I agree, and that's
20 what I said, those are counties that would be included in
21 that district.

22 COMMISSIONER BLANCO: Oh, okay, I thought you
23 said Shasta and -

24 COMMISSIONER FORBES: No, it could go Modoc,
25 Lassen, Shasta, Siskiyou, Trinity, and perhaps even

1 Plumas. And, again, because there are not very many
2 people in any of those.

3 COMMISSIONER BLANCO: I gotcha. Okay

4 COMMISSIONER FORBES: So the whole mountains
5 area. And the reason I included Shasta was because, if
6 you look at the topographical maps, Shasta is, in fact,
7 mostly mountain.

8 VICE CHAIRPERSON DAI: Okay, final comment and we
9 need to move on.

10 COMMISSIONER DI GIULIO: So let me just see if I
11 can summarize what we're trying to do for this Region 9
12 is basically we're saying we had some conflicting where
13 we originally had this east-west line, or this north-
14 south; for the first draft, we did north-south, but what
15 happened was Del Norte was being consumed by Marin, this
16 whole long one. So, what we've done is, in essence,
17 we've kind of gone back to an east-west with a
18 distinction between the mountains and the valley, so
19 Commissioner Forbes has said Mendocino, up the coast, and
20 then around, Siskiyou, Modoc, Lassen, and maybe some of
21 Shasta, keeping the integrity of those mountain regions,
22 and then you start with the valley, which addresses the
23 issue of the Santa Rosa to Yuba problem, so you're trying
24 to again isolate out the valley communities of Shasta
25 south, well, I'm sorry, from Tehama south, and have more

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1 of a valley community, and therefore also we've taken
2 care of the Tahoe area by putting it back into their
3 county bases. So, I think if that is okay with the
4 Commission, if we look at it that way, and then you allow
5 the Sonoma, Marin, Napa areas to work themselves out. If
6 Q2 is okay with that idea, that's where we will be going
7 with Region 9?

8 VICE CHAIRPERSON DAI: I just want to clarify, we
9 did get a lot of testimony that Sonoma was -- we had some
10 conflicting testimony, one was keep Sonoma whole, but
11 there were a number of comments about how Sonoma has
12 benefitted from being a split county, so if you have to
13 scoop the winegrowing region of Sonoma --

14 COMMISSIONER DI GIULIO: With this context, too,
15 okay.

16 MS. CLARK: And, again, some of these issues are
17 addressed in the visualization.

18 VICE CHAIRPERSON DAI: Excellent. Should we call
19 Ms. Alon now?

20 MS. CLARK: Yes, please call Tamina.

21 VICE CHAIRPERSON DAI: So while you're pulling up
22 the visualization, we will call.

23 CHAIRPERSON YAO: Before we do that, I just
24 wanted to basically add the comment about the north-south
25 vs. the east-west discussion. At the very very beginning

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1 part of our outreach, I distinctly recall the fishermen
2 coming all the way from the coastal area to the Redding
3 meeting about wanting to protect the coastal region along
4 the very northern border, and I guess we feel comfortable
5 in terms of saying that a east-west region is the best
6 that we can do for the very northern part of the state.

7 COMMISSIONER FORBES: That's correct.

8 CHAIRPERSON YAO: I just wanted to make sure that
9 basically that's what we're saying, with looking at the
10 total picture, that really is the way that we want to go.

11 COMMISSIONER BLANCO: But are you putting Del
12 Norte in -- aren't you leaving Del Norte Coastal?

13 VICE CHAIRPERSON DAI: Yes.

14 COMMISSIONER FORBES: Again, I don't think we
15 need to do this as coastal vs. mountain anymore.

16 COMMISSIONER BLANCO: I don't think this is the
17 east-west that was talked about way in the beginning.

18 COMMISSIONER FORBES: It sort of is, but the
19 point is, because of the population demands, we have a
20 cost and an east-west district combined.

21 COMMISSIONER BLANCO: Correct. I think we should
22 talk about it like that so that there's no confusion.
23 The original one that got a lot of blowback was all the
24 way across, and this is really maintaining the northern
25 coastal area and, as a lot of the public comment said,

1 there is a north coast and there's a southern coast to
2 Northern California, and I think this is a combination.

3 COMMISSIONER GALAMBOS MALLOY: And I think the
4 public comment that has fed into this decision has been
5 essentially that rural interests and modest socioeconomic
6 interests in the northern part of the state actually
7 trump the initial considerations that we had, so that we
8 need to -- the concept of a coastal district was great,
9 but now when it pairs a very rural modest income area
10 with a highly affluent urban area, and so that's driving
11 our next iteration of these districts.

12 VICE CHAIRPERSON DAI: Okay, we are on to the Bay
13 Area visualization now, and we have half an hour for this
14 region, which I think will coincide nicely with lunch, so
15 hopefully that will drive our discussions.

16 COMMISSIONER DI GIULIO: And when you say "Bay
17 Area," are you saying both Region 7 and 8, or are you
18 just going to focus on --

19 MS. CLARK: This visualization is basically
20 Monterey County north, and right now over here you see
21 there is all of this empty area? These visualizations
22 are only the districts that are affected by these moves
23 and, again, not everything in these districts is totally
24 balanced because we would need direction on where to get
25 the population from. And Tamina is on, I believe.

1 CHAIRPERSON YAO: Tamina, is the sound coming
2 through all right?

3 MS. ALON: Coming through fine.

4 VICE CHAIRPERSON DAI: Okay, great.

5 MS. CLARK: Okay.

6 VICE CHAIRPERSON DAI: So, walk us through this.

7 MS. CLARK: Okay, maybe we can start, well, I'll
8 have Tamina start. One second, please.

9 MS. ALON: Okay, good morning, everyone. Can you
10 hear me?

11 CHAIRPERSON YAO: If you can speak louder, that
12 would be better.

13 MS. ALON: Okay. So this visualization is based
14 on just what Commissioner Galambos Malloy had read to you
15 as the concerns for the area, and so the districts that
16 are in this visualization are built out just with concern
17 for those particular issues, so how they have effect on
18 the rest of the state or other regions, I don't know,
19 based on this particular build-out, this is just to
20 explore some of the different areas and concerns that
21 they highlighted. So, we'll start up here with Marin and
22 Sonoma if that's okay?

23 COMMISSIONER GALAMBOS MALLOY: Yep.

24 MS. ALON: Okay, so basically what was suggested
25 here was to keep as much of Lake, Sonoma, Napa together,

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1 and then King [phon.] was the other one, but they
2 couldn't fit together, and so what I did was put Santa
3 Rosa back in with Sonoma, but keep Marin, the remainder
4 of the wine growing areas of Sonoma, with Napa, all of
5 Napa, so American Canyon is put back inside the Napa, and
6 the entire county of Lake County.

7 VICE CHAIRPERSON DAI: Okay.

8 MS. ALON: And then this we're going to move --
9 and, please, just stop me if you have any questions.

10 VICE CHAIRPERSON DAI: I was curious what
11 happened to Cotati, just because we got some testimony
12 specifically about that.

13 MS. ALON: I'm sorry?

14 VICE CHAIRPERSON DAI: Cotati, which side is it
15 in?

16 MS. ALON: Okay, I need to zoom in on the copy.

17 MS. CLARK: Cotati is with Marin and the rest of
18 the wine region.

19 VICE CHAIRPERSON DAI: Okay.

20 MS. ALON: And so this was an attempt to do the
21 dual coastal districts and, so, one that comes down and
22 split in the middle of Sonoma there, and the northern one
23 coming up and reuniting Siskiyou County in the north.

24 MS. CLARK: And so, if I can interject, sorry,
25 Tamina, so obviously this isn't perfect for these

1 northern counties, it moves into Shasta to grab Redding,
2 which is problematic, and that move is for population.
3 We're very open to other ideas.

4 COMMISSIONER FORBES: Is it appropriate to -- my
5 question is, what was the thinking behind not going
6 further north in Sonoma and pulling at least Lake County
7 back into --

8 VICE CHAIRPERSON DAI: The northern district.

9 COMMISSIONER FORBES: -- the northern district?

10 MS. ALON: Well, there were two things, first was
11 this idea that Lake should be with Napa in the second
12 coastal district, and also just because of the
13 population, the way it is, I would be splitting Santa
14 Rosa down the middle.

15 COMMISSIONER FORBES: If you moved Lake.

16 MS. ALON: It was an attempt -- I'm sorry?

17 COMMISSIONER FORBES: If you moved Lake, you'd
18 have to split Santa Rosa?

19 MS. ALON: I would have to split Santa Rosa, yes.

20 COMMISSIONER FORBES: How much population is
21 Santa Rosa, 150,000?

22 MS. ALON: One hundred and fifty-seven thousand.

23 COMMISSIONER FORBES: So did you consider keeping
24 Lake and a significant portion of Napa? Or all of Napa
25 together and moving north in Sonoma toward Mendocino as

1 an alternative?

2 MS. ALON: Moving north in Sonoma?

3 COMMISSIONER FORBES: Let's take Lake and Napa
4 out and put Sonoma back in, I mean, does that -- or
5 200,000 of Sonoma.

6 MS. ALON: Right, there is a little bit more in
7 Sonoma than the other two.

8 COMMISSIONER FORBES: So that is doable, then?

9 MS. ALON: There still would be a split and then
10 it would -- my thought is that it would result also in
11 another Napa split later on.

12 COMMISSIONER FORBES: The split would be in Napa?

13 MS. ALON: Well, there would be a split in Sonoma
14 and then probably another one in Napa, depending on where
15 it got moved to.

16 COMMISSIONER FORBES: So the outstanding
17 population of Sonoma does not equal 200,000?

18 MS. ALON: I'm sorry?

19 COMMISSIONER FORBES: The outstanding population
20 in what we're looking at as a brown or tan Sonoma, the
21 population there is less than 200,000? Because if it
22 were 200,000, it would just about balance Lake and Napa.

23 COMMISSIONER DI GIULIO: Could I ask a question?
24 This goes back to maybe what Commissioner Blanco was
25 saying. With the Golden Gate Bridge, we've heard maybe

1 limited testimony about giving us the permission to cross
2 it, but we've heard a lot of testimony in the second
3 indirect way in terms of the Sonoma and Napa wanting to
4 be kept whole, but in order to accomplish that, de facto,
5 we may have to cross the Golden Gate Bridge. It's not
6 direct testimony, but in order to accommodate that COI,
7 you'd have to make some other assumptions. So, I'm just
8 curious as to whether there's a Lake, Sonoma, Napa,
9 northern part of Marin district that takes some of that
10 population out of the southern part of Marin as a
11 possibility. I don't know, but I'm just wondering if
12 that's something that has been considered.

13 MS. ALON: Well, so the thing about the Golden
14 Gate Bridge is that, if you go down the Peninsula, it has
15 repercussions all the way down to the Monterey Districts.

16 COMMISSIONER DI GIULIO: And that's fine, I just
17 wanted to --

18 MS. ALON: Actually, what you have to do is build
19 upwards from Monterey instead of downwards from Marin,
20 and so if I were to build upwards from Monterey, and
21 change the districts around, and so I'd go over the
22 bridge, it would actually create -- I was told probably
23 to try only to deal with the urban areas, maybe not north
24 of San Rafael --

25 COMMISSIONER DI GIULIO: That's my point. I was

1 wondering how far into Marin you would have to go, you
2 would have to split Marin County, so how far into Marin
3 would you have to go to accommodate the southern?

4 MS. ALON: We'd have to take all of Marin and
5 then split Sonoma if you move it around.

6 COMMISSIONER DAI: Which is okay, Sonoma was okay
7 with being split.

8 COMMISSIONER FORBES: Yes, but I don't think
9 Marin is okay with being dominated by San Francisco.

10 COMMISSIONER DAI: Well, again, we're going to
11 have to make these choices, there are tradeoffs for each
12 one of these options. I'm not sure Redding wants to be
13 with the coast either, I'm pretty sure they don't,
14 actually.

15 COMMISSIONER DI GIULIO: I think the issue with
16 all of this is there's not -- there's going to be some --
17 I don't want to say "harm," there's going to be bad
18 choices, there's better of the worst choices, let's put
19 it that way, there could be one COI that's not been able
20 to take into consideration here, but there's two over
21 here that will not be taken into consideration, so we
22 have to choose the one that's going to balance out the
23 least amount of harm. And I'm not sure what it is in
24 this situation, but I think that's the perspective.

25 COMMISSIONER DAI: So, to me, one of the things we

1 discussed before we got you on line, was the possibility
2 of wrapping around further in the north, instead of going
3 into Redding, going up and around and grabbing Modoc and
4 Lassen and Plumas, right? So, that might solve the
5 Redding issue, which probably would be good.

6 COMMISSIONER FORBES: Well, I had included Shasta
7 County which includes Redding, as well, to get to
8 703,000, it's pretty tough not to include Redding, so you
9 have a mountain cap and a north coast combined.

10 COMMISSIONER DAI: And that's an explicit choice
11 because, again, we heard lots of testimony against an
12 east-west district, this is -- it's a compromise because
13 it doesn't include the Central Valley part.

14 COMMISSIONER FORBES: Right.

15 COMMISSIONER DAI: So there are going to be some
16 people unhappy with that, too. But it might balance out
17 a little bit better and also give us the two North Coast
18 Districts.

19 COMMISSIONER DAI: Any other -- we're waiting for
20 the computer to come back up. So, are there other - I
21 want to open it up to other folks about -- we didn't
22 really go into some of the COIs for Region 8 further
23 south on the San Mateo Peninsula. Are there other people
24 who want to make some comments there? I'll just mention
25 a few. The west valley area, there were some cities

1 there that were split and, again, this was driven by the
2 hard line of the Golden Gate Bridge. We had some city
3 splits, South San Francisco was split, Montera wanted to
4 be with the coast. And at this point, we're going to run
5 into San Jose COIs. Anything else in the East Bay?
6 There was a grab over the hills to grab El Cerrito and
7 San Pablo, which was not optimal, that was driven by
8 what's happening in the Central Valley, so that's
9 something we wanted to fix and maybe go north instead.

10 COMMISSIONER GALAMBOS MALLOY: I would say we've
11 got a conflicting testimony regarding which district
12 Richmond should actually be in. As it was constructed,
13 we had Richmond oriented to the south and grouped in with
14 Oakland. We got some feedback that that was absolutely
15 the right thing to do, we got other feedback that, no, it
16 actually is a problem to have Richmond separated out from
17 the rest of Contra Costa County. I think where that left
18 me is that the priority is we absolutely have to keep
19 Richmond whole, and whether they go north or south,
20 there's actually a bit of flexibility there.

21 COMMISSIONER DI GIULIO: I'm just curious, I'm
22 sure you're providing options, I didn't know if we would
23 have any visualizations that addressed the whole issues
24 of the tri-cities and the tri-valley, the tri-cities
25 being the Fremont, Union City, and the tri-valley cities

1 being the Dublin, Livermore, Pleasanton, and I think that
2 need to break at whatever that mountain range is before
3 you go from one valley to the next, and how that affects
4 that whole push of population up into Contra Costa and
5 also along the whole Oakland, Fremont, down to San Jose.
6 I didn't know if there was any kind of rotating
7 population push to address that.

8 MS. ALON: We do have the visualization for that.
9 I assume the computer is back.

10 VICE CHAIRPERSON DAI: The computer is back. I
11 wonder if you want to talk to the more southern part of
12 the visualization now?

13 MS. ALON: Sure. So just going strictly through
14 -- I'm sorry, I guess the video might be lagging a little
15 behind my voice here -- just quickly going south from San
16 Francisco, the San Mateo district, just to comment on the
17 coastal concern, due to the population in this area being
18 heavily concentrated towards the freeways, there's really
19 not a whole lot of population towards the coast, and so
20 that's what happened with the split there, creating a
21 coastal district is just not possible because there is
22 not enough population. It was tried way at the beginning
23 and it just can't really happen there.

24 Moving south -

25 VICE CHAIRPERSON DAI: I was going to say, can we

1 do the same thing where there is kind of a north coast
2 and a south coast, it looks like that's what you've done?

3 MS. ALON: I'm sorry?

4 VICE CHAIRPERSON DAI: A north coast and a south
5 coast, so there are potentially two districts that have
6 the coast, but they also go inland.

7 MS. ALON: Right and, again, that's due to
8 population. The coastal areas around here are very very
9 sparsely populated. That's why both of them have to go
10 in and take their inland areas.

11 VICE CHAIRPERSON DAI: Okay, keep going.

12 MS. ALON: Okay. So the "SNSMT," let's see, what
13 did we do here? We came in and kept Santa Clara,
14 Cupertino, Sunnyvale, Mountain View area together. Going
15 south to "SNHDL," we have other areas here of Santa Clara
16 County.

17 COMMISSIONER GALAMBOS MALLOY: Could we zoom in
18 closer for the visuals we're seeing right now? Zoom in
19 closer so that we can see the detail and the names of the
20 cities. I think it's difficult for those of us in the
21 back.

22 MS. CLARK: Sure, I can also just make the names
23 of the cities bigger.

24 COMMISSIONER GALAMBOS MALLOY: Sure.

25 COMMISSIONER DI GIULIO: And, Tamina, if you

1 could pause for just a moment after you give
2 descriptions, just so we can absorb it just for a moment,
3 before you move on, that would be great, thanks.

4 MS. ALON: Sure.

5 COMMISSIONER GALAMBOS MALLOY: Yeah, I would
6 agree. Actually, I had wanted to see the detail, I
7 wasn't clear where East Palo Alto was, if you could just
8 confirm that?

9 MS. ALON: East Palo Alto is currently with the
10 "SNMAT" district.

11 COMMISSIONER GALAMBOS MALLOY: Which includes
12 Redwood City? Yes, okay.

13 MS. ALON: Which includes Redwood City.

14 COMMISSIONER GALAMBOS MALLOY: Okay, thank you.

15 COMMISSIONER DI GUILIO: And, Commissioner
16 Galambos Malloy, how does that match up with some of the
17 public testimony we heard the last few days?

18 COMMISSIONER GALAMBOS MALLOY: It actually does.
19 The feedback that we'd gotten was that, previously, East
20 Palo Alto had been linked with cities that were starkly
21 different in terms of socioeconomic and that pairing
22 them in a district that included Redwood City, which I
23 guess has more of a range, would make more sense. So
24 that's why I was zooming in on there.

25 VICE CHAIRPERSON DAI: The challenge is that

1 Menlo Park has been separated from Palo Alto and those
2 are -- so that's a COI that, in this visualization, we
3 weren't able to keep whole. Palo Alto, kind of Woodside,
4 Atherton, Menlo Park, the Stanford area kind of community
5 of interest, we weren't able to keep whole in here.

6 MS. ALON: And if I could just comment on the
7 Menlo Park split here, so that little finger sticking out
8 there is part of the bottom of Menlo Park, but it
9 actually goes farther and is separated by the Census
10 designated place of West Menlo Park, and so it kind of
11 will hook around a little bit and make that finger a
12 little bit longer through those areas, they can be
13 included, but you will be just kind of transferring
14 population somewhere else and it will look a little
15 odder.

16 VICE CHAIRPERSON DAI: Okay. Go ahead.

17 COMMISSIONER ANCHETA: Tamina, this is
18 Commissioner Ancheta speaking. There is -- and we can
19 wait until later -- but there is a pushup issue coming up
20 from the Monterey District that goes into this particular
21 district. I mean, there's an option that goes this way,
22 there are a couple options. I don't know if you want to
23 get to that or just wait until --

24 VICE CHAIRPERSON DAI: Well, let me do a time
25 check with the Commission. It is ten to noon, we're

1 scheduled to take a lunch break for an hour, I'm
2 wondering if we're willing to shorten it to 45 minutes?
3 Okay, so we'll go to 12:15 and then I would like to let
4 Tamina finish talking through this and then I want to
5 open it up to the full Commission and get other comments
6 for the rest of Region 8. And it may be appropriate at
7 that point to kind of segue into Region 7 which is, of
8 course, San Jose.

9 So, Tamina, why don't you quickly talk us through
10 just the other ones going up to the East Bay, I guess?

11 MS. ALON: Okay. So, going up the East Bay, I
12 started here in Fremont, which if you look at the
13 visualization here, we have Fremont, Newark, Union City,
14 Hayward, Milpitas, and Berryessa in one district. We
15 could do that -- if you look next door at the "FRNWU"
16 District, you have an elongated district which includes
17 Dublin, Pleasanton, and Livermore, and goes south to
18 Morgan Hill. So, the Morgan Hill, San Martin, those
19 three cities are together, Dublin, Pleasanton, and
20 Livermore are together, but they are separated away from
21 San Ramon. So they are within -- they do not cross
22 Alameda County line, so they keep the county together and
23 come over to San Leandro, but they are away from San
24 Ramon in this visualization.

25 COMMISSIONER GALAMBOS MALLOY: Tamina, can I ask

1 a clarification on the Fremont district? You mentioned
2 the inclusion -- so we cross the Santa Clara County line
3 and we included Milpitas and Berryessa. Are there any
4 other portions of Santa Clara County that are in the
5 Fremont District?

6 MS. ALON: There is a tiny little head of San
7 Jose that's right next to Milpitas, but really just
8 coming down to Berryessa.

9 COMMISSIONER GALAMBOS MALLOY: Okay, thank you.

10 VICE CHAIRPERSON DAI: And that gives an Asian --
11 that's a CVAP number we're looking at, 45.42 percent?
12 Tamina?

13 MS. ALON: I'm sorry?

14 VICE CHAIRPERSON DAI: Is that an Asian CVAP
15 number we're looking at for the Fremont District, 45.42
16 percent?

17 MS. ALON: Oh, I'm not sure what numbers --

18 MS. CLARK: this is VAP.

19 VICE CHAIRPERSON DAI: That's VAP, okay.

20 MS. CLARK: Yes.

21 MS. ALON: And for the "FRNWU" District, also
22 keeps together San Leandro, San Lorenzo, Castro Valley,
23 Cherryland, Ashland, and Fairview, of which we got some
24 testimony about that being the Eden area. They weren't
25 able to incorporate Hayward, which was needed for the

1 Fremont District, but the rest of that Eden area is kept
2 together in this district.

3 COMMISSIONER GALAMBOS MALLOY: I think, Tamina, I
4 appreciate what you've tried to do here because you're
5 exactly following the direction you've been given; I
6 think the challenge with the Eden area is that those are
7 smaller, some of them unincorporated areas, of Alameda
8 County, and we did hear how dependent they are on
9 Hayward. However, we're attempting to balance a good
10 handful of very strong and compelling COIs in this
11 region, and so I think this is a very valid visualization
12 for us to be looking at right now.

13 MS. ALON: Sure, and absolutely you can take
14 Hayward into Eden, but there's a good probability that
15 your Fremont, Newark, Union City COI may be disrupted.
16 So you may have to choose between the two of those.

17 COMMISSIONER DI GIULIO: And I would just like to
18 say that I know that this was something we heard quite a
19 lot about, and there was a proposal from this area to try
20 and combine all of these, but I think an example of when
21 we do that, the consequences that ripple out are
22 significant and I think that the district to the east of
23 that is an example of this, where it starts and it goes
24 over into Castro Valley, it goes over the hill, it grabs
25 the Pleasanton Livermore area, and then drops way down, I

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1 think on numerous areas, there's people and COI
2 testimony, actually both, as well as probably individuals
3 that would say, for each one of those other areas, those
4 three other areas, that it's problematic in order to
5 allow the Fremont, Union City Hayward COI. It just comes
6 at a very big cost. So I'm not sure how we're going to
7 move forward with this, but I feel like we need to
8 address the balancing act for those other areas if it
9 means the split for this tri-city area and, if so, where
10 are we going to have that split to accommodate the other
11 COIs.

12 COMMISSIONER GALAMBOS MALLOY: Tamina, can I ask
13 you what the percentage county split is on the north side
14 and the south side of the Santa Clara County line for the
15 Fremont District?

16 MS. ALON: I don't have that right in front of
17 me.

18 COMMISSIONER GALAMBOS MALLOY: Okay, if you don't
19 have it now, you can get it to us later. I'm just trying
20 to get a sense of the balance of population in this
21 district across the --

22 MS. ALON: Sure. I can definitely get that.
23 And, again, this was an attempt to keep the Berryessa and
24 Milpitas areas together, and then the Berryessa Milpitas
25 Fremont areas together, as there was COI testimony about.

1 COMMISSIONER BLANCO: I would really concur with
2 Commissioner Di Guilio; I feel that striving to meet this
3 one group's community of interest is really creating a
4 lot of contortions in other parts of this area. San
5 Leandro is traditionally seen as part of the corridor
6 that comes down 880, and it's not usually part of the
7 corridor that goes with 580 East, it's really -- in fact,
8 it's a community that has become a spillover from Oakland
9 and more and more people are moving down there. So, I
10 think that, to me, is really a stretch and it takes it
11 out of a logical community. Where is the split in San
12 Jose in this visualization?

13 MS. ALON: Where is the split where? I'm sorry.

14 COMMISSIONER BLANCO: San Jose.

15 MS. ALON: Half Moon Bay?

16 VICE CHAIRPERSON DAI: San Jose.

17 MS. ALON: Oh, I'm sorry, San Jose. We're
18 splitting right underneath the Berryessa line. Alum Rock
19 is not included in the Fremont District.

20 COMMISSIONER DI GUILIO: I would just like to see
21 -- I mean, this is, obviously, one visualization that
22 Tamina has put together and I'm going to throw something
23 out, is that I feel like this is not something that is
24 acceptable because of the consequences.

25 COMMISSIONER BLANCO: Yeah.

1 COMMISSIONER DI GIULIO: I mean, we could sit
2 here and kind of debate this or that, but I feel like, to
3 me, I'm going to put it out there that this is not
4 acceptable, so I'd like to see what could happen when you
5 take into consideration the issues we've heard from South
6 San Jose, the southeastern San Jose, as well as the areas
7 in the tri-valley area, as well as those of San Leandro
8 and the Castro Valley. I mean, I think we have to look
9 at the options to say there may be a split in this tri-
10 cities area, and let's try to minimize the harm there,
11 but we can't sacrifice the other areas just to keep that
12 one COI together.

13 VICE CHAIRPERSON DAI: I want to do another time
14 check. It's noon right now, we agreed to work for 15
15 minutes, we could also choose to sacrifice our lunch hour
16 and make it a half hour, I'll let you think about that. I
17 wonder if it would be most valuable now to let
18 Commissioners Ancheta and Barraba talk about Region 7
19 because it has the Monterey District which is affecting
20 this area, because there is probably a choice we have to
21 make there. Is that --

22 CHAIRPERSON YAO: Can I make one additional
23 comment before we move off the region? In terms of the
24 Menlo Park with the Silicon Valley, is there any interest
25 in trading Stanford and all the small cities to the north

1 and west for Menlo Park to be part of the Silicon Valley?
2 Just mathematically, if I add up all the smaller cities
3 plus Stanford, that comes very close to the population of
4 Menlo Park.

5 VICE CHAIRPERSON DAI: I have a question. Is
6 there a contiguity problem between East Palo Alto and -
7 where is East Palo Alto -- yeah, East Palo Alto and
8 Redwood City?

9 MS. ALON: Yes, so East Palo Alto is separated
10 from Redwood City by Menlo Park, and so if we were to
11 shift Menlo Park into the southern district, East Palo
12 Alto would come with it.

13 VICE CHAIRPERSON DAI: Got it. I think that is
14 not ideal, but, I mean, realistically --

15 CHAIRPERSON YAO: Okay, the population just isn't
16 there.

17 VICE CHAIRPERSON DAI: Yeah.

18 CHAIRPERSON YAO: All right.

19 COMMISSIONER BLANCO: On this previous issue we
20 were looking at with the cluster of cities, I guess we
21 should really decide, it's not acceptable, and one thing,
22 I had thought about this a lot when we were in that
23 hearing, and one thing that could - it's not ideal for
24 anybody, but could resolve some of the issues in a
25 logical way, would be to use the county line - I mean

1 with the tri-cities, you know, that one thing -- and keep
2 some of the communities of interest together, but I would
3 actually like to see something with the split at the
4 county line.

5 VICE CHAIRPERSON DAI: Okay, so that's a
6 direction to explore.

7 MS. CLARK: I would like to clarify that you're
8 speaking to the Santa Clara Alameda County line and using
9 that as a hard line for Congressional districts?

10 VICE CHAIRPERSON DAI: Explore it as an option.

11 COMMISSIONER BLANCO: As an option, yeah.

12 MS. CLARK: And that will, I would imagine,
13 likely push population over the Golden Gate Bridge.

14 VICE CHAIRPERSON DAI: We also have to explore
15 that as an option.

16 MS. ALON: It will definitely split Oakland.

17 COMMISSIONER GALAMBOS MALLOY: I'd like to point
18 out in relation to some of the different areas like, for
19 example, this county line; we have had significant COI
20 that indicates that it's okay to cross it. I agree we
21 should look at it as a visualization, but we have gotten
22 significant COI that would support if we cross; I think
23 we've had similar considerations for many of the other
24 county lines, even for some of the bridges throughout the
25 region. So, again, I appreciate that we should move

1 through the exercise, but we do have permission in most
2 cases to cross these lines.

3 COMMISSIONER FORBES: Well, let me just, we heard
4 Tamina say that it would guarantee splitting Oakland, as
5 well, so splitting Oakland and crossing the bridge, to
6 me, is a pretty high price to pay.

7 COMMISSIONER BLANCO: Then I withdraw that. I'm
8 trying to figure out a logical way to not just take --
9 the heart of this map here can't be just keeping -- we've
10 done this before, we've been down this road where
11 somebody in the small contained area says, "We are the
12 community of interest," and we build out around it with
13 all kinds of consequences, we've been down that road and
14 I want us to not go down that road on this, and that was
15 an attempt to say maybe you can't keep all of that
16 community of interest together. But we don't have to do
17 the county line. If I know right now that that's what it
18 does, it's not necessarily, but I was trying to figure
19 out a way that we can keep some of those together in a
20 logical way, but not all of them.

21 COMMISSIONER FORBES: I don't remember the
22 implications of this, but I do remember people commenting
23 that Fremont and Newark were much -- Union City was
24 almost an afterthought, at least what I heard. And, to
25 me, they wanted to keep Fremont together and because

1 Newark is in the middle of Fremont, you end up with them
2 together. So, it seemed to me that if we wanted to
3 discuss this, or give direction, that you could pull on
4 Hayward and Union City and keep the Fremont Newark as the
5 core.

6 VICE CHAIRPERSON DAI: Right.

7 COMMISSIONER FORBES: And see what goes from
8 there.

9 VICE CHAIRPERSON DAI: Yeah, that's exactly
10 consistent with the testimony. Fremont and Newark are
11 always talked about together and often the tri-city, too,
12 but I think the Fremont Newark connection is stronger.

13 At this point, we have 10 minutes. I would like
14 Commissioners Ancheta and Barraba to talk about Monterey
15 because our choice in Monterey may actually force choices
16 in this area, and we got, I think, very clear direction
17 from Mr. Brown this morning, so I think we will have to
18 make a choice.

19 COMMISSIONER ANCHETA: So, and I don't -- Jamie,
20 do you have Tamina's -- well, let me back up. Without
21 going through the various testimony assumptions, let's
22 just sort of start in with the Section 5 discussion. The
23 first draft map had the Latino VAP at around 42 percent,
24 the benchmark is at 44 percent, based on counsel's advice
25 this morning, we need to increase that, so we can't go

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1 with the first draft based on that advice. There's an
2 argument out there to maintain it, but if we're going to
3 follow advice, at this point we would have to increase.
4 Tamina did try to map out a couple of visualizations
5 where she would up the percentages, and I think one had
6 significant ripples going up through San Francisco and
7 another had a few ripples, but it does have to divide a
8 number of cities including, I think, Santa Cruz and
9 either Santa Clara or Cupertino. So, if you can pull
10 that up and maybe Tamina can highlight what's going on
11 there. But it would exceed benchmark.

12 VICE CHAIRPERSON DAI: Right. Okay, go Tamina.
13 Can you see it, yet?

14 MS. ALON: Sort of, okay. So the district we
15 looked at creating has -- we took Gilroy and we took half
16 of Santa Cruz City, and so we have a split in the middle
17 of Santa Cruz City, we have a split where the Santa Clara
18 County line is, and we have taken Gilroy away from San
19 Martin and Morgan Hill. This new district meets the
20 benchmark and, so, this visualization that we were just
21 previously looking at, it was built off of this
22 particular visualization. So, there are a couple of
23 options in terms of switching the population around and
24 you have a couple of different visualizations, I believe,
25 on that. The one that we're looking at here is, if we

1 were to keep that Fremont area together, then you have
2 this option, however, if you were to go back to the maps
3 as they were first drafted, and not look at the rest of
4 this visualization, just plugging in this new Monterey
5 District will either require you to push the population
6 up over the bridge, or to split Cupertino or Santa Clara
7 to be able to balance these districts that touch Monterey
8 County.

9 VICE CHAIRPERSON DAI: Okay, so this was one of
10 the options that exceeds the benchmark per counsel.

11 COMMISSIONER BARRABA: Commissioner Dai? I'd
12 like the Commission to see the original one which doesn't
13 exceed it, but what it does relative to meeting, I think,
14 the other intent of what our job is, which is to create
15 not only communities of interest, but compact districts,
16 and the amount of county lines that have to be crossed,
17 as well as cities.

18 VICE CHAIRPERSON DAI: Do you have that one? Is
19 it the same one as in our first draft maps?

20 COMMISSIONER BARRABA: No.

21 VICE CHAIRPERSON DAI: Okay, so we're going to
22 look at a second option that retrogresses, but, again,
23 per advice of counsel, we probably can't implement it.

24 COMMISSIONER BARRABA: That is advice of counsel,
25 not -- earlier someone said the direction, I think we

1 take his advice, we are not following it by direction, as
2 I recall. It's our choice, I would think.

3 CHAIRPERSON YAO: My understanding is it is more
4 direction than it is a choice.

5 VICE CHAIRPERSON DAI: I think he was pretty
6 clear about that.

7 COMMISSIONER BARRABA: I understand he was clear,
8 I'm suggesting that I'm not clear on it.

9 VICE CHAIRPERSON DAI: Okay, well, we can
10 certainly have the Commission vote on that, but I
11 personally would not be willing to risk having all of our
12 maps thrown out because we retrogressed on a Section 5
13 district.

14 COMMISSIONER DI GIULIO: And this is the
15 retrogression in terms of the LVAP.

16 VICE CHAIRPERSON DAI: This is the retrogression
17 of two percent in terms of Latino --

18 COMMISSIONER DI GIULIO: In terms of LVAP as
19 opposed to the other retrogressions we've talked about
20 which are the smaller.

21 COMMISSIONER BARRABA: It's not two percent, it's
22 a percent and a half because what you're looking at is
23 the revised one.

24 VICE CHAIRPERSON DAI: Okay, so this is an
25 alternative that retrogresses Latino -

1 MS. CLARK: Okay, I just want to clarify that
2 this is the district that was in the first draft maps and
3 it does -- the LVAP is below the benchmark.

4 COMMISSIONER FORBES: Can I ask -- so, the
5 benchmark is 44.5?

6 MS. CLARK: The benchmark is 44.16.

7 COMMISSIONER FORBES: Okay, and Commissioner
8 Barraba, do you want to make your case? I mean, I
9 understand that --

10 COMMISSIONER BARRABA: Well, I mean, the case is
11 that we're about to split a large city in half and put it
12 -- and create a ripple effect up the coast, which is
13 going to revise, unfortunately, everything else we've
14 done for a percent and a half on retrogression, and, as
15 well, cut into Santa Clara County to pick up Gilroy.

16 COMMISSIONER GALAMBOS MALLOY: This is an area
17 where I definitely heard Mr. Brown's opinion this
18 morning. I think it would be useful for us to be
19 provided with more context as to how the Department of
20 Justice has dealt with similar cases in other parts of
21 the country. I am grappling with this one because I
22 really do wonder whether the many impacts of this small
23 percentage that are going to reverberate throughout the
24 entire region, that's a tremendous trade-off. I feel
25 like, yes, the cleanest thing would be if we could

1 improve our numbers, yet the number of, you know, when
2 you look at city splits, county splits, community of
3 interest splits, I feel like I would like if not a second
4 opinion, definitely more context to help inform the
5 Commission before we make a decision on it.

6 VICE CHAIRPERSON DAI: Commissioner Ancheta.

7 COMMISSIONER ANCHETA: Well, you can go back to
8 Mr. Brown for more. I don't know that he'll give us
9 more, other than saying -- it is a totality of
10 circumstances analysis, so it's not solely by the
11 numbers, you know, the examination of registration
12 numbers, other election data relevant to the Latino
13 population. As I recall, I don't think there are
14 improvements along those dimensions if you stay with this
15 district, I think they're still below benchmark. I don't
16 know what to do about this other than saying that those
17 are the numbers right now and I think, unless you had
18 some additional analysis by our expert on some of the
19 actual election data that might show that, even with the
20 lower number, you'd still have the ability to elect, that
21 might be something, but this is one of those areas where
22 the numerical indicators on their face move in a certain
23 direction. Again, you can ask for more from counsel on
24 that.

25 VICE CHAIRPERSON DAI: Commissioner Blanco.

1 COMMISSIONER BLANCO: First of all, just before I
2 get into the legal question, our new one has Gilroy in
3 with this? Is that true?

4 COMMISSIONER BARRABA: Yes.

5 COMMISSIONER BLANCO: Because we heard a lot of
6 testimony about that, correct? I mean, apart from all
7 the Section 5 issues, didn't we hear a lot about Gilroy
8 being --

9 VICE CHAIRPERSON DAI: With San Martin and --
10 yes, we did.

11 COMMISSIONER BLANCO: So part of that is also
12 based on community of interest testimony. So, on the
13 Section 5, I spent some time this morning reading Mr.
14 Avila's submission on Section 5, and on Monterey County,
15 in particular. It was related to the Senate Districts,
16 but in so doing, he also gave a lengthy history on the
17 history of discrimination in Monterey County and what's
18 been the basis for many of those local level, county
19 level, and other Section 2 and Section 5 lawsuits over
20 the past 30 years in this area. I think a lot of people
21 understand that Section 5 really hamstrings us; I'm not
22 willing, especially if we were talking about some of the
23 other areas we've looked at where we've looked at a
24 smaller number. In Monterey County, with a two percent
25 retrogression, I'm not willing to take the risk.

1 VICE CHAIRPERSON DAI: One more comment.

2 COMMISSIONER DI GIULIO: Can I just say I
3 understand, I think part of this is, if you look in the
4 Central Valley, which we will get to, the City of Fresno
5 was split from Merced, the City of Bakersfield was split
6 for Kings, it's really a shame, and I would like to see
7 if there is a way that we could keep the retrogression
8 and try -- I think Commissioner Barraba has raised this
9 in the past, that if we can keep as much of the integrity
10 of the Bay together as possible, to try to minimize the
11 split maybe in Santa Cruz, but particularly since this is
12 a Federal District, and we would like to keep the coast
13 of the Monterey Bay as whole as possible, which looks
14 like a significant part was, but I guess I feel like, for
15 Section 5, the LVAP numbers are - it has caused some bad
16 splits for cities where --

17 VICE CHAIRPERSON DAI: And I just want to make
18 clear that, I mean, I think we all heard again this
19 morning Mr. Brown was really clear that compliance with
20 the Voting Rights Act far outranks cities, counties, and
21 communities of interest, so if our only rationale for
22 retrogressing is to keep cities, counties, and
23 communities of interest whole, that is not going to work
24 as a totality of the circumstances case, and he was
25 extremely clear about that.

1 COMMISSIONER BARRABA: There is another piece of
2 information that I would like to get from our Voting
3 expert, is an assessment of the likelihood of an election
4 of a Latino under both conditions.

5 VICE CHAIRPERSON DAI: We can certainly request
6 that.

7 MS. CLARK: I would like to address Commissioner
8 Di Giulio's suggestion of trying to minimize the Santa
9 Cruz city split and, basically, this district needs
10 Gilroy to meet the benchmark, and so I think that would
11 be the only population that could be pulled out.

12 VICE CHAIRPERSON DAI: Can you -- if you added
13 San Martin and Morgan Hill, does it dilute the benchmark?
14 Does it dilute it to fall below the benchmark?

15 MS. ALON: Yes, it will.

16 VICE CHAIRPERSON DAI: Okay, so they tried the
17 obvious, which was to try to keep that COI together,
18 apparently not enough Latinos in San Martin and Morgan
19 Hill. Yeah, I mean, I think it's not ideal, but, again,
20 I think Commissioner Di Giulio is right; all of the
21 Section 5 districts have caused splits elsewhere.

22 COMMISSIONER BARRABA: As I understand the intent
23 of the Voting Rights Act, it's not to eliminate the
24 chance of a Latino being elected. I'd like to see what
25 the difference is between those two options. I don't

1 think that's an unreasonable request.

2 VICE CHAIRPERSON DAI: Yeah, I think we can ask
3 that. Commissioner Ancheta, do you have any comments on
4 that?

5 COMMISSIONER ANCHETA: I don't know if that's
6 within the contract, I'm not sure if -- we might have to
7 go beyond the contract to get that. He may have that
8 available, I just don't know. We'd have to ask counsel
9 to speak with Dr. Barretto regarding that kind of
10 differentiation. And just as a reminder, I mean, there
11 are some other options, for example, the wraparound to go
12 up to Alum Rock, which we've seen in other districts --

13 VICE CHAIRPERSON DAI: Which I personally thought
14 was not good, so this actually fixes that. We no longer
15 are splitting off East San Jose, so this is actually a
16 remedy for something we heard a lot about in our San Jose
17 area.

18 COMMISSIONER ANCHETA: And again, I think Ms.
19 Alon spent a lot of time trying to work out a lot of
20 different variations where -- and again, it's simply to
21 maintain that percentage of Latino VAP, you've got to go
22 to the Latino concentrations. The demography of this
23 area is such that, as you move further north, you just
24 don't have the numbers to hit that mark.

25 VICE CHAIRPERSON DAI: Tamina, is it correct to

1 say that the only two Latino concentrations that would
2 solve the problem for the benchmark are in Gilroy or Alum
3 Rock?

4 MS. ALON: Yeah. I've tried probably about 18
5 different variations of trying to figure out a way to do
6 this and, really, the only way is to take Gilroy, Morgan
7 Hill, and San Martin don't have enough, and what you
8 would have to do is go into San Jose, is just take the
9 Alum Rock area and create kind of snake-like finger into
10 just that area, and then that would still split Santa
11 Cruz because there is no other real population of note in
12 Santa Cruz County. So there are really not a whole -
13 this is really the only option, really, to the extent
14 that this is a good option, it's the cleanest option that
15 I've been able to come up with, and I have spent
16 significant time on this.

17 VICE CHAIRPERSON DAI: Let me just make sure we
18 consider all our options. Going south obviously dilutes
19 it even further?

20 MS. ALON: Yes, south will not work.

21 COMMISSIONER GALAMBOS MALLOY: Tamina, I think
22 this is a dramatic improvement on where we were at
23 before, I think that what made me most nervous about this
24 area was that we had essentially two groupings of
25 Latinos, you know, one on the east side of San Jose, and

1 one of those groupings of Latinos was saying, "This
2 district doesn't work for us," and if the entire intent
3 is to make voting and make elections work for minority
4 populations, something about that was not sitting right
5 with me. So, I think we are making progress. And I
6 appreciate being pointed to Mr. Avila's testimony, I had
7 not had a chance to review that, so with that in mind, I
8 would feel comfortable moving ahead with this for now.

9 VICE CHAIRPERSON DAI: Commissioner Forbes.

10 COMMISSIONER FORBES: I just have two questions,
11 one is there has been reference to the LVAP and CVAP, and
12 Mr. Avila, so I don't know what --

13 VICE CHAIRPERSON DAI: It's LVAP for Section 5.

14 COMMISSIONER FORBES: Okay. And is there
15 anything that we can do that would increase the Latino
16 population by doing a name search or other mechanisms to
17 get a more accurate piece of data as to what is actually
18 there?

19 VICE CHAIRPERSON DAI: So, just to clarify, LVAP
20 is pretty accurate, it's very accurate; it's CVAP that is
21 not accurate.

22 COMMISSIONER FORBES: Okay.

23 VICE CHAIRPERSON DAI: So this is accurate.

24 COMMISSIONER FORBES: Okay, I'm trying to think
25 because Mr. Avila's testimony, I think, refers to CVAP.

1 VICE CHAIRPERSON DAI: Which would be for Section
2 2.

3 COMMISSIONER FORBES: Well, let me see here,
4 sorry to take the time to go back to it.

5 COMMISSIONER ANCHETA: And just to clarify, I
6 mean, part of Mr. Avila's argument, both in his written
7 testimony and his oral testimony, it is focusing largely
8 on the Senate Districts and potential Section 2
9 violations because of significant disparities in the CVAP
10 numbers between proposed district and our first draft
11 district. I think his testimony was pretty extensive, it
12 does look at sort of the history of Monterey County and
13 litigation that's been brought in the County and issues
14 of Latino Voting Rights, but I think there is a lot in
15 there, I think it is over 30 pages of written testimony,
16 single-spaced.

17 VICE CHAIRPERSON DAI: So not all of us have
18 absorbed it yet.

19 COMMISSIONER ANCHETA: Right.

20 VICE CHAIRPERSON DAI: So, a time check, it is
21 12:20. We can to 10 more minutes if you want, or we can
22 have a 40-minute lunch. You know, our Mappers are going
23 to have to leave shortly after 3:00 and we really want to
24 get through all the Congressional Districts. I think we
25 can act on Commissioner Barraba's request to look at the

1 history of voting and that might fall in the scope of Mr.
2 Barretto's contract, since he's looking at --

3 COMMISSIONER ANCHETA: Yeah, I think we'll just
4 have to consult with Gibson, Dunn & Crutcher and have
5 them check in with Dr. Barretto regarding that question.

6 VICE CHAIRPERSON DAI: But I do think we need to
7 make a decision on what are we going to use going forward
8 because it will affect how we draw the districts above it
9 in the Bay Area, and which communities of interest we can
10 keep whole now that we've gotten past the Voting Rights
11 Act issue.

12 COMMISSIONER BARRABA: I'm okay with -- earlier,
13 we raised the question to make sure you are satisfied
14 with it, and I'm not satisfied with this, but as a member
15 of the Commission I'm ready to go forward with it. But I
16 would just like everybody to keep in mind that there is
17 an alternative that has to be considered later on if we
18 find information that allows us to.

19 VICE CHAIRPERSON DAI: Thank you, Commissioner
20 Barraba. With that, I am wondering, do we want to go 10
21 more minutes and look up, or do we want to take a 40-
22 minute break and try to read that 30-page testimony?
23 Lunch? Okay, good break point.

24 CHAIRPERSON YAO: All right, we're going to
25 adjourn for lunch at this point and be back at 1:00 p.m.

1 Thank you.

2 (Recess at 12:23 p.m.)

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