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

APPEARANCES:

EVA HETER, Assistant City Clerk
DANA NUESCA, Chair
JOHN VALDEZ, Vice-Chair
JACK ANDERSON, Commissioner
ANDREW CAREY, Commissioner
DORIS CRUZ, Commissioner
BILL FLORES, Commissioner
ROBERTO RAMIREZ, Commissioner
ANA HENDERSON, Q2 Expert Consultant
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
public hearing portion, that you come up and speak about the
idea that you've just shared with us. Because if you share
it one-on-one, it's not recorded and then therefore Q2 won't
be able to utilize that information. So just make sure that
you either do it in writing, or come up and speak through
the -- you know, if you're not really fond of speaking, make
sure you get it in writing.

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

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

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

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

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

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

Okay. So this is just a slide reiterating your commissioners who are sitting before you today. Next slide
And what does the Commission do and when? So this hearing is happening in Escondido as a result of a consent decree from litigation. And so the consent decree really lays out what the Commission needs to do and when.

And so this is just going through that.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

And the fifth is that -- it basically says that the Commission shall not be taking into account where any incumbents or current city council members or where any potential candidates live when they're drawing districts.

And also that the district is not supposed to be drawn to favor or discriminate against any party or incumbent city council member.

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

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

Okay. So there's two main areas of the
Constitution that are involved in local redistricting. The first is the 14th Amendment to the Constitution, or particularly, the Equal Protection Clause. The Equal Protection Clause has been interpreted to require reasonably equal populations in districts. You guys may have heard the term, "One person, one vote," or "one man, one vote." The idea being that if one district has 10 people but another district has 100 people, the people that live in the district with 100 people, their vote is worth less than the people who live in a district with only 10 people.

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

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

Okay. So one of the questions, of course, is how many people should be in each district. So in the redistricting world, or the districting world, we call this an ideal population. What would be the ideal number if every single district had exactly the same number? And the way you find this out is the total population of the jurisdiction that you're looking at divided by the number of districts. So in Escondido what we used for that is the 2010 census data, so the census data that was collected in
2010. In Escondido, the 2010 census said that there were 143,911 people. So divide that by four districts and you get about 35,977 as your ideal population. But what does that mean? So one of the questions also is how equal is equal. Because, obviously, since we have one person, we can't divide one person into four pieces and have, you know, one-fourth of a person in each district. And so you need to know how equal do these districts have to be. And there's two really different standards.

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

For local jurisdictions like Escondido, though, the courts are more forgiving, and the standard is that it's reasonably equal population. So it doesn't have to be within one person of each other. It's good to have those districts as equal as possible, but you don't have to have perfect equality. In the Voting Rights Act context, generally, courts accept a cushion of 5 percent above the ideal population or 5 percent below, within that range.
Okay. So the second criterion is the Voting Rights Act. And in particular, we're looking at Section 2 of the Voting Rights Act. Okay. Section 2 of the Voting Rights Act prohibits the denial or abridgement of voting rights on the basis of race or language minority status. And the statute actually defines what "language minority status" means. And that means Asian, Native American, Alaskan Native or Spanish heritage languages. So it doesn't include every single language group, just those four groups.

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

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

Okay. So when you're looking at the Voting Rights Act and districting, what you hear a lot is the term
"vote dilution." It's another jargony term that we use in the voting rights world. But here's what it really boils down to. Electoral systems are the way that you elect your representatives, can dilute of the voting strength of minority voters by -- and that affects their ability to elect a candidate of choice. For example, an at-large electoral system, like Escondido used to have, can make it very difficult or impossible for a minority group to elect a candidate of choice if the majority group votes against their interest.

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

And in Section 2, you might also hear the term "Majority-Minority District." And one of the ways -- there was a Supreme Court case back in the '80s that interpreted
what vote dilution meant. And the first step when a body is
drawing districts, they need to determine as soon as
possible, draw a majority-minority district. So the first
step in looking at this is what a -- a minority group must
be large and compact enough to constitute a majority in the
district. In California that means a majority of its
citizens are voting age population, so a majority of
citizens that are age 18 or older.

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

A third criterion is "Contiguity." It's a
weird word. You don't hear is every day. It's a district
in which all parts are connected to each other. They can go
from one part of a district to another without going through
another district. In other words, you don't want a polka
dot district. If you were doing the State of California, if
you had one district that's half in San Francisco and half
in Escondido, that would be a non-contiguous district. I
always say, a contiguous district is one that my son can
skateboard from one side to the other without going through
other districts. And some jurisdictions have non-contiguous
areas. Escondido actually has a little portion of the city
that's not connected to the rest of the city by any way.
That's okay. It can still be part of a district. It won't
look contiguous if you didn't know that was going on. But
usually a non-contiguous area, the city will be placed in
the district that's very close by.

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

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

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

The compactness criterion is assumed to guard against all types of gerrymandering. Because the idea is that if there isn't a reason why a district is very non-compact, it might be because of something bad like gerrymandering. But there's also a lot of different -- something to keep in mind is that appearances don't tell you everything about a district and how compact it is. For example -- can you go back to the slide before? So the outside of the border's here in Escondido. They look pretty non-compact. If you had a district that was here, you might say, "Oh, that district looks really ugly. What's wrong with that district?" But then you realize that the reason the district looks like that is because you have to follow
the outside borders of the city. You can't just cut a
square and make it look pretty, you include the lot of land
that isn't part of the city. So the thing with the eyeball
test for compactness is really -- you know, I say, you can
look at it, but take it with a grain of salt and try to
figure out what's going on because there may be other
reasons why the district doesn't look so beautiful.

All right. "Neighborhoods and Communities of
Interest." This is the fourth criterion of Escondido, but
it's the most important thing for you to help the Commission
figure out. The district lines should not divide
neighborhoods or communities of interest. So what's a
community of interest? Well, it depends. The broad
definition, it's a group of people with a specific common
interest or an actual shared interest, is what the court has
recognized. And that can be defined geographically. So,
you know, you might have a common interest with a bunch of
people, but if you don't live in the same area, if it's not
geographically attached, then it's not community
districting. For example, if you're a part of an online
forum that loves cat videos, because who doesn't love cat
videos, that's a community of interest but it isn't a
geographical one that we can use in districting. So the
Commission really needs to hear from you about what your
community -- where your community is and where it's
In Escondido we also know what communities of interest are not allowed to be. They are not allowed to be relationships with political parties or incumbents or political candidates. So if you -- so the Commission is not going to look at communities that are based on everyone here is a member of the Green Party, for example. That would be something the Commission would not be looking at.

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

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

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

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

Okay. So just some examples of community of interest -- organizing around schools or school districts, transportation hubs, bus groups, community center, my partner's current favorite, dog park, as a community of interest. Race and ethnicity are additional things to think about there, shared experience or history, access or lack
thereof to education, a higher number of kids per household or a younger overall population, shared languages and cultures -- just things to think about.

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

So why should you participate in districting? It's an opportunity to give your community a voice, to make sure that your community has equal access to the political process. This is really important. This is how the City Council is going to be elected and how to make the redistricting happen. And you're giving the Commission information that will help them draw districts that will be a -- a fair representation is very important. It can also encourage citizens to vote -- register, vote and remain politically engaged. In some cases we find that participating and districting is kind of a gateway activity to greater political involvement in the jurisdiction. It
will help make sure that the districting plan that is --
that is ultimately passed, provides a meaningful opportunity
to elect candidates who represent their issues -- their
interests on issues that are important to their lives. And,
you know, take advantage of the opportunity to participate
in all phases of the districting process.

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

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

So before we move on to the next phase, I just
want to point out something around the room here. In the back you'll see that we have six maps. There are two sets of three maps. They're out there for you to take a look at if you want to help prepare your testimony or what you'll be talking about. One of the maps has the blocks, census blocks with the population of each census block. One of them shows the block groups that's -- the census that they take block groups -- they have to take census blocks and move them into block groups. And the other one is a map of the streets. So feel free to mull about, look at them. We have markers out on the floor in front of all of them. One important note, if you do mark on the map, we'll take a picture of that and we will save that, but if you want to be sure that it's in the official record that the Commission will be using for drawing lines, you need to either fill out a form or submit a piece of paper or talk about that during the testimony portion of this hearing. Just writing on the map and walking away from it isn't necessarily going to get into the record, so make sure that it's either, you know, submitted in writing or orally during testimony. And likewise, feel free to come talk to myself or to Nicole. We have our mapping software up and running today, so if you have questions that you'd like us to take a look at, or if you'd like to see something on the map, we can help show you that during the intermission period. But, again, if you say
something to me or something to Nicole or something to one
of the commissioners, you know, in passing, that's not going
to get it on the record. You need to go back and say it
during the testimony portion or in writing just to make sure
that everything gets in the record.

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

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

EVA HETER: Okay.

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

(Recess taken.)

DANA NUESCA: We'd like to call this meeting
back to order, please. Okay. If you have not submitted a
form and you would like to speak during the public hearing,
the forms are available right over here, so please come and
submit a form. Put your name on it, and then your name will
be called in the order that it was received. Okay. Do you
EVA HETER: Okay. My first speaker is Connie Siano-Smeyres.

CONNIE SIANO-SMEYRES: Good morning.

THE COMMISSION: Good morning.

CONNIE SIANO-SMEYRES: Thank you for the opportunity to speak with you this morning. My name is Connie Siano-Smeyres. I serve on the Board of Directors of the Escondido Country Club Homeowners' Organization, also known as ECCHO. It's the neighborhood association that recently has been active in gathering signatures to protect the opened space of the golf course. As the Information Technology Director, I can speak with first-hand experience about the great number of people who volunteered for our organization and gathered signatures for our initiative.

The Escondido Country Club is a strong cohesive area with a very clear identity. That's why we were able to gather over 9,000 signatures in about one-third of the time allotted by law. It's important to note that those signatures were all gathered by volunteers. That indicates the depth of community support and the definite community of interest. Our community of interest lies in the city north of Highway 78, west to the city boundary, and north to the city limits on both sides of I-15. It is in this area that Escondido residents joined together to protect our
I urge the Commission to respect our community of interest and to keep our neighborhood entirely contained within one city council district. Thank you.

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

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

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

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

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

ANA HENDERSON: Thank you.

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

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

CONNIE SIANO-SMEYRES: Right. It will probably
be Broadway because that's where Country Club starts, West Country Club. Does that help?

ANA HENDERSON: Yes. Thank you.

NICOLE BOYLE: Very helpful. Thank you.

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

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

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

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

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

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

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

BETTY FERRELL: I would say yes.

ANA HENDERSON: Okay. Thank you.

DANA NUESCA: Okay. Eva?

EVA HETER: Luz Villafana.

LUZ VILLAFANA: Good morning, everyone. My name is Luz Villafana, and I'm just going to be talking
about my immediate community. This is the first time that I participate in the process of districting. I live in north Escondido between El Norte Parkway, the freeway. I drew the line there, but, you know, I realize now that it can go even farther than that. And my other cross street would be Morning View Drive. So I live in El Norte Parkway, and the thing that I have identified in my community, it's a very active community with dense population. There are a lot of apartments. The things that I identified, we have three -- I live in Escondido, and there are three other apartment complexes that are seniors. We have very large low income apartments on Morning View Drive, and about three of them that are, you know, regular family apartments that I identify to be senior or any other, you know, class of people.

What I notice as I have lived there for about 23 years in that same area, is that a lot of the elderly people that do not have a car or cannot drive anymore, they cross the street between Morning View Drive and El Norte Parkway. I see a lot of children walking to school. There is a school there on the other side of 15. And I don't have the -- since I don't have children in school, I don't have the name of that school. A lot of younger -- I mean, older kids that walk to the high school, Escondido High School, and I see a lot of grandparents walking with the children,
probably the apartments where the low income people live and
the younger tenants are. They do the babysitting which is
very common these days, that the grandparents are taking
care of the grandchildren. And they also walk to the
shopping mall which is just around the block just to, you
know, exercise. And the thing that concerns me very much is
the traffic. Since we're on the -- very close to the 15,
people get off of that freeway, and they think that El Norte
Parkway is a continuation of the freeway. And people
crossing the street to go shopping or, you know, just to
exercise, there's not enough time on the lights to cross.
And like for myself, I'm very aware of all those things, but
when I am on Center City Parkway trying to turn west to El
Norte Parkway, if somebody with a high vehicle, say a truck
or an SUV, is right next to me, I cannot see people crossing
the street. And when they are close to a green, I'm very
aware that if I don't watch if somebody's walking, it's a
very wide street, they don't have enough time to make it to
the middle or to the other side. There's going to be an
accident there. So those are my concerns right now. Like I
said before, this is the first time I'm involved with the
districting. I am planning to be at the other meetings
again and have a better picture of what I'm talking about so
it can help the Commission to draw the lines. Thank you.

DANA NUESCA: Thank you. Ana, the lines that
you're drawing, they're based on what she's talking about?

ANA HENDERSON: Yes, they are.

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

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

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

NICOLE BOYLE: How far? Up to Rincon Avenue?

LUZ VILLAFANA: What's the name?

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

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

ANA HENDERSON: Yes.

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

ANA HENDERSON: Yes.

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

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

JACK ANDERSON: Oh. Okay. Thank you.

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

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

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

ANA HENDERSON: Right.

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

LUZ VILLAFANA: Center City Parkway?

JACK ANDERSON: Center City would be on the
right.

LUZ VILLAFANA: On the right, so -- I'm not --

I mean, I know the city. I don't look at streets because I know it so well.

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

LUZ VILLAFANA: Yes.

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

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

JACK ANDERSON: We're just trying to clarify.

EVA HETER: Right.

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

LUZ VILLAFANA: Okay.

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

ROBROY FAWCETT: Good evening. My name is Robroy Fawcett. I reside in the Oak Hill neighborhood.

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

And what happens is my block -- not my block group -- my block goes from Ash to Rose from Oak Hill to Grand. I live three lots from the next block group which is in the census track 20207, block groups 1. And that block group, there's a block in there that goes from Grand to Rose to Oak Hill to Midway. It's got 1600 people. It's very heterogeneous. There's no way to divide that block using the census. You're going to have errors. Yeah, if you highlight 20211, block 3,000. It's in Block Group 3. Across the street from me, it's 3,007. But my block, because I'm right there between Katella and Rose near the corner of Oak Hill and Rose, goes all the way over to Ash and Grand. And my neighborhood is block groups in the 20705.2 and 20705.1, those block numbers just south of Oak Hill. And the people on the south side of the hill that's between Grand and Oak Hill -- if anybody's been in that neighborhood, there's a sizable hill there. And one side is
all apartment complexes, and the other side is -- towards
towards the end -- and I'm not counting the mobile home park and the
condos at the end -- but everything south of the aqueduct --
well, south of the hill and pretty much east of the
aqueduct, the California Aqueduct comes down through
Hardy -- is my neighborhood. Yet, the school district loves
to use Rose -- and then if you look at the block groups just
below where your hand is -- click on that.

NICOLE BOYLE: This one?

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

So three things. One is that area has major,
big giant blocks with 1600 people in them. My tract goes
all through the central part of town, and same with my
precinct. Am I out of time? I didn't know there was a
time -- I'll send you a whole bunch of written comments.
Thank you.

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

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

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

ROBROY FAWCETT: If you move your -- yeah, if your -- not your cursor. If you move to where Oak Hill and Rose is, there's about four streets that go up from -- to the east. Yeah, right in there. Those are part of the Oak Hill neighborhood. Oak Hill isn't a big dividing line.

It's part of the neighborhood, plus my street which is Katella --

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

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

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

ROBROY FAWCETT: Okay.

ANA HENDERSON: Thank you.

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

PATRICK DRINAN: Drinan.

EVA HETER: Drinan.

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

My wife and I are very involved as retired educators. And in terms of the school districts in Escondido, the K through 8 in particular last year went
through a redistricting, and I wanted to speak today not of
the specific boundaries because I know that the staff does
not have a district one K through 8 boundaries in front of
them now. But I would like to argue today without
specificity that we should try to establish the urban core
as a community of interest roughly around the K through 8
boundaries.

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

EVA HETER: I have no more speaker cards.
DANA NUESCA: Do we have any for oral
communications?
EVA HETER: I do not have any oral
communication sheets.
DANA NUESCA: Okay. And again, just to remind
you, this is not regarding line drawing. It would just be
regarding the process in general.
EVA HETER: Okay. I have oral communications
for Robroy Fawcett.
ROBROY FAWCETT: Good morning. I wanted to
spend some time to talk to you about terminology. So in the lawsuit we had the protected class called "Latinos." Census data, they tend to use "Hispanic." And then if you look at the statute, it talks about "race, color, or language minority group." And then under language minority group, for this issue, it talks about Spanish heritage. And so sometimes I see data and it has Latino. Sometimes I see data, it has Hispanic. Sometimes I see data -- it's usually those two, but it says different things. So part of my background is, I'm married to a Brazilian. I think my children are Latino. I think Brazil is part of Latin America. And some departments of the federal government also think that. The census doesn't. And it's -- it's really kind of like grading to hear people say, "Oh. Latinos are people who speak Spanish," because half of the continent of South America does not speak Spanish; they speak Portuguese. So I would like you to use the language of the statute. Now, one of the things that's been unclear and I've asked this many times, is what is the protected class? Is it a race, is it a color, or is it a language minority group? My opinion, and I believe I'm correct on this, is that it's a language minority group. Language minority group, based on the Spanish language, defined as people of Spanish heritage. And in the 1970's census, the Census Department defined that as people having a Hispanic
or Spanish surname, people of Spanish mother tongue in the southwestern United States. In the East, it was people with Spanish mother tongue and people born in Puerto Rico. And in the rest of the country, it's just people of Hispanic mother tongue.

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

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

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

EVA HETER: I have one more oral communication.
Laurie Resendiz.

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

EVA HETER: And that concludes the speaker cards.

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

JACK ANDERSON: Church of the Resurrection.

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

(Whereupon, the proceedings concluded at 10:24 a.m.)
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 25th day of October, 2013.

Jennifer Gibson, CSR No. 12802

[Signature]

[Signature] 10/27/13