

6.7.11

Dear Commissioners:

Thank you for taking the time to hear the concerns of the people of the Tri-Cities today.

In the proceedings, the commission legitimately asked what we recommend to make sure the Tri City stays together in a Congressional District. As we testified, maintaining the Tri-Cities in a Congressional seat anchored in an Alameda County district is our highest priority.

The district should include San Lorenzo, Ashland, Cherryland, Castro Valley, Hayward, Newark, Union City, and Fremont. This district would maintain the integrity of the Tri-Cities and stay within county lines.

Another alternative option would be to include Milpitas, the city immediately adjacent to Fremont. While Milpitas is firmly rooted in Santa Clara County institutions, it is currently a part of the 20th Assembly District and grouped in with Fremont Newark and Union City. Fremont and Milpitas are also interconnected economically. This similarity fades deeper into Santa Clara County past Milpitas.

As the testimony made clear, it makes no sense to group Fremont with East San Jose and in a Santa Clara County District. You can push the San Jose district further South and East to make up for population, as the Columbia University map recommends.

An I-880 North to South District starting from San Lorenzo is compact, elegant, and possible, while keeping communities of interest together. It will meet with great approval from almost all the citizens affected. This is what the Columbia University map, more or less, proposes which looks at all the California Congressional maps objectively. Here is an attachment.

http://redistrictingpartners.com/wp-content/uploads/2011/05/CA-06-Marin-to-Contra-Costa_Page_2.jpg

Once again, thank you for your time and willingness to listen to the people of the Tri-Cities.

Sincerely,

Aref Aziz

Dear Commissioners and Q2:

As you can imagine, the hundreds of folks who emailed and organized were watching the Commissioner's direction with great interest. We appreciate the numerous directions to Q2 to create the North-South Alameda County district following I-880 with Hayward to Fremont that we testified to. We appreciated the testimony that the "next generation" of maps released on June 10th should mirror the State Senate district. We appreciate the call on Q2 to "experiment" to get Fremont back into an Alameda County District. We hope Q2 meets this challenge. We have already had numerous press inquiries from the LA Times, SF Chronicle and others about whether Q2 is being responsive to citizen input. But we have told our supporters and local elected officials to hold off on comment until we see the next set of maps because we are confident that Q2 will be responsive to our numerous C.O.I. testimonies

We understand and are sympathetic to the population constraints, and the commission not wanting to cross the Golden Gate Bridge.

As a compromise, we want **THE VAST MAJORITY OF FREMONT BACK IN ALAMEDA COUNTY**. We also would like Newark back in Alameda County. This is our bottom line that hopefully will satisfy the hundreds of activists who plan to continue to mobilize and be engaged on this issue. It's the right thing to do. Right now, the split is 35/65. But, Fremont and Newark, as you can tell identifies with Alameda County, and Hayward/Union City. If we can get a strong majority of Fremont with Alameda County, I think people will feel their voices were heard. Even if this means having to push San Leandro into Oakland, or putting us in with the Tri Valleys. What is most important to us is having as much of Fremont back in Alameda County.

I hope the June 10th maps will reflect our testimonies and put a vast majority of Fremont back in an Alameda County district. With this the people will feel the Commission and Q2 listened to our testimonies. If not, we will have even more people out at future meetings, and this will continue to be a sore point. For example, look at today's article about the process:

http://www.insidebayarea.com/oaklandtribune/localnews/ci_18224910

Thank you for listening to us, and your willingness to help address our concerns.

Best of Regards,

Aref Aziz

Chair, "Fremont in Alameda County Coalition"

6.9.11



THE CALIFORNIA
INSTITUTE
FOR JOBS, ECONOMY AND EDUCATION

June 8, 2011

BY EMAIL: votersfirstact@crc.ca.gov

Honorable Commissioners
California Redistricting Commission
1130 K Street, Suite 200
Sacramento, CA 95814

Dear Commissioners:

On behalf of the California Institute for Jobs, Economy and Education (“the Institute”), this is to comment on several issues that arose during the Commission’s meetings on May 26-27, 2011 and several points concerning the “visualization maps” that have been released prior to the projected release of the Commission’s “tentative maps” on June 10, 2011.

1. Racially Polarized Voting Studies

The Commission has yet to retain an expert to evaluate “racially polarized voting” issues. Evaluation of such issues is relevant to determining whether the Commission is required to draw districts that comply with section 2 of the Voting Rights Act, in conformance with the requirements of Article XXI, section 2(d)(2) of the California Constitution. This determination is one aspect of reaching a legally defensible conclusion and findings as to whether any plan drawn by the Commission is susceptible to evidentiary challenges under parts 2 and 3 of the tests established by *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986).

The Commissioners have asserted without any evidentiary justification that no “racially polarized voting” exists that would affect the drawing of districts in south central Los Angeles County that have been represented by African American legislators and members of Congress, and have so reflected this in the “visualization maps” released this past week. We understand at yesterday’s hearing that the Commission’s counsel advised Commissioners that the testimony alone from affected communities about the absence of “racially polarized voting” would be a significant factor allowing the Commission to reach such a conclusion.

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On the other hand, the Commissioners have asserted that there may be evidence of “racially polarized voting” that affects the drawing of legislative and Congressional districts in the San Gabriel Valley of Los Angeles County and in central Orange County that affect Latino and Asian Pacific Islander populations in that county. However, the only evidence presented thus far is that of CAPAFR concerning current AD 49, and it appears that no evidence has been submitted concerning central Orange County. Just as the court in *Cano v. Davis*¹ in 2002 concluded that it could not rely in 2002 upon the findings of a sister district court made ten years earlier in *Garza v. County of Los Angeles*² that “racially polarized voting” was present in Los Angeles county in 1991, the Commission is at hazard in 2011 relying upon *Cano v. Davis*’ 2002 conclusions that “racially polarized voting” was no longer present in the districts in question in 2001 (SD 28 and CD 27). This is particularly true where the Commission’s focus has been on ‘visualizations’ for draft districts other than in southern Los Angeles County and the San Fernando Valley.

The burden of proving that “racially polarized voting” does or does not exist and that factual evidence, not opinion, exists to support such a determination rests with the Commission. If the Commission errs in concluding vote dilution need not be corrected by drawing appropriate section 2 districts, or may be avoided by drawing section 2 districts where evidence does not require them, it faces greater risk of legal challenge for violating other Article XXI section 2(d) requirements.

2. Commission Maps for Section 5 Districts and Supporting Data

The Commission’s maps to be released on June 10, 2011 should comply with section 5 and the data and legal assumptions used in drawing these districts should be made public as well. While the comments of the line drawers to Commissioners over the past few meetings have indicated that the proposed districts will comply with section 5, neither the Commission’s counsel nor its line drawing experts have indicated what standard they assert the Commission is obliged to use to comply with section 5. The Institute’s plans demonstrated that the proposed section 5 districts’ CVAP percentages were non-“retrogressive” compared with the corresponding, current districts. Does the Commission believe that CVAP is the measure to use to compare for “retrogressive” effect, and if not, why not? The Institute urges the Commission to reconsider draft maps for section 5 districts and to provide the data used to justify non-“retrogressive” effects.

¹ 211 F.Supp.2d 1208 (C.D. Cal. 2002)

² 918 F.2d 763 (9th Cir. 1990)

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3. Other Comments on Visualization Maps

A. Excessive Population Deviations in Draft Maps

As of Tuesday, June 7, 2011 certain districts still contained population deviations higher than 2 percent. Despite the resolution adopted by the Commission on May 27, 2011 that it was striving to attain population deviations of less than 1% and no more than 2% for legislative districts, the Institute is greatly concerned that the release of “draft” maps with population deviations of this magnitude will only exacerbate the difficult trade-offs the Commission will face in rounds 2 and 3 of public input. As you have now experienced with the outcry from local communities of interest from Fremont and Marin County, intensity is heightened at the very time you will be faced with making precise adjustments to more fully meet the exacting requirements of the California Constitution.

B. “Sharing the Pain” Concept Aggravates Jurisdiction Division Problems

The concept of “sharing the pain” is legally suspect and unreasonable, when multiple cities are split in the same set of maps rather than looking for population from counties and cities already split. This is contrary to the Article XXI, section 2(d)(4) criteria of keeping counties, cities and “communities of interest” together. The Constitution doesn’t say avoid division of cities, counties and communities of interest unless you have to split one city or county and then split them all to share the pain. The theory can make sense when applied across the sets of maps for Assembly, Senate, Congress and the Board of Equalization. Of course, the nesting the two Assembly districts would be an obvious way to ameliorate or reconcile such dilemmas. For instance, if Fremont is split in between two Assembly districts, then it should not be split in the Senate and could be kept undivided if the two Assembly districts are nested in a single Senate district.

C. “Fingers and Toes” Problem

Finally, the Institute strongly believes that with respect to the issues of compactness, the Commission should not “cut off fingers and toes” of city boundaries because the edges are not smooth or even. These are city boundaries. Compactness and contiguity are functional concepts, as you were instructed by Gibson, Dunn & Crutcher in its legal memorandum and reminded by Gibson Dunn & Crutcher attorney Dan Kolkey on Tuesday, June 7, 2011, and are specifically defined as not bypassing nearby population to reach more distant populations. A disciplined evaluation of the visualizations presented thus far leads the Institute to conclude that the draft maps exhibit many instances in which the Commission has bypassed nearby populations to reach more distant populations by “cutting off” city boundaries and joining the severed portions with other jurisdictions. In some cases the action has been intentional as a result of public testimony.

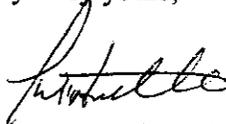
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In other cases it has been accomplished because of specific peccadilloes of individual commissioners. This is no more appropriate than incumbents drawing districts to favor their re-elections.

Thank you for the opportunity to submit written comments. The Institute's legal and technical representatives will present this information and other comments at the Commission's June 9, 2011 meeting in Sacramento.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. Hiltachk", written over a horizontal line.

Thomas W. Hiltachk

Cc: Daniel Kolkey, Esq. and George Brown, Esq.,
Gibson, Dunn & Crutcher, LLP

RESOLUTION #2011-316**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON
PROTESTING THE "VISUALIZATION" MAPS OF THE CITIZENS REDISTRICTING
COMMISSION PLACING THE CITY OF AMERICAN CANYON IN A DIFFERENT
CONGRESSIONAL DISTRICT THAN ALL OTHER NAPA COUNTY CITIES**

WHEREAS, in accordance with the Voters FIRST Act (Act), after a lengthy, non-partisan selection process the California State Auditor randomly selected the first eight members from a qualified pool to join the first Citizens Redistricting Commission (Commission) on November 18, 2010 with the final six members selected and approved on December 15, 2010; and

WHEREAS, the Commission must draw the district lines in conformity with strict, nonpartisan rules designed to create districts of relatively equal population that will provide fair representation for all Californians; and

WHEREAS, the Commission released its first visualization maps of the proposed districts; and

WHEREAS, these visualizations show the City of American Canyon being separated from all other cities in Napa County and placed in a different Congressional District; and

WHEREAS, the City of American Canyon has been part of Napa County and Congressional District 1 since its incorporation in 1992; and

WHEREAS, with the assistance of our congressional representatives and County officials, the City has spent an extensive amount of time and resources to establish its identity in Napa County and to separate itself from the City of Vallejo by obtaining its own post office and zip code; and

WHEREAS, this separation of the City of American Canyon would cause confusion on the part of our residents; and

WHEREAS, the City of American Canyon strongly encourages the Commission to keep County and regional areas together and consider the common industries served and related business infrastructure; and

WHEREAS, the City of American Canyon strongly opposes the proposal of being placed in a different Congressional District than the other cities/town in Napa County and urges the Commission to keep Napa County whole and within the same district; and

WHEREAS, American Canyon businesses play a vital role to the premium wine industries of Lake, Mendocino, Sonoma, and Napa Counties; and

WHEREAS, the City Council desires Council Member Belia Bennett to represent and speak on behalf of City.

6.9.11

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In the proceedings, the commission legitimately asked what we recommend to make sure the Tri City stays together in a Congressional District. As we testified, maintaining the Tri-Cities in a Congressional seat anchored in an Alameda County district is our highest priority.

The district should include San Lorenzo, Ashland, Cherryland, Castro Valley, Hayward, Newark, Union City, and Fremont. This district would maintain the integrity of the Tri-Cities and stay within county lines.

Another alternative option would be to include Milpitas, the city immediately adjacent to Fremont. While Milpitas is firmly rooted in Santa Clara County institutions, it is currently a part of the 20th Assembly District and grouped in with Fremont Newark and Union City. Fremont and Milpitas are also interconnected economically. This similarity fades deeper into Santa Clara County past Milpitas.

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Sincerely,

Aref Aziz

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Thank you for listening to us, and your willingness to help address our concerns.

Best of Regards,

Aref Aziz
Chair, "Fremont in Alameda County Coalition"

6.9.11



napa valley vintners

March 16, 2011

Commissioner Peter Yao
Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Commissioner Yao,

Thank you for the opportunity to comment on the re-drawing of district lines in California. The Napa Valley Vintners (NVV) is a non-profit trade association representing 400 member wineries located in Napa County and of which our members contributes 34% towards the state-wide economic wine industry impact of \$42.4 billion annually.

The NVV was interested to see the criteria in the Legal Handbook for the Citizens Redistricting Commission for drawing of district lines focuses on geographical compact and continuous areas that include agricultural communities of interest.

The NVV appreciates this distinction and recommends that the northern California wine industry in the counties of Lake, Mendocino, Napa, Sonoma and Yolo be considered by the Citizens Redistricting Commission to be geographically continuous, compact and an agricultural community of interest and be incorporated into one Congressional district. All five counties are actively engaged in agriculture, grape growing and wine making. The citizens live in similar rural agricultural areas, share common social and economic interests, and many of the same standards of living such as common transportation facilities, work opportunities, and access to the same media outlets as relevant to the election process and therefore would be better served by not being drawn in the same district as an urban area.

Therefore the NVV appreciates the Citizen Redistricting Commissions consideration of including Lake, Mendocino, Napa, Sonoma and Yolo Counties in one Congressional District.

Thank you for your service and consideration of this recommendation.

Sincerely,

Kathleen Heitz Myers
President, Napa Valley Vintners Board of Directors

cc: Lake County Winegrape Growers
Mendocino Winegrape and Wine Commission
Napa Valley Grapegrowers
Napa County Farm Bureau
Sonoma County Winegrape Commission
Winegrowers of Napa County
Yolo County Visitors Bureau



A Tradition of Stewardship
A Commitment to Service

Agricultural Commissioner/Sealer of Weights and Measures

[REDACTED]
Napa, CA 94559-1315
[REDACTED]
[REDACTED]

David R. Whitmer
Agricultural Commissioner/Sealer

April 20, 2011

Commissioner Peter Yao
Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Commissioner Yao:

Thank you for the opportunity to comment on the drawing of district lines in California. I was very interested to see that one of the definitions in the Legal Handbook for the Citizens Re-districting Commission for drawing district boundaries addresses the "appreciation for California's diverse demographics and geography" (see CCR Title 2, Division 10, Chapter 1, Sub-chapter 1, Section 60805). More specifically, Section 2 (d) (4) of Article XXI of the California Constitution provides:

"The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area..."

The purpose of this letter is to encourage your consideration of the geographically contiguous areas in the north coast which include common social, agricultural and economic communities for fine wine production. The climate, soils and people come together in these areas in a very special way that is rarely found in California, let alone the world! The north coast counties are actively involved in agriculture, grape growing and wine making. The citizens live in rural agricultural areas and share social and economic interests.

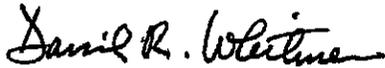
Commissioner Peter Yao

April 20, 2011

Page 2

Thank you for your consideration of my recommendation that the wine industries in Lake, Mendocino, Napa and Sonoma Counties comprise such a distinct community of interest and should be represented in one common, shared Congressional District.

Sincerely,



David R. Whitmer

Agricultural Commissioner/Sealer

cc Napa County Board of Supervisors
Karen Ross, Secretary, California Department of Food and Agriculture

Commissioner Jodie Filkins Webber
Citizens Redistricting Commission
1130 K Street Suite 101
Sacramento, Ca 95814

March 31, 2011

Dear Commissioner Filkins Webber,

We write you on behalf of the over 550 members of the Napa Valley Grapegrowers, a non-profit organization representing the interests of vineyard landowners and associated businesses in Napa County, to provide comment on the possible realignment of California congressional districts.

We recognize the shared interests of Napa, Sonoma, Lake, Mendocino, and Yolo counties with respect to our significant wine, tourism and agricultural industries and appreciate the consistently excellent representation of such interests at the congressional level. On account of our thriving wine, agricultural, recreation, and tourism industries - not to mention our shared watersheds - we strongly urge the California Citizens Redistricting Commission to keep all of these counties in one U.S. Congressional District in order for these interests to best be represented.

We believe that the current congressional boundaries are geographically, culturally, and economically the most logical, and result in the most efficient and effective representation.

Thank you for the opportunity to comment.

Sincerely,



David Beckstoffer, President



Jim Verhey, Chair, Industry
Issues Committee



NAPA COUNTY FARM BUREAU

NAPA, CALIFORNIA 94559

April 21, 2011

Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

Dear Commissioners,

On behalf of the 1,000 members of Napa County Farm Bureau, we offer our sincere appreciation for your efforts to redefine the Congressional, Legislative and Board of Equalization districts within California. It is an important task which should result in citizens having a greater opportunity to express their views, elect candidates of their choice and hold their leaders accountable.

As you make your recommendations, we urge you to recognize the "community of interest" of the agricultural counties of Napa, Sonoma, Lake, Mendocino and Yolo counties. We share common economic and social interests, as well as geographic proximity.

Therefore, we urge the Commission to retain the current congressional boundary for our region to facilitate rational and efficient representation.

Thank you for the opportunity to comment and for your careful consideration of our request.

Sincerely,

Jim Lincoln
President

6-9-2011

NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, that the City Council of the City of American Canyon strongly opposes the proposal of being placed in a different Congressional District than all other cities/town in Napa County and urges the Commission to keep Napa County whole and within the same Congressional District.

BE IT FURTHER RESOLVED, that Council Member Belia Bennett be authorized to represent and speak on behalf of the City of American Canyon.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council on the 7th day of June 2011, by the following vote:

| | |
|--------------------------------|------------|
| Mayor Garcia: | <u>Yes</u> |
| Vice Mayor Bennett: | <u>Yes</u> |
| Council Member Bennett: | <u>Yes</u> |
| Council Member Coffey: | <u>Yes</u> |
| Council Member Joseph: | <u>Yes</u> |

Leon Garcia
Leon Garcia, Mayor

ATTEST:
Rebekah Barr
Rebekah Barr, CMC, City Clerk

APPROVED AS TO FORM:
William D. Ross
William D. Ross, City Attorney