

REPORTER'S TRANSCRIPT

IN RE:

DISTRICT LINES IN ESCONDIDO FOR THE CITY'S ELECTIONS

OCTOBER 12, 2013

ESCONDIDO, CALIFORNIA

REPORTED BY: JENNIFER G. GIBSON, CSR NO. 12802

1                    Transcript of Public Hearing taken at the request  
2 of Diane Halverson, CMC, commencing at the hour of 9:03 a.m.  
3 on Saturday, October 12, 2013, at Hidden Valley Middle  
4 School, located at 2700 Reed Road, Escondido, California,  
5 before Jennifer G. Gibson, Certified Shorthand Reporter No.  
6 12802, in and for the State of California.

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10 APPEARANCES:

11            EVA HETER, Assistant City Clerk

12            DANA NUESCA, Chair

13            JOHN VALDEZ, Vice-Chair

14            JACK ANDERSON, Commissioner

15            ANDREW CAREY, Commissioner

16            DORIS CRUZ, Commissioner

17            BILL FLORES, Commissioner

18            ROBERTO RAMIREZ, Commissioner

19            ANA HENDERSON, Q2 Expert Consultant

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PROCEEDINGS

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DANA NUESCA: Okay. We're going to go ahead and call this meeting to order. First, before I do roll call, I just want to thank you for attending our second public hearing. We, the Commission, are actually really excited that you're here. There are a few of you, and we're happy that you're here. We want to hear your ideas on redistricting. For roll call we are all here again -- Nuesca, John Valdez, Jack Anderson, Andrew Carey, Bill Flores, Roberto Ramirez and Doris Cruz. And so thank you, each one of you guys for being here. And hopefully as time goes on, a few more people will come in.

I just want to go over the basics of the Agenda for you so that you kind of know where we're going. Q2 is our expert consultant. They're going to give you some background on the districting process. And then after the Q2 workshop, we're going to take about a 15, 20-minute break and give you the opportunity to look at the maps. The commissioners will come down, we'll talk to you, you know, hear some of your ideas.

One thing I do want to express, I guess I should say, is if you give us an idea, make sure that you also put that idea in writing or that you come during the

1 public hearing portion, that you come up and speak about the  
2 idea that you've just shared with us. Because if you share  
3 it one-on-one, it's not recorded and then therefore Q2 won't  
4 be able to utilize that information. So just make sure that  
5 you either do it in writing, or come up and speak through  
6 the -- you know, if you're not really fond of speaking, make  
7 sure you get it in writing.

8           And then after the public hearing portion,  
9 which you'll be able to speak for three minutes, one thing  
10 that I do want to make sure that you know is when you get up  
11 to the microphone, if you have specific boundaries, make  
12 sure you give street names, boundary markers like the 15 or  
13 the 78, something like that. Because they're going to  
14 physically draw the map for you while you're speaking. So  
15 just make sure that you have, you know, some boundaries, if  
16 you do have those.

17           And then after public hearing will be oral  
18 communications. And you're probably wondering why we have  
19 that. But oral communications gives you the opportunity to  
20 express an idea or an opinion on any item of business within  
21 the jurisdiction of the Commission. And then at that point  
22 we'll adjourn the meeting. So I will go ahead and turn the  
23 meeting over to Q2.

24           ANA HENDERSON: Good morning. How are you guys  
25 doing? I like the early morning people. Excellent.

1 Excellent.

2                   Okay. So I'm just going to give a little  
3 presentation about the districting process in Escondido,  
4 just to give you an idea of the way the Commission will be  
5 like drawing the lines, and information will be really  
6 helpful for the Commissioners to hear from you. I'm going  
7 to have Nicole, my assistant, help with my PowerPoint today.  
8 And before I forget, after I give my presentation, we're  
9 going to have a chance for you to take a look at the maps  
10 that we have in the back. You can also come and ask Nicole  
11 and myself questions, if you'd like.

12                   Okay. So what is districting? In a district-  
13 based electoral system, representatives are elected from  
14 different districts. Up until now in Escondido, the City  
15 Council has been elected at large. That means that everyone  
16 in the City voted for all the candidates, regardless of  
17 where they lived. What the Commission is going to be doing  
18 is drawing the City into four electoral districts. And  
19 starting next year in 2014, all candidates will have to run  
20 from individual districts.

21                   So the districting process is the process of  
22 dividing up the population of the City into the four  
23 districts. Next slide please.

24                   Okay. So this is just a slide reiterating your  
25 commissioners who are sitting before you today. Next slide

1 please.

2                   And what does the Commission do and when? So  
3 this hearing is happening in Escondido as a result of a  
4 consent decree from litigation. And so the consent decree  
5 really lays out what the Commission needs to do and when.  
6 And so this is just going through that.

7                   So the first is to hold public hearings, like  
8 the one that you're at today. There are going to be six of  
9 them that are going to be held during October, 2013.

10                   And then after these hearings are done and the  
11 Commission has had a chance to hear from you guys, there'll  
12 be two line drawing meetings. During those meetings, the  
13 Commission will be drawing the lines for the district. And  
14 I've had a couple questions about how that actually is going  
15 to happen. The Commission will tell us, Q2, where to draw  
16 the lines. And we have some mapping software that has not  
17 only a map of Escondido, but all sorts of population  
18 information that we can use. And we'll be taking direction  
19 from the Commission and using that to draw lines using the  
20 software that we use.

21                   Okay. The Commission will be collecting data  
22 for that through public input like we're hearing today, but  
23 also through written testimony. So if you know someone that  
24 can't make it to a hearing or maybe doesn't want to get up  
25 and talk at a hearing, they can send it in to the city

1 clerk's office, and that will be transmitted to the  
2 Commission.

3           Also, the Commission must construct and approve  
4 a preliminary districting plan. Kind of like a first draft  
5 of the map. That is going to be done after the line drawing  
6 meeting, and it will be done on the meeting on October  
7 29th.

8           And then after that, the Commission needs to  
9 hold feedback hearings to hear what the public thinks about  
10 that preliminary districting plan or first draft. There  
11 will be three of those that are going to be held in November  
12 to get comments from the public about what they think about  
13 those first draft maps.

14           And then after that, they need to approve what  
15 will be called a "Recommended Districting Plan," and that  
16 will be sent over to the City Council for approval.

17           All right. And then here's the schedule for  
18 the public hearings. We held one on Thursday, the one  
19 today. And what I want to point out for you is right here,  
20 there's going to be this -- this meeting is a public hearing  
21 on October 27th at 3 p.m. at the City Council Chambers. And  
22 immediately following that one at 6:00 p.m. on October 27th,  
23 will be the first line drawing meeting that will be held.  
24 So if you want to do redistricting all day that day, you can  
25 come at 3:00 and then stay until the line drawing is done



1 that day. And then the second line drawing meeting will be  
2 on the following Tuesday.

3           And then the preliminary -- the feedback  
4 hearings for the preliminary plan, they are scheduled for  
5 November 21st, 23rd and 24th. And let me just say that all  
6 this information is also on the City's website and also in  
7 the materials that are available right here on the stage if  
8 you want a copy.

9           And again, kind of similarly, on the last  
10 feedback hearing on the 24th, it's at 3:00 p.m., and  
11 immediately following that at 6:00 p.m. will be an  
12 additional hearing to make any modifications that the  
13 Commission needs to make modifications to the plan and to  
14 approve the recommended districting plan that will be sent  
15 on to the City Council.

16           And here, there may be other meetings that are  
17 scheduled. So stay tuned. There's information on the  
18 City's website about that.

19           Okay. So we know the Commission's going to  
20 draw the lines, but one of the questions is, "How are they  
21 going to draw the lines?" They're not going to be able to  
22 just draw the lines wherever. The consent decree has very  
23 specific criteria that the Commission need to use to draw  
24 the lines. And this criteria is laid out in rank order.

25           So the first criteria is the most important,

1 the second is the second most important, and so on down the  
2 line. The criteria that are set forth in the consent decree  
3 are, first, that the district shall comply with the  
4 constitution, including reasonably equal population.

5           Second, the district shall comply with the  
6 federal Voting Rights Act.

7           Third, that the districts shall be contiguous  
8 and encourage compactness.

9           The fourth is that the districts shall respect  
10 the geographic integrity of neighborhoods and communities of  
11 interest.

12           And the fifth is that -- it basically says that  
13 the Commission shall not be taking into account where any  
14 incumbents or current city council members or where any  
15 potential candidates live when they're drawing districts.  
16 And also that the district is not supposed to be drawn to  
17 favor or discriminate against any party or incumbent city  
18 council member.

19           Okay. I'm going to go through that in a little  
20 more in depth. So let's get into this.

21           Okay. So the first criterion, the U.S.  
22 Constitution & Equal Population. Sorry, our slide got a  
23 little bit wonky. It gave us the second part before the  
24 first part. Sorry about that.

25           Okay. So there's two main areas of the

1 Constitution that are involved in local redistricting. The  
2 first is the 14th Amendment to the Constitution, or  
3 particularly, the Equal Protection Clause. The Equal  
4 Protection Clause has been interpreted to require reasonably  
5 equal populations in districts. You guys may have heard the  
6 term, "One person, one vote," or "one man, one vote." The  
7 idea being that if one district has 10 people but another  
8 district has 100 people, the people that live in the  
9 district with 100 people, their vote is worth less than the  
10 people who live in a district with only 10 people.

11           The other aspect of the 14th Amendment, Equal  
12 Protection Clause, that's really involved is a prohibition  
13 on intentional discrimination on the basis of race.

14           The other main aspect that's involved from the  
15 Constitution is the 15th Amendment to the Constitution. And  
16 that bans racial discrimination in voting.

17           Okay. So one of the questions, of course, is  
18 how many people should be in each district. So in the  
19 redistricting world, or the districting world, we call this  
20 an ideal population. What would be the ideal number if  
21 every single district had exactly the same number? And the  
22 way you find this out is the total population of the  
23 jurisdiction that you're looking at divided by the number of  
24 districts. So in Escondido what we used for that is the  
25 2010 census data, so the census data that was collected in

1 2010. In Escondido, the 2010 census said that there were  
2 143,911 people. So divide that by four districts and you  
3 get about 35,977 as your ideal population. But what does  
4 that mean? So one of the questions also is how equal is  
5 equal. Because, obviously, since we have one person, we  
6 can't divide one person into four pieces and have, you know,  
7 one-fourth of a person in each district. And so you need to  
8 know how equal do these districts have to be. And there's  
9 two really different standards.

10           For congressional districts, such as the U.S.  
11 House of Representatives, the courts have said that equal  
12 means equal, that all the districts have to be within one  
13 person of each other. And that's a big job because the  
14 populations are very, very large. And drawing those  
15 districts to be within one person of each other, it  
16 causes -- it's a lot of extra time to equalize those  
17 populations.

18           For local jurisdictions like Escondido, though,  
19 the courts are more forgiving, and the standard is that it's  
20 reasonably equal population. So it doesn't have to be  
21 within one person of each other. It's good to have those  
22 districts as equal as possible, but you don't have to have  
23 perfect equality. In the Voting Rights Act context,  
24 generally, courts accept a cushion of 5 percent above the  
25 ideal population or 5 percent below, within that range.

1           Okay. So the second criterion is the Voting  
2 Rights Act. And in particular, we're looking at Section 2  
3 of the Voting Rights Act. Okay. Section 2 of the Voting  
4 Rights Act prohibits the denial or abridgement of voting  
5 rights on the basis of race or language minority status.  
6 And the statute actually defines what "language minority  
7 status" means. And that means Asian, Native American,  
8 Alaskan Native or Spanish heritage languages. So it doesn't  
9 include every single language group, just those four  
10 groups.

11           So for those who came in late, there's a copy  
12 of the PowerPoint on here. We have it in English, Spanish,  
13 Chinese, Tagalog, and Vietnamese. So feel free to come up  
14 and grab a copy, if you'd like. You can feel free to do  
15 that while I'm talking. I won't be upset if you're walking  
16 around.

17           So Section 2 of the Voting Rights Act prohibits  
18 practices that have the purpose or effect of discriminating  
19 on the basis of race or language minority status. And it  
20 applies nationwide to all jurisdictions that conduct  
21 elections. There's some portions of the Voting Rights Act  
22 that only applies to certain jurisdictions, but this portion  
23 applies to the whole nation.

24           Okay. So when you're looking at the Voting  
25 Rights Act and districting, what you hear a lot is the term

1 "vote dilution." It's another jargony term that we use in  
2 the voting rights world. But here's what it really boils  
3 down to. Electoral systems are the way that you elect your  
4 representatives, can dilute of the voting strength of  
5 minority voters by -- and that affects their ability to  
6 elect a candidate of choice. For example, an at-large  
7 electoral system, like Escondido used to have, can make it  
8 very difficult or impossible for a minority group to elect a  
9 candidate of choice if the majority group votes against  
10 their interest.

11 Another example is, single-member districts can  
12 also dilute voting too. It divides -- or combines a  
13 minority population a certain way. So, for example, if you  
14 had a jurisdiction that was -- had a population that was 50  
15 percent or 51 percent African American in one area, but that  
16 area was drawn into two districts, splitting that population  
17 into two different districts where there was 25 percent to  
18 two different districts. Instead of being able to have that  
19 population in one district, they are then divided. And that  
20 can dilute their voting streak. Anyway, so the big -- that  
21 term that you hear a lot in this act, in this portion of  
22 voting rights law is "vote dilution."

23 And in Section 2, you might also hear the term  
24 "Majority-Minority District." And one of the ways -- there  
25 was a Supreme Court case back in the '80s that interpreted

1 what vote dilution meant. And the first step when a body is  
2 drawing districts, they need to determine as soon as  
3 possible, draw a majority-minority district. So the first  
4 step in looking at this is what a -- a minority group must  
5 be large and compact enough to constitute a majority in the  
6 district. In California that means a majority of its  
7 citizens are voting age population, so a majority of  
8 citizens that are age 18 or older.

9           In addition, there must be evidence of racially  
10 polarized voting. And what does that mean? First, it means  
11 that the minority group votes cohesively or together on the  
12 same candidate. And the second prong of that is that the  
13 majority group tends to vote against those minority  
14 interests. So that's a little kind of overview of the  
15 Voting Rights Act as it pertains to districting.

16           A third criterion is "Contiguity." It's a  
17 weird word. You don't hear it every day. It's a district  
18 in which all parts are connected to each other. They can go  
19 from one part of a district to another without going through  
20 another district. In other words, you don't want a polka  
21 dot district. If you were doing the State of California, if  
22 you had one district that's half in San Francisco and half  
23 in Escondido, that would be a non-contiguous district. I  
24 always say, a contiguous district is one that my son can  
25 skateboard from one side to the other without going through

1 other districts. And some jurisdictions have non-contiguous  
2 areas. Escondido actually has a little portion of the city  
3 that's not connected to the rest of the city by any way.  
4 That's okay. It can still be part of a district. It won't  
5 look contiguous if you didn't know that was going on. But  
6 usually a non-contiguous area, the city will be placed in  
7 the district that's very close by.

8           Okay. So here's an example of contiguity. We  
9 have San Francisco here and Treasure Island, and these two  
10 brown areas are in the same district. And it's connected  
11 because you have a bridge here. So this bridge contiguity  
12 -- If there wasn't a bridge there and there was an island,  
13 you still need to have it attached to a district. That's  
14 okay. So you have the island attached to this district even  
15 though it's not contiguous in terms of land.

16           And then here we have Escondido. And right  
17 here, there's the little non-contiguous area that I was  
18 talking about. So -- and then also in addition in  
19 Escondido, you have several portions of land that actually  
20 aren't part of Escondido that are inside the boundaries of  
21 Escondido. So this here is county land. County land, right  
22 here. I joke -- this is not a term, but I say "pond." So  
23 we have islands and ponds. But I'm hoping that will catch  
24 on eventually because I think that's really witty, but so  
25 far no. Anyway, so that's what we'll be doing with this.



1 Even though this isn't attached, it will still be considered  
2 to be contiguous.

3 All right. And the second half of the third  
4 criterion is "Compactness." It addresses the geography of  
5 the district or how the district appears. The consent  
6 decree states that the district shall be drawn to encourage  
7 geographical compactness. There's many different approaches  
8 that have been developed to gauge whether and how much a  
9 district is compact. Several court cases seem to rely on  
10 the eyeball approach or the beauty pageant approach, really  
11 what the district looks like. The Shaw v Reno case, it  
12 mentions that appearances do matter.

13 The compactness criterion is assumed to guard  
14 against all types of gerrymandering. Because the idea is  
15 that if there isn't a reason why a district is very  
16 non-compact, it might be because of something bad like  
17 gerrymandering. But there's also a lot of different --  
18 something to keep in mind is that appearances don't tell you  
19 everything about a district and how compact it is. For  
20 example -- can you go back to the slide before? So the  
21 outside of the border's here in Escondido. They look pretty  
22 non-compact. If you had a district that was here, you might  
23 say, "Oh, that district looks really ugly. What's wrong  
24 with that district?" But then you realize that the reason  
25 the district looks like that is because you have to follow

1 the outside borders of the city. You can't just cut a  
2 square and make it look pretty, you include the lot of land  
3 that isn't part of the city. So the thing with the eyeball  
4 test for compactness is really -- you know, I say, you can  
5 look at it, but take it with a grain of salt and try to  
6 figure out what's going on because there may be other  
7 reasons why the district doesn't look so beautiful.

8 All right. "Neighborhoods and Communities of  
9 Interest." This is the fourth criterion of Escondido, but  
10 it's the most important thing for you to help the Commission  
11 figure out. The district lines should not divide  
12 neighborhoods or communities of interest. So what's a  
13 community of interest? Well, it depends. The broad  
14 definition, it's a group of people with a specific common  
15 interest or an actual shared interest, is what the court has  
16 recognized. And that can be defined geographically. So,  
17 you know, you might have a common interest with a bunch of  
18 people, but if you don't live in the same area, if it's not  
19 geographically attached, then it's not community  
20 districting. For example, if you're a part of an online  
21 forum that loves cat videos, because who doesn't love cat  
22 videos, that's a community of interest but it isn't a  
23 geographical one that we can use in districting. So the  
24 Commission really needs to hear from you about what your  
25 community -- where your community is and where it's

1 located.

2           In Escondido we also know what communities of  
3 interest are not allowed to be. They are not allowed to be  
4 relationships with political parties or incumbents or  
5 political candidates. So if you -- so the Commission is not  
6 going to look at communities that are based on everyone here  
7 is a member of the Green Party, for example. That would be  
8 something the Commission would not be looking at.

9           Okay. So it's also good to know that the law  
10 doesn't limit the kinds of interest that can bind a  
11 community. The consent decree does recognize that racial,  
12 ethnic or language minorities can be a community of interest  
13 that can be considered by the Commission. But it's really  
14 up to those who live and work in the community to tell the  
15 Commission what the community is and where it's located.

16           And I also want to note that communities of  
17 interest don't need to be limited to the current situation.  
18 It could be something that your community is aspiring for.  
19 So if the community is very interested in reducing crime,  
20 for example, or increasing community economic development,  
21 even though that may not be something that is currently  
22 being achieved, working together can form the basis for the  
23 community of interest.

24           So how can you tell the Commission about your  
25 community of interest? So you can create a map that shows

1 the boundaries of where your community of interest is. We  
2 have a handout in the packet that talks about using Google  
3 maps as a tool to show where your community is. You can use  
4 something as fancy as a GIS system. But a piece of paper  
5 that shows where your community is or a road map with a  
6 highlight showing what the outside boundaries of your  
7 community is also something that we can work with very well.  
8 You can you also just write down the boundaries. You can  
9 say, "My community starts on the west side of town, goes up  
10 to ABC Street." As long as we have the boundaries and can  
11 identify where your community is located, we can use that in  
12 our mapping software. And then what is the -- you know,  
13 outline what defines your community of interest.

14           Also in the packet, we have a handout that  
15 talks about community of interest more in depth. And it  
16 also has a worksheet that'll help you provide information to  
17 the Commission. Feel free to use that worksheet and fill it  
18 out and give it to the Commission or just use it to give you  
19 guidance on what you need to be telling the Commission.

20           Okay. So just some examples of community of  
21 interest -- organizing around schools or school districts,  
22 transportation hubs, bus groups, community center, my  
23 partner's current favorite, dog park, as a community of  
24 interest. Race and ethnicity are additional things to think  
25 about there, shared experience or history, access or lack

1 thereof to education, a higher number of kids per household  
2 or a younger overall population, shared languages and  
3 cultures -- just things to think about.

4           Okay. And the fifth criterion of the  
5 Commission is going to be charged with respecting is that  
6 you really ignore politics throughout this process. The  
7 district needs to be drawn without regard to where a  
8 candidate or incumbent lives, so the Commission will not be  
9 looking at drawing the district to fit whoever is currently  
10 in office or who might be running. And also the district  
11 shall not be drawn for the purpose of favoring or  
12 discriminating against an incumbent, political candidate or  
13 political party.

14           So why should you participate in districting?  
15 It's an opportunity to give your community a voice, to make  
16 sure that your community has equal access to the political  
17 process. This is really important. This is how the City  
18 Council is going to be elected and how to make the  
19 redistricting happen. And you're giving the Commission  
20 information that will help them draw districts that will  
21 be a -- a fair representation is very important. It can  
22 also encourage citizens to vote -- register, vote and remain  
23 politically engaged. In some cases we find that  
24 participating and districting is kind of a gateway activity  
25 to greater political involvement in the jurisdiction. It

1 will help make sure that the districting plan that is --  
2 that is ultimately passed, provides a meaningful opportunity  
3 to elect candidates who represent their issues -- their  
4 interests on issues that are important to their lives. And,  
5 you know, take advantage of the opportunity to participate  
6 in all phases of the districting process.

7           And how to get involved, how to learn more. To  
8 participate, you need to testify either orally at one of the  
9 hearings or provide written information to the Commission.  
10 You can also send supporting information. So if you get up  
11 and you talk today, and then later on you decide you want to  
12 send in a map, you can send the map in as well. Please  
13 provide information about your community of interest, your  
14 neighborhood and the topics as soon as possible, but no  
15 later than October 31st to be considered.

16           You can submit your information by, you know,  
17 orally or by email. You can send a letter or drop off  
18 something in writing to the city clerk's office. The email  
19 address is districting@Escondido.org. And there's also a  
20 lot more information on the city's website, Escondido.org.  
21 That includes information materials, the PowerPoint from  
22 today, as well as some handouts that you can use in your  
23 community to encourage your friends, family, neighbors to  
24 get involved as well.

25           So before we move on to the next phase, I just

1 want to point out something around the room here. In the  
2 back you'll see that we have six maps. There are two sets  
3 of three maps. They're out there for you to take a look at  
4 if you want to help prepare your testimony or what you'll be  
5 talking about. One of the maps has the blocks, census  
6 blocks with the population of each census block. One of  
7 them shows the block groups that's -- the census that they  
8 take block groups -- they have to take census blocks and  
9 move them into block groups. And the other one is a map of  
10 the streets. So feel free to mull about, look at them. We  
11 have markers out on the floor in front of all of them. One  
12 important note, if you do mark on the map, we'll take a  
13 picture of that and we will save that, but if you want to be  
14 sure that it's in the official record that the Commission  
15 will be using for drawing lines, you need to either fill out  
16 a form or submit a piece of paper or talk about that during  
17 the testimony portion of this hearing. Just writing on the  
18 map and walking away from it isn't necessarily going to get  
19 into the record, so make sure that it's either, you know,  
20 submitted in writing or orally during testimony. And  
21 likewise, feel free to come talk to myself or to Nicole. We  
22 have our mapping software up and running today, so if you  
23 have questions that you'd like us to take a look at, or if  
24 you'd like to see something on the map, we can help show you  
25 that during the intermission period. But, again, if you say

1 something to me or something to Nicole or something to one  
2 of the commissioners, you know, in passing, that's not going  
3 to get it on the record. You need to go back and say it  
4 during the testimony portion or in writing just to make sure  
5 that everything gets in the record.

6 So if there's questions, I'm happy to answer  
7 questions, either in public or during the intermission  
8 period.

9 DANA NUESCA: Thank you, Ana. That was a lot  
10 of information for everybody. We're going to give you about  
11 20 minutes or so to kind of process and talk to one another,  
12 talk to us and ask questions. If -- Eva, if you could set  
13 that time -- last time I think I lost complete track -- on  
14 there just for 20 minutes so that we have at least a frame  
15 of reference. That would be great.

16 EVA HETER: Okay.

17 DANA NUESCA: So go ahead, look at the maps,  
18 and we'll reconvene in 20 minutes.

19 (Recess taken.)

20 DANA NUESCA: We'd like to call this meeting  
21 back to order, please. Okay. If you have not submitted a  
22 form and you would like to speak during the public hearing,  
23 the forms are available right over here, so please come and  
24 submit a form. Put your name on it, and then your name will  
25 be called in the order that it was received. Okay. Do you



1 want to call the first person?

2                   EVA HETER: Okay. My first speaker is Connie  
3 Siano-Smeyres.

4                   CONNIE SIANO-SMEYRES: Good morning.

5                   THE COMMISSION: Good morning.

6                   CONNIE SIANO-SMEYRES: Thank you for the  
7 opportunity to speak with you this morning. My name is  
8 Connie Siano-Smeyres. I serve on the Board of Directors of  
9 the Escondido Country Club Homeowners' Organization, also no  
10 known as ECCHO. It's the neighborhood association that  
11 recently has been active in gathering signatures to protect  
12 the opened space of the golf course. As the Information  
13 Technology Director, I can speak with first-hand experience  
14 about the great number of people who volunteered for our  
15 organization and gathered signatures for our initiative.

16                   The Escondido Country Club is a strong cohesive  
17 area with a very clear identity. That's why we were able to  
18 gather over 9,000 signatures in about one-third of the time  
19 allotted by law. It's important to note that those  
20 signatures were all gathered by volunteers. That indicates  
21 the depth of community support and the definite community of  
22 interest. Our community of interest lies in the city north  
23 of Highway 78, west to the city boundary, and north to the  
24 city limits on both sides of I-15. It is in this area that  
25 Escondido residents joined together to protect our

1 neighborhood.

2 I urge the Commission to respect our community  
3 of interest and to keep our neighborhood entirely contained  
4 within one city council district. Thank you.

5 DANA NUESCA: Ana, were you able to get the  
6 boundaries with that?

7 ANA HENDERSON: Yeah. Can I just tell them  
8 what we're doing?

9 Okay. So just to let you guys know what  
10 Nicole's doing right now, she's etching the areas that the  
11 speaker was talking about in our mapping software. And  
12 we'll be able to get some more information about the area.

13 So a follow-up question for the speaker. What  
14 was your eastern boundary?

15 CONNIE SIANO-SMEYRES: Sorry. I'll just read  
16 it again and see if that helps.

17 ANA HENDERSON: Thank you.

18 CONNIE SIANO-SMEYRES: Our community of  
19 interest lies in the city north of Highway 78, west to the  
20 city boundary, and north to the city limits on both sides of  
21 the 15. So the east -- so the eastern -- let me picture it  
22 here.

23 JACK ANDERSON: Not to put words in your mouth,  
24 but it could be Broadway or Center City Parkway or Ash?

25 CONNIE SIANO-SMEYRES: Right. It will probably

1 be Broadway because that's where Country Club starts, West  
2 Country Club. Does that help?

3 ANA HENDERSON: Yes. Thank you.

4 NICOLE BOYLE: Very helpful. Thank you.

5 ANA HENDERSON: Okay. And I also just want to  
6 note that this is just a rough draft, so we're using -- so  
7 we're using block groups for this mapping right now. And  
8 we're highlighting it just to make sure for the speaker's  
9 sake and for the Commission, that we're getting the  
10 information right. So as we put something up, if you could  
11 take a look and if you see something wrong, please let us  
12 know. Thank you.

13 EVA HETER: Okay. My second speaker is Betty  
14 Ferrell.

15 BETTY FERRELL: Good morning. I am Betty  
16 Ferrell, and I'm here to speak on the same area that Connie  
17 was speaking about, so you can get your map going. I'm a  
18 member of the Board of Directors of the Escondido Country  
19 Club Homeowners' Organization. I'm a realtor and a resident  
20 of the Escondido Country Club community for 35 years. I,  
21 too, was deeply involved in the signature-gathering effort  
22 intended to protect our neighborhood. I was very involved  
23 in organizing the community meetings for the effort and can  
24 tell you that we had 5 to 600 people attend each meeting.  
25 That level of intensity surrounding the issue was a clear

1 indication that we represent a definite community of  
2 interest.

3           Additionally, as a realtor in Escondido, I can  
4 speak to the strength and cohesiveness of the neighborhood.  
5 There's a strong sense of identity in the Escondido Country  
6 Club area, and a definite sense of history. Multiple  
7 generations of Escondido families have marked important  
8 occasions at the Country Club, a venue that has been opened  
9 to the general public for many large events.

10           I ask that you keep intact the neighborhoods  
11 north of 78, west to the city boundary, and north to the  
12 city limits on both sides of I-15. That area meets the  
13 legal definition of a community of interest, and we want to  
14 stay within one council district. Thank you very much for  
15 allowing us to come today.

16           DANA NUESCA: Thank you. Did you have any  
17 questions for her?

18           ANA HENDERSON: I'm sorry, just to verify the  
19 eastern boundary, is that Broadway, in your opinion?

20           BETTY FERRELL: I would say yes.

21           ANA HENDERSON: Okay. Thank you.

22           DANA NUESCA: Okay. Eva?

23           EVA HETER: Luz Villafana.

24           LUZ VILLAFANA: Good morning, everyone. My  
25 name is Luz Villafana, and I'm just going to be talking

1 about my immediate community. This is the first time that I  
2 participate in the process of districting. I live in north  
3 Escondido between El Norte Parkway, the freeway. I drew the  
4 line there, but, you know, I realize now that it can go even  
5 farther than that. And my other cross street would be  
6 Morning View Drive. So I live in El Norte Parkway, and the  
7 thing that I have identified in my community, it's a very  
8 active community with dense population. There are a lot of  
9 apartments. The things that I identified, we have three --  
10 I live in Escondido, and there are three other apartment  
11 complexes that are seniors. We have very large low income  
12 apartments on Morning View Drive, and about three of them  
13 that are, you know, regular family apartments that I  
14 identify to be senior or any other, you know, class of  
15 people.

16                   What I notice as I have lived there for about  
17 23 years in that same area, is that a lot of the elderly  
18 people that do not have a car or cannot drive anymore, they  
19 cross the street between Morning View Drive and El Norte  
20 Parkway. I see a lot of children walking to school. There  
21 is a school there on the other side of 15. And I don't have  
22 the -- since I don't have children in school, I don't have  
23 the name of that school. A lot of younger -- I mean, older  
24 kids that walk to the high school, Escondido High School,  
25 and I see a lot of grandparents walking with the children,

1 probably the apartments where the low income people live and  
2 the younger tenants are. They do the babysitting which is  
3 very common these days, that the grandparents are taking  
4 care of the grandchildren. And they also walk to the  
5 shopping mall which is just around the block just to, you  
6 know, exercise. And the thing that concerns me very much is  
7 the traffic. Since we're on the -- very close to the 15,  
8 people get off of that freeway, and they think that El Norte  
9 Parkway is a continuation of the freeway. And people  
10 crossing the street to go shopping or, you know, just to  
11 exercise, there's not enough time on the lights to cross.  
12 And like for myself, I'm very aware of all those things, but  
13 when I am on Center City Parkway trying to turn west to El  
14 Norte Parkway, if somebody with a high vehicle, say a truck  
15 or an SUV, is right next to me, I cannot see people crossing  
16 the street. And when they are close to a green, I'm very  
17 aware that if I don't watch if somebody's walking, it's a  
18 very wide street, they don't have enough time to make it to  
19 the middle or to the other side. There's going to be an  
20 accident there. So those are my concerns right now. Like I  
21 said before, this is the first time I'm involved with the  
22 districting. I am planning to be at the other meetings  
23 again and have a better picture of what I'm talking about so  
24 it can help the Commission to draw the lines. Thank you.

25 DANA NUESCA: Thank you. Ana, the lines that

1 you're drawing, they're based on what she's talking about?

2 ANA HENDERSON: Yes, they are.

3 If you'll look at the map. I know you gave us  
4 a map that had a portion of San Marcos in it. On the map  
5 that we've done to draw your lines, we only include the  
6 Escondido portion because we're only doing Escondido. I  
7 don't know if you can -- if you can see it from back there,  
8 but if you can take a look at that. Does it look okay?

9 LUZ VILLAFANA: Yes. I didn't realize -- I  
10 guess I was thinking that there's another school, but it's  
11 in San Marcos, and I see people walking.

12 ANA HENDERSON: That's fine. And also, I want  
13 to clarify a question about the northern border that you  
14 would use. I know that you said that you would go north of  
15 El Norte Parkway, but I'm wondering how far. So Nicole is  
16 showing you El Norte Parkway right there.

17 NICOLE BOYLE: How far? Up to Rincon Avenue?

18 LUZ VILLAFANA: What's the name?

19 ANA HENDERSON: Rincon is the next major street  
20 that you'll see.

21 LUZ VILLAFANA: That's El Norte Parkway,  
22 right?

23 ANA HENDERSON: Yes.

24 JACK ANDERSON: I have a question. The number  
25 represented in the middle of the map down at that box, is

1 that population?

2 ANA HENDERSON: Yes.

3 JACK ANDERSON: And it looks like there's two  
4 numbers. What are the differences --

5 ANA HENDERSON: Yes. The top number is the  
6 population within that yellow area. And then the second one  
7 is the deviation. That's how many more people you would  
8 need to add to have your ideal population.

9 JACK ANDERSON: Oh. Okay. Thank you.

10 ANA HENDERSON: Yeah. So that's the population  
11 in that area subtracted from our 35,977 ideal population.

12 So you'll see that now we've put it back down  
13 to the northern border, back to El Norte Parkway, that that  
14 number changed because we removed the population that was  
15 north of El Norte Parkway.

16 JACK ANDERSON: I had the chance to speak with  
17 her before. And she lives on El Norte, I think. And so,  
18 actually, I think her interest is north of El Norte as  
19 well. Because --

20 ANA HENDERSON: Right.

21 JACK ANDERSON: -- because they cross El Norte  
22 to go shopping and that kind of thing, so I think that's one  
23 of your concerns, wasn't it? North of El Norte as well?

24 LUZ VILLAFANA: Center City Parkway?

25 JACK ANDERSON: Center City would be on the



1 right.

2                   LUZ VILLAFANA: On the right, so -- I'm not --  
3 I mean, I know the city. I don't look at streets because I  
4 know it so well.

5                   JACK ANDERSON: Because that area just colored  
6 in has a shopping center, and many of the people south El  
7 Norte will go there on foot.

8                   LUZ VILLAFANA: Yes.

9                   NICOLE BOYLE: But don't go up to Rincon? Some  
10 of these -- these are single census blocks, so they're  
11 units.

12                   EVA HETER: I think it's really important to  
13 mention at this time that this section of the meeting is to  
14 take public comments, and it's not a collaborative session  
15 so --

16                   JACK ANDERSON: We're just trying to clarify.

17                   EVA HETER: Right.

18                   ANA HENDERSON: So this now includes the  
19 shopping center area, and it stops at I-15.

20                   LUZ VILLAFANA: Okay.

21                   EVA HETER: Okay. So our forth speaker is  
22 Robroy Fawcett.

23                   ROBROY FAWCETT: Good evening. My name is  
24 Robroy Fawcett. I reside in the Oak Hill neighborhood.  
25 It's impossible for you to protect the community of interest

1 in my neighborhood because of what the census has done and  
2 how they form the blocks. I live by Oak Hill and Rose, and  
3 it's near Oak Hill and Grand. There's like three  
4 megablocks. So if you go to the downtown area, the blocks  
5 are what you would normally think is a block -- corner to  
6 corner to corner. The block I live on is between Oak Hill,  
7 Rose, Ash and Grand. And so she'll click on it. It's Block  
8 Group 3.

9                   And what happens is my block -- not my block  
10 group -- my block goes from Ash to Rose from Oak Hill to  
11 Grand. I live three lots from the next block group which is  
12 in the census track 20207, block groups 1. And that block  
13 group, there's a block in there that goes from Grand to Rose  
14 to Oak Hill to Midway. It's got 1600 people. It's very  
15 heterogeneous. There's no way to divide that block using  
16 the census. You're going to have errors. Yeah, if you  
17 highlight 20211, block 3,000. It's in Block Group 3.  
18 Across the street from me, it's 3,007. But my block,  
19 because I'm right there between Katella and Rose near the  
20 corner of Oak Hill and Rose, goes all the way over to Ash  
21 and Grand. And my neighborhood is block groups in the  
22 20705.2 and 20705.1, those block numbers just south of Oak  
23 Hill. And the people on the south side of the hill that's  
24 between Grand and Oak Hill -- if anybody's been in that  
25 neighborhood, there's a sizable hill there. And one side is

1 all apartment complexes, and the other side is -- towards  
2 the end -- and I'm not counting the mobile home park and the  
3 condos at the end -- but everything south of the aqueduct --  
4 well, south of the hill and pretty much east of the  
5 aqueduct, the California Aqueduct comes down through  
6 Hardy -- is my neighborhood. Yet, the school district loves  
7 to use Rose -- and then if you look at the block groups just  
8 below where your hand is -- click on that.

9                   NICOLE BOYLE: This one?

10                   ROBROY FAWCETT: Yeah. If you'll notice, that  
11 tract is divided by block group along the street over from  
12 Rose. That's a neighborhood street. That's in the center  
13 of the neighborhood. The school district I think in one  
14 district used that as the dividing line. Just obliterated  
15 our neighborhood. Came down Rose, went over. And then the  
16 other difficulty is my track goes from Oak Hill up to  
17 Mission, the 20211 tract. That's the tract I live in. My  
18 voting precinct is about the same. Oftentimes I vote up on  
19 Washington and Harding. And there's a tendency to divide  
20 through the commercial area to get to -- and just kind of  
21 leave us to the side and say, "well, since no one lives  
22 there, it doesn't affect the population." And so it's this  
23 way of gathering things, usually the commercial areas.

24                   So three things. One is that area has major,  
25 big giant blocks with 1600 people in them. My tract goes

1 all through the central part of town, and same with my  
2 precinct. Am I out of time? I didn't know there was a  
3 time -- I'll send you a whole bunch of written comments.  
4 Thank you.

5 ANA HENDERSON: Just a follow-up question,  
6 please. Sir, can you tell us if we have -- are these the  
7 boundaries of the blocks that you're having issues about?

8 ROBROY FAWCETT: I also discussed the 20207  
9 because those have megablocks in them too. And the 20207.1  
10 block group has part of the Oak Hill neighborhood in it,  
11 between the school, which you can't see, but it's right  
12 where your cursor is.

13 NICOLE BOYLE: This is the 1600 block, this  
14 one. See how it's shaped --

15 ROBROY FAWCETT: If you move your -- yeah, if  
16 your -- not your cursor. If you move to where Oak Hill and  
17 Rose is, there's about four streets that go up from -- to  
18 the east. Yeah, right in there. Those are part of the Oak  
19 Hill neighborhood. Oak Hill isn't a big dividing line.  
20 It's part of the neighborhood, plus my street which is  
21 Katella --

22 ANA HENDERSON: Okay. So does this capture  
23 what we were talking about, this area?

24 ROBROY FAWCETT: Yes. So I talked about my  
25 tract, I talked about the megablocks, and I talked about my

1 neighborhood.

2 ANA HENDERSON: Okay. We just want to make  
3 sure we have that for the record.

4 ROBROY FAWCETT: Okay.

5 ANA HENDERSON: Thank you.

6 EVA HETER: Okay. Our next speaker is Patrick  
7 Drinan.

8 PATRICK DRINAN: Drinan.

9 EVA HETER: Drinan.

10 PATRICK DRINAN: My name is Patrick. I'm as  
11 retired educator. I live in the northwest edge of  
12 Escondido. But I wanted to make some preliminary comments.  
13 First of all, to get on the record what a couple of people  
14 on the Commission told me as we were looking at the maps.  
15 And that is that for the process of community of interest,  
16 we can speak to communities of interest even if we're not  
17 geographically part of them; that is, my wife and I live in  
18 the northwest edge, and the community of interest extends to  
19 the Country Club area naturally, geographically, and the  
20 like. But I really wanted to, in a sense, make sure that we  
21 can speak to the issues of other communities of interest to  
22 the Commission.

23 My wife and I are very involved as retired  
24 educators. And in terms of the school districts in  
25 Escondido, the K through 8 in particular last year went

1 through a redistricting, and I wanted to speak today not of  
2 the specific boundaries because I know that the staff does  
3 not have a district one K through 8 boundaries in front of  
4 them now. But I would like to argue today without  
5 specificity that we should try to establish the urban core  
6 as a community of interest roughly around the K through 8  
7 boundaries.

8           Community of interest is defined by the  
9 downtown business community, workers in that community, and  
10 the largest man population and school district that exists  
11 in that area. I will have suggestions on lines later, but I  
12 wanted to really establish that it's possible for us to  
13 speak to communities of interest other than those in our  
14 immediate geographic area. Thank you so much.

15           EVA HETER: I have no more speaker cards.

16           DANA NUESCA: Do we have any for oral  
17 communications?

18           EVA HETER: I do not have any oral  
19 communication sheets.

20           DANA NUESCA: Okay. And again, just to remind  
21 you, this is not regarding line drawing. It would just be  
22 regarding the process in general.

23           EVA HETER: Okay. I have oral communications  
24 for Robroy Fawcett.

25           ROBROY FAWCETT: Good morning. I wanted to

1 spend some time to talk to you about terminology. So in the  
2 lawsuit we had the protected class called "Latinos." Census  
3 data, they tend to use "Hispanic." And then if you look at  
4 the statute, it talks about "race, color, or language  
5 minority group." And then under language minority group,  
6 for this issue, it talks about Spanish heritage. And so  
7 sometimes I see data and it has Latino. Sometimes I see  
8 data, it has Hispanic. Sometimes I see data -- it's usually  
9 those two, but it says different things. So part of my  
10 background is, I'm married to a Brazilian. I think my  
11 children are Latino. I think Brazil is part of Latin  
12 America. And some departments of the federal government  
13 also think that. The census doesn't. And it's -- it's  
14 really kind of like grading to hear people say, "Oh.  
15 Latinos are people who speak Spanish," because half of the  
16 continent of South America does not speak Spanish; they  
17 speak Portuguese. So I would like you to use the language  
18 of the statute. Now, one of the things that's been unclear  
19 and I've asked this many times, is what is the protected  
20 class? Is it a race, is it a color, or is it a language  
21 minority group? My opinion, and I believe I'm correct on  
22 this, is that it's a language minority group. Language  
23 minority group, based on the Spanish language, defined as  
24 people of Spanish heritage. And in the 1970's census, the  
25 Census Department defined that as people having a Hispanic

1 or Spanish surname, people of Spanish mother tongue in the  
2 southwestern United States. In the East, it was people with  
3 Spanish mother tongue and people born in Puerto Rico. And  
4 in the rest of the country, it's just people of Hispanic  
5 mother tongue.

6           So if the protected class here is people of a  
7 Spanish language minority group, then we should use that  
8 terminology and put either "SP," or we should put "SPH" if  
9 it's Spanish heritage or whatever. But to use "Latino,"  
10 which is a -- kind of a grading definition that excludes a  
11 large number of people from Latin America, or use  
12 "Hispanic," which a lot of people who are natives of this  
13 country, weren't too happy with what the Spain -- Spanish  
14 did to native culture. And so I think if Congress has  
15 defined it as "Spanish language," we should use that as the  
16 terminology and get rid of these other terminologies that  
17 are racially charged.

18           The other thing is, if you look at the data  
19 they handed out, they sort it out by race and then there's a  
20 little carrot next to whites and blacks, and they say,  
21 "excludes Hispanics." So I'd like to know how many  
22 Hispanics are of the several race category. Thank you.

23           ANA HENDERSON: Thank you. No further oral  
24 communications --

25           EVA HETER: I have one more oral communication.



1 Laurie Resendiz.

2           LAURIE RESENDIZ: I'm Laurie Resendiz, and I  
3 just wanted to communicate to everybody that we're holding  
4 open office hours at the ACLU office. We're holding open  
5 office hours from 4:00 to 7:00 every Wednesday for anyone  
6 who needs help drawing a map in their district or  
7 identifying their communities of interest. We're having  
8 open office hours, and we can help anybody there. Thank  
9 you.

10           EVA HETER: And that concludes the speaker  
11 cards.

12           DANA NUESCA: Okay. I just want to make sure  
13 that everybody is aware that our next meeting will be next  
14 Thursday night at the -- hold on. I think it's the -- I  
15 have it written down.

16           JACK ANDERSON: Church of the Resurrection.

17           DANA NUESCA: Thank you. Church of the  
18 Resurrection, 6:00 o'clock. And please, again, tell your  
19 neighbors. If you've come to this and you want to come  
20 again, we'd love to have you. But please share with your  
21 friends that we are -- you know, we do have these hearings,  
22 and we would love for you to be there. Thank you. This  
23 meeting is adjourned.

24           (Whereupon, the proceedings concluded at 10:24 a.m.)

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REPORTER'S CERTIFICATE

STATE OF CALIFORNIA )  
 )  
COUNTY OF SAN DIEGO )

I, Jennifer Gibson, a Certified Shorthand Reporter  
for the State of California, CSR No. 12802, do hereby  
certify:

That the proceeding was reported by me  
stenographically and transcribed through computer-  
aided transcription under my direction; and that the  
foregoing is a true record of the testimony elicited and  
proceedings had at said proceeding.

I do further certify that I am a disinterested person  
in no way interested in the outcome of this action or  
connected with or related to any of the parties or to their  
respective counsel.

In witness whereof, I have hereunto set my hand this  
25<sup>th</sup> day of October, 2013.

Jennifer Gibson  
JENNIFER GIBSON, CSR NO. 12802

Dana L. Nuesca 10/27/13