

MINUTES

**CITY OF SAN DIEGO
YEAR 2000 REDISTRICTING COMMISSION**

**July 25, 2001 - 4:00 p.m
City Council Chambers
202 C Street, 12th Floor
San Diego, California**

Item 1. Call to Order

By Chairman Pesqueira at 4:17 p.m.

REDISTRICTING COMMISSION ACTION (Tape location: A001)

ITEM-2: ROLL CALL

Operations Director Staajabu Heshimu called the roll:

(C) Chairman Ralph R. Pesqueira-present
(VC) Vice Chairman Leland T. Saito-present
(M) Mateo R. Camarillo-present
(M) Charles W. Johnson-present
(M) Marichu G. Magaña-present
(M) Shirley ODell-not present
(M) Juan Antonio Ulloa-present
(EO) Deputy City Attorney Lisa Foster-present

Also present:

Senior Planner Joey Perry-not present
Dave Seyfarth, City Manager's Liaison

REDISTRICTING COMMISSION ACTION (Tape location: A001-005)

ATTENDANCE DURING THE MEETING:

- (C) Chairman Ralph R. Pesqueira-present
- (VC) Vice Chairman Leland T. Saito-present
- (M) Mateo R. Camarillo-present
- (M) Charles W. Johnson-present
- (M) Marichu G. Magaña-present
- (M) Shirley ODell-not present
- (M) Juan Antonio Ulloa-present
- (EO) Deputy City Attorney Lisa Foster-present
- (rl)

CONSENT ITEM

ITEM 4: Approval of Commission Minutes

Approval of Commission Minutes for the Meeting of June 29, 2001
Approval of Commission Minutes for the Meeting of July 12, 2001

REDISTRICTING COMMISSION ACTION (Tape location: A035-042.)

ITEM-3: NON-AGENDA COMMENT

Speaker #1 Leslie Sanguinetti: Thank you. My name is Leslie Sanguinetti. I'm at 3042 Hancock Street in Midway area. I am the chair of Midway Community Planning Group, although I'm not here representing them. That's my background. I feel that it's very important (inaudible) today in the District 2 area. It's integral into our

community. Traffic is , as you know, a big issue. We have spoken before on the issue of Sea World's traffic and how it impacts the Midway area. We also feel that a lot of our tourism in the Midway area, we have many hotels who depend on Sea World for holiday packaging. They often give special packages with Sea World tickets in their room rates. And we feel that to pull Mission Bay and Sea World out of District 2 would be unwise because of those reasons. And so I am urging you to keep Mission Bay and Sea World in District 2. Thank you.

CHAIRMAN PESQUEIRA:

Leslie, I'm confused. I really can't understand to the tourist, who probably doesn't have the foggiest idea what a City Council district is in the City of San Diego. What difference would that make whether they went to a Holiday Inn on Midway and got a packet to go to Sea World (inaudible) or happened to be in another political district?

SANGUINETTI:

Well, I know from experience in going to our Council person with issues that involve Sea World, he is aware of what options are in the Midway area. And so he understands what those are and if I had to go to then another Council person he would not be as aware of the Midway area. It's so adjoining our boundary lines that it would just make sense to us to have it.(inaudible)

COMMISSIONER CAMARILLO:

Hi. Wouldn't you expect a City Council person who represents a given area, whether it's Sea World or Mission Bay, to be knowledgeable of the area they represent and be able to vote appropriately?

SANGUINETTI:

I would hope so. I don't know that that would be the case. But I would hope so.

PESQUEIRA:

The preliminary map was made to comply with all the laws that we had. But it was also made for us to get the clock started, which we did. One of the reasons that I think the City Charter asked this Commission to then go out into the Community and take a preliminary map out there, was so that the community could look at it. And they could say, that's the most beautiful thing in the world. And we'd say great. And we'd walk away home and happy and you know that would be it. Or they could say, you know this is terrible. We don't like it. And we had that. And we want you to change this and we'd like you to look at this and we'd like you to do that. So, it's conceivable even though the preliminary map does meet all the criteria, it is conceivable that the

preliminary map will not look anything like the final map. Because as we listen to these comments, they do have an impact on the Commissioners. They do think about things that they haven't thought about or haven't heard before. And so they will come in to the Commission and they will say well why can't we do it this way and why can't we do it that way. Or you know citizen "Joe Blow" drew a map that is perfect. I mean it's even better than our preliminary map. We think this is great. And we all say, wow we agree with you. Is there any reason why we shouldn't adopt that map. And we'd say no. There's no reason. So we adopt it. And as soon as it hits the papers some of you are going to say, this isn't what I saw. Well, that may happen. I'm not saying it will. But, I just want to alert you that it's conceivable. We do have the right to draw a map that doesn't look like our preliminary map. Okay.

Speaker #2 Joe Mannino: My name is Joe Mannino. I'm President of the Midway Business Improvement District. We're called The North Bay Association. We represent about 900 businesses in the Midway area. And I am speaking today really on behalf of myself. We haven't had time to take this issue to the business community. But I'm also a business owner in the community. I own a health club in the community. It is next to the Holiday Inn which is a 300-room Holiday Inn that calls itself "The Sea World Holiday Inn". And I am speaking from a business person's perspective. I know there are other issues and other factors. And I'm not an expert on all of those factors and I can't really speak to them. But from a business person's standpoint, I believe that the business community feels that there is an integral relationship between Sea World and our community. Yes. People have come to Sea World and go to hotels anywhere. But the point is many of our businesses survive in part and largely in part because of Sea World. We also, of course, have great connections with traffic as Ms. Sanguinetti pointed out. And we feel, and this is a philosophical look at this, that the same Council person understands those inter-relations and can utilize the resources at their disposal in a more comprehensive way when those connections are maintained. And we feel that it would be separating some connected interest if Sea World was separated from the Midway/Sports Arena Community.

CAMARILLO:

Are you suggesting that business is the community of interest?

MANNINO:

It's certainly part of the community's interest. I'm not here speaking as a resident in that community. Our community however, has a small amount of residents. Really about 3,500 or so. And we do have about 900 businesses in that community. And I'm

speaking from that business perspective.

Speaker #3 Seth Layton: Thank you. And Commissioners, my name is Seth Layton. I live at 4576 Point Loma Avenue in the town of Point Loma, District 2. I have been a Planner for almost 8 years now in the Peninsula. I'm the current Chair of the Planning Board. I've been a member of the Park And Recreation Board. Been a member of the Mission Bay Park...sub-committee of Park and Recreation Board. I do not represent any of those committees here today. But I just wanted to tell you I have the background to make the following comments. And that is that Peninsula has an interest, myself as a resident of Peninsula, have an interest in Sea World for many reasons. We have serious noise impact. We have visual impacts over the upcoming projects and redevelopment and the ongoing redevelopment that the rides, the new heights that were approved. And whatever comes forth, whether hotels, we'd have a 90-foot splash-down ride, we have new icons all over. New Convention Centers. A hotel. All this will affect our view sheds. There is constant sound from the speakers, from the fireworks. These are impacts on our community. The traffic is an impact on our community. And storm-water runoff from two other districts go into the bay. And that flows out onto our beaches. Once again, we've got an environmental issue that is a part of our community that is a direct impact from SeaWorld and other districts. And I believe it inappropriate to simply remove it on the basis that it's more fair for another district to have some land. We have serious impacts from this. And while I believe your minds are made up, I am hoping that you're open to understand that not each district bears its fair share of the impacts. I believe we bear a major part of the impacts from Sea World. And we just want to have an influence over its planning. And I think the best way is to keep it in District 2. Thank you.

Mr. Pesqueira requested Deputy City Attorney Lisa Foster to comment on the criteria or what the Commission must legally consider when drawing redistricting maps.

Ms. Foster briefed the public on criteria used in redistricting.

Speaker #4 Michael Sprague: These are the police beat maps that you guys have become fond of. And they're divided by neighborhoods. This is a map from, I believe, 1996. And clearly showing the police beat of Webster divided into Farimount Park and Bayridge. Here you have the classic or what you call City Heights West, which is Hollywood Park, Azalea Park, Castle, Cherokee Point, Corridor, Teralta West. And on this side, east, Teralta East, Colina Park, Fox Canyon, Chollas Creek and Islenair.. So there was discussion about why we were talking about City heights as being divided into neighborhoods and not necessarily police beats. And I think perhaps

the most important for some of your discussions is that Webster is actually three neighborhoods. It is not one neighborhood. It is three. And it happens to be one police beat. Beats are not neighborhoods and neighborhoods are not beats.

PESQUEIRA:

What are the names of those Webster neighborhoods again?

SPRAGUE:

(Inaudible) is dividing for Webster. This is Ridgeview and this is Fairmont Park. This is the city approved map. And that's the subsection of the beat maps. That was actually my Non-Agenda public comment.

My other was actually was to speak to Item 5. But I don't know how to speak to item 5 because I haven't seen the report. Is there a report?

PESQUEIRA:

That report will become public at 5:00 p.m.

SPRAGUE:

How can I comment about the report unless I can read it?

PESSQUEIRA:

After Item 5 is over if there is any comment from you or any of the public, well I'll let that happen.

SPRAGUE:

So, it will be the second...

PESQUEIRA:

Yes.

SPRAGUE:

But I can't speak to Item 5 now?

PESQUEIRA:

Sure you can.

SPRAGUE:

Okay. I'd like to read Item 5. Can I get a copy now?

PESQUEIRA:

There's not a copy to be had right now.

SPRAGUE:

Do you have a copy in your book on it?

PESQUEIRA:

Michael, we're not going to vote on it. We're going to listen to the comments.

SPRAGUE:

It's listed as an action item on your agenda.

PESQUEIRA:

Is there any written material on the table that was handed out? All right. Can we give Michael a copy of the table? That's fine.

SPRAGUE:

I would just like to ask that Item 5 be taken off the Action Item list and put as a...

PESQUEIRA:

Michael. We'll make some copies of this and they will be out on the table there as soon as we get those copies. Okay.

SPRAGUE:

Thank you. But I would still prefer if it was taken off of the Action Item list. Thank you. The report is not available to the Commissioners or the public before the meeting.

PESQUEIRA:

All right. My understanding is that there's no requirement by the Brown Act or by any other law in the State of California or in the City of San Diego for that to be done.

SPRAGUE:

I've never known an Action Item being taken on a report that has not been made available to Commissioners or to Council people or to the public before it was listed as an Action Item in the history of San Diego, to my knowledge.

PESQUEIRA:

Well, that may be. But let me get our attorney to speak to that.

DEPUTY CITY ATTORNEY LISA FOSTER:

As far as providing documents that are going to be discussed at a meeting, the Brown Act only requires that they be made available at the meeting to the public or after the meeting depending on who's producing the material. If it's someone other than the actual legislative body, then the material can be provided after the meeting. So, in this case, either way whether you consider Bruce a part of this body or not, as a consultant, if the materials are made available at the meeting tonight, then that is compliant with the Brown Act.

SPRAGUE:

I would hope the Commissioners would understand that they should not vote on something they haven't read before they got here. And the public shouldn't be asked to comment on something it has not read before it was time. Thank you.

Speaker #5 Chuck Bahde: My name is Chuck Bahde. I reside at 4175 5th Avenue in the Medical Complex north of Hillcrest. I've spoken to you before about this area. And each time I've tried to bring you additional new information. The justification for this move is based on natural boundaries and community of interest. However, the medical complex north of Washington should stay in District 2. Done only for the same reasons, but more importantly to equalize the population. Currently this census tract has 3,400 residences. District 2 is short by about 3,200 and District 3 is over by that same number. You would achieve near 0 deviation if you moved that particular census tract north of Washington. After I spoke to you at one of your last meetings in Sherman Heights on July 16, a representative of the Gay and Lesbian Community gave an anecdote as to why the Medical Complex is in District 2. He said something to the effect that the wife of a former council member worked at Mercy Hospital and so that's why it ended up in District 2. I've handed out what the old district looked like in 1970 and to sum it up basically, Medical Complex has been in the district since 1970. The notion of the community was somehow ripped from Districts 3 by the redistricting in the past is simply not so. I've also enclosed a synopsis of the history of changes. To sum it up, Mission Hills, the Medical Complex, Hillcrest, University Heights, and half of North Park are all in District 2 in 1970. Little by little they've been shifted to District 3. I watched your meeting on June 29th where you drew your preliminary map. Initially there was no specific justification for moving census tract 4, the Medical Complex, to District 3. Later in the discussion a Commissioner stated it was simply to reunite the Gay and Lesbian community. As you deliberate the minor adjustment that I'm asking for, please keep in mind a quote from the Gay and Lesbian Times, July 14 of this year. Quote, "Gay and Lesbian political activists have been taking a pro-active role in the redistricting process at all levels due to political gains made in the last decade including the election of an open Lesbian City

Council Member, Toni Atkins.” One of your specific instructions is that districts must not be drawn for the purpose of advantaging or protecting incumbents. There seems to be a bit of this going on in District 3. However the medical complex north of Washington belongs in District 2. The area south of Washington certainly should be in District 3. This move will accomplish your primary task which is to equalize the population. It would bring the deviations to 0. Thank you for your service on this very difficult task.

Speaker #6 Charles McKain: Charles McKain of 4424 Bermuda. As you know from the outside of this process we have attended most of the hearings and repeatedly and consistently stated that the LGBT Community would like for you, or request that you retain in District 3 the neighborhoods that we have identified as containing high concentrations of LGBT residents and their supportive neighbors. We also have said on numerous occasions, particularly in the first meeting in District 3, that this has nothing to do with the incumbent although I like the incumbent very much, it has nothing to do with this. This is to recognize the LGBT communities as a community of interest under these relevant portions of the city charter so that this traditionally disenfranchised and under-represented community can have a reasonable chance of having a place at the table where decisions are made. And so, the statement earlier about the incumbency is inaccurate, which we heard from a previous speaker. As noted also, ample testimony indicates that the LGBT people consist of a community of interest. The preliminary map of District 3 is acceptable to our community as is the, what I see here as the, Frye Map and the Madaffer Map. Also the Asian/Pacific Americans For Fair Redistricting Map, most of District 3 is acceptable. I believe changes could be made if that is the final map to include in District 3 Kensington and Talmadge neighborhoods. And those could be taken out of the proposed 7 on the Asian/Pacific Map and exchange for the little eastern point on District 3 on that map. I think that...the population would be okay. And that would also be acceptable to us and be consistent with our requests.

If the consultant reports today that there's no Voting Rights Act reason to slice up the current District 3, I would request that you go on with the Preliminary Map as to District 3 as consistent with overwhelming bulk of the testimony you've heard at the public hearings. If the consultant says that the Voting Rights Act requires substantial changes to District 3 then we would ask that instead of adopting the Alternative Map that you have proposed that you would also consider other available configurations of District 3 that would not split the LGBT neighborhoods. And finally, please remember when you're doing your deliberations that LGBT people are spread among all racial, ethnic and language groups. Thank you.

COMMISSIONER ULLOA:

Mr. McKain, I have a question. Early on, in terms of the testimony we received, I got the impression that there was a priority set for which communities were most valued for keeping in District 3. Do you articulate that that's still the case? I was under the impression that Hillcrest and University Heights were the top two. And then it went...after that it was some of the other communities. Is that still the case?

MCKAIN:

We identify specific census tracts. And I think we put that into the record by priority. I have it in the file if you want me to look at it now. But that would generally be the approach that we would take; the priorities that we had listed before.

ULLOA:

So, University Heights and Hillcrest were the top two in terms of reuniting District 3.

MCKAIN:

The northwest corner of specifically that census tract 4 and census tract 5. So, we, yes, that's also very important.

Speaker #7 DeDe McClure: Good afternoon to you all. Dede McClure, 312 Milbrae Street, the city of San Diego. I'm here not to speak on the comments but on the actual map that I presented in a timely manner called "The Voting Rights Renaissance". And I hope that you will find this map most accurately responds to the Voting Rights Act of 1965. In fact, this map truly brings a renaissance of that landmark legislation to San Diego. The Voting Rights Renaissance map is in compliance with the factors to be considered in the drawing of boundaries as presented by none other than your Deputy City Attorney, Lisa Foster during the various public hearings that I have attended. In relationship to that document dated July of 2001. And a summary of the compliance with those factors are as follows:

The Linda Vista, Clairmont Mesa, and Kearney Mesa are united in District 6. Egger Highlands is united with other South Bay communities in District 8. The East village is united in District 8. Pacific Beach is united in District 2. Hillcrest, University Heights, Talmadge and South Park are united in District 3. Oak Park is united in District 4. The communities surrounding South Bay are united in District 8, making a true bay connection between the northern and southern portion of District 8. City Heights is united in District 4 in the greatest accomplishment of the Voting Rights Act which is fundamental to this proposed map. And then a summary of all of this as it relates to the federal data provided by the Commission that has been utilized. And moreover, three of

the proposed Council districts have a near zero deviation. And no individual district has a deviation greater than five percent. With this map there is no...we will not dilute anything with these acts with this proposed map. And I hope after this evening it's no longer a proposed map but you actually adopt it. True to the Voting Rights Act and the actual diversity in San Diego, three Council districts are created where the majority of individuals are members of the protected classes identified in the Voting Rights Act. These three majority/minority districts are compact. They should have the same ability to elect candidates and are close together. These three majority/minority districts are also comprised of political cohesive groups. The ability of a majority group to out vote the culturally diverse residents of City Heights is eliminated.

PESQUEIRA:

...I didn't realize that we could put that much population into 8 as you've done here. So, we'll have to look at that again as well.

CAMARILLO:

One thing when you do come up and have the floor and explain this. Do you have information other than this table here in raw numbers? Do you have any demographic information like ethnicity, voting age by district? It's not here. It would be helpful if you would have it.

MCCLURE: Okay.

Speaker #8 Alex Sachs: Thank you, Mr. Chair and members of the Commission. It's good to be with you. And I was hoping to say that we were on the tail end of this process. However, seeing the plethora of maps that we have outside, there may be a little more work to do. I wanted to comment on Mr. Bahde's statement. And I have had some discussions I think with Commissioners regarding the Hillcrest area. I want to make it very clear that I'm not speaking for the organization that I'm a part of, but I am a part of the planning organization that has oversight over the Uptown area. And it is correct that the community plan does make a definition of Hillcrest as being Washington Street. However, I have surveyed a number of individuals and no one is aware of any sort of specific designations of a Medical Complex area. I think everyone in that area consider themselves to be a part of the Greater Hillcrest area. There is a significant LGBT community in the area north of Washington Street. And we would ask that you maintain that in District 3. And as a matter of fact on issues such as Proposition 22, the anti-gay marriage initiative, there was a very high voting percentage in that census tract opposing that proposition. Additionally, I would like to say that I tend to agree with Mr. Sprague on the issue of making a decision or making some sort

of determination or proceeding forward on information that the Commissioners are just receiving as well as the public. I would urge you to reconsider that, if indeed the report on Item 5 is of the significance that it may be. And lastly, to go back to Commissioner Ulloa's question regarding the communities that the LGBT Voting Rights Coalition was looking at. You are correct. We did come in and say that the first priorities would be to unify University Heights and Hillcrest which were divided communities under the previous redistricting. You have done that and we're very grateful for you recognizing that community of interest and those communities as being divided. I think that just to give a short-hand additional communities that we definitely would consider to be apart of the LGBT community include Normal Heights, Kensington, Talmadge, North Park, South Park, University Heights, Hillcrest. I think I covered most. And I would just point out that under the proposed alternate plan some of those communities are taken out of District 3 and put into District 7. And then finally, also the community of Azalea Park which is a part of City Heights. And I think City Heights, overall is a community of interest that does have a lot of ties with District 3. Thanks.

Commissioner Ulloa would like the various communities to be ranked by importance to assist the Commissioners in drawing the redistricting maps.

PESQUEIRA:

The question that came up about whether or not we should have this as an action item or an information item. It troubles me to some extent that the question should even come up. Simply because information is always presented to a commission or a body that they request. And they request that information so they can continue to have additional information on a subject. And remember, this subject has been discussed for quite sometime. And the fact that our consultant is now coming back and giving us the report that we requested, based upon all the discussion that we've had, is not new information. The information is as old as all the discussions we've had. Therefore I could not at any point in time think that this should only be for an information item that we could not discuss or vote on. And should this Commission desire to vote on acceptance or, really it's not really acceptance of the report, it's merely the information given to us is merely so we can finalize our map, or finalize what we're doing. So, the action that we would take would merely be to accept the report that would come from our consultant. And it would be part of our discussion. So, the Item number 5 will remain as an action item. And it will be received by this Commission, per our request. And that it is merely part of the discussion we've had going on for some time.

I'll turn this over now to Bruce Cain to begin the discussion on what he found out in his investigations per our request on how the City Heights area looks as to whether or not it

should be...could be I should say, if we left it in three districts, if that would constitute a violation of the Voting Rights Act. And that's what we asked him to go out and do. And based on what he tells us, if he tells us that yes, it would be, then we've got to do something. If he tells us that it would not be, then we can do something else. And so, I don't know that that's necessarily something that has got to be considered a noticed item that we do an information today and then an action item at our next meeting. So, with that Bruce it's all yours.

REDISTRICTING COMMISSION ACTION (Tape location: A009-end .)

ACTION ITEMS

TIME CERTAIN: 5:00 P.M.

Item 5. **Consultant's Report and Analysis of Voting Pattern Data**

Consultant Bruce Cain, Cain and Mac Donald, will report on the work he has conducted related to whether the Preliminary Redistricting Plan affords members of protected classes, particularly in the City Heights area of the city, an equal opportunity to participate in the political process and to elect representatives of their choice in accordance with Section 2 of the Voting Rights Act. Possible action relating to the analysis and the Preliminary Redistricting Plan.

TAPE B
5:05 p.m.

MR. CAIN:

Okay. Well, clearly this seems to be a much anticipate discussion. Hopefully not because I'm going to make your life easier but only because I'm going to give you some information that you have in mind. Basically there are two questions that I sought to try to answer. I'm going to give you a lot of data, a lot of information. You'll be relieved to know that I will not go over each and every table that I have given to you. And I will not give a test afterwards as to the results. But I do want to give you a flavor of what goes on in a Voting Rights analysis so that you understand some of the factors and how they are measured by a court. And also what the evidence would look like in a court. However I can't say what a court would necessarily say about this evidence in any definitive way. That is something even Lisa can only speculate on. We would really be at the mercy of the particular judge and the particular court district. Because as

Lisa pointed out, there's some variation between the court districts and how they've viewed some of these issues.

So, the two questions that we wanted to look at is

- A) Are there potential conditions of a Voting Rights violation in the splitting up of the City Heights area and then the second is,
- B) Does the alternative map, which you drew, remedy the problem if such a problem exists.

And I would basically just get to the bottom line before I go through all the details so that if you care to sleep through the rest of the presentation you can. I always do this for my students.

First of all there is some evidence of ethnic cohesion and racial polarization that rises to the level of statistical significance, meaning that the Court would have to take the evidence seriously in San Diego County. The strongest evidence for cohesion, I would argue, is for single group claims, that is Latinos or Asians or African Americans, as a single group. However, I would say there is some evidence, and we'll take a look at it, that you could argue for compatibility between the Black and Hispanic voting groups in San Diego County. That there is some evidence when a minority candidate is running that they do tend to vote in a similar direction and that it's statistically significant. However there is no evidence, and I repeat, no evidence that a claim based on the three ethnic groups would have statistical evidence behind it. Because as you will see the pattern of Asian voting often goes diametrically opposite the Latinos and the Hispanic's often is in a different direction even than the White. That is more conservative than the White vote on some of these races. That's controlling for party and we'll see that in a second.

I will also point out that when you analyze the Gay precincts, and I will talk about how we got that information. We got it from Kevin Davis. And at some point he may have to tell you exactly his methodology. But taking his data as a representative of that from the Lesbian and Gay task force, we analyzed it. And you will see that we're going to argue basically that the evidence seems to suggest that the Gay community is compatible with the minorities. That their voting is more often than not in the same direction. And then lastly I'm going to argue that both the current district, what you call the preliminary plan and the alternative plan, don't really meet the first Gingles criteria. Neither one of them really constitute a district in which a majority of voting-age population minorities is large enough to elect a representative of their own choice. That is to say that if

indeed you decided to have something which was, if you like, a Voting Rights district, it seems to me it would have to go much further in creating concentrations of Latinos and African Americans than what you've done. Because right now there really isn't that much difference from a Voting Rights standpoint between the two districts. They're both what we would call in the trade, influence districts. It's just one of them is a more slightly stronger influence district than the other. So, that's kind of where I'm going. And so now let me take you on the path which will be occasionally tedious, but I think it's important that we do the details.

The methods that we employ here, first and foremost, we will be following the three tests of the Gingles case. That is, we'll be looking at whether a group is large enough to constitute a majority of a district. And here we will look at voting age population. And I would recommend that in analyzing all of the plans that are put before you, you're going to have to do this as well. Right now I've noticed that the documentation on many of these plans, as Mateo has pointed out, is really incomplete. It makes it very hard for you to make an assessment of what's going on. It really does need to have at least the VAT demographic analysis if not all the other analyses as well. So, that's one methodology.

The other methodology, and I hate to do this to you, is called ecological regression. And it is the common method that is used in these cases. Ecological regression means that you take a geographical unit of analysis, such as a precinct or a census tract and that becomes the unit of analysis in regression analysis; the statistical analysis. In this particular case we have had to go to the precinct level because the census tract data that the state employs for a variety of reasons is simply not suitable for this kind of analysis because it's had some massaging and statistical analysis that went into it in order to create it. And we thought that that would potentially bias the results of the study. So, for this study we have done a precinct based analysis which has been a pain in the butt. We've had to go back and recreate the whole data-set for San Diego. And that's why it has taken us the length of time that it has to do this.

It also has implications if we want to analyze more races that it is more time and more money. So, bear that in mind. I also want to point out a major problem that San Diego is going to have in analyzing their Voting Rights liability and every, every jurisdiction in the State of California is also going to have in analyzing their Voting Rights liability. And that is the problem of absentee ballots. Except for the 2000 general election in which the State Legislature,

anticipating these problems, required over the screams of bloody murder by the registrars around the state, that they had to put the absentee ballots back into the geographic precincts, but for that action we would have no data set for 2000 which accurately reflects everybody's votes. However, that means for the 2000-P and the 1998 and all prior elections we do not have absentee ballot data put back into the precincts. I repeat, we do not have the absentee ballot data into the geographic precincts. The implication of that is that if there's any socio-economic bias whatsoever in terms of the pattern of who casts absentee ballot votes, it's entirely possible that it taints the analysis. In particular, if hypothetically, white, higher-income more conservative voters are more likely to cast absentee ballots then it's quite possible that the analysis underestimates the degree of absentee ballot...polarized voting in any of these analysis. So, I will give you the best that we can do for 1998 and for 2000-P. The 2000-G data we believe to be as accurate as possible because of the requirement of the state that the absentee ballot data be put back in there. I do not believe that there is an adequate statistical solution for this problem. I believe that you would basically have to estimate to put the data back into the precincts which would then become problematic in the statistical analysis.

Let me pass over a few other details just for the record. But the particular method we're using here is called "weighted least squares" which is a form of ordinary least squares which weights the precincts according to their population size. We also...this analysis was run by a former student of mine named, Wendy Tamm who is probably the foremost methodologist under the age of 40 in the United States. She ran these numbers and she has run these numbers under different kinds of methodologies to make sure that the estimations were robust to the different types of methodologies. So, that would be important in any kind of court case. We were really quite fortunate that Wendy took an interest in this. As Leland knows she's really one of the top people in both the area of methods and in ethnic voting behavior.

The last technical consideration is that we have both partisan races and non-partisan races. In partisan races we control for party. And I will walk through this logic a little bit more later. But what we're looking for is whether the level of polarization in the partisan races rises above the normal level of polarization you would find in part in politics. That is to say, in America we know there's already a racial divide built into the party affiliations in the United States. If you look at the composition of the Democratic Party and the composition of the Republican Party you find that one of the parties is mostly white and the other party is more

varied. Therefore, if voting just divides along party lines, you'll get racial polarization. What the court is interested in is if in the presence of minority candidates the level of polarization rises above the normal level of polarization in the political process. Let me repeat, what the court is interested in is if a minority candidate runs against a white candidate, the level of polarization rises above the normal level of polarization that you find in the party processing. That is what the purpose of the statistical tests are.

ULLOA: So, you're saying that if for example, White Democrats decided to vote for the White candidate who was Republican instead of the Hispanic candidate who was running also, that would then start creating this polarization you're talking about?

CAIN: That could be one force of the polarization or it could be that the normal level of support of White voters obtains but the level of support among minority voters increase. So, these things would both be going on simultaneously and most likely are, producing both greater cohesion and polarization at the same time.

Okay. Having said that, let me turn your attention first to the table, the first table. And for those of you in the audience who don't have a table it is simply that the numbers of the VAP, the voting age population, by racial categories. And we've broken this out for the preliminary plan and for the alternative plan which was the attempt to guess a stronger Voting Rights district by uniting areas of City Heights. Now remember we went over this before, but let me refresh your memory that the reason that we use voting age population is that while redistricting is done on the basis of total population the analysis of Voting Rights violations is done on the basis of voting age population. In some cases where the data is available the court would also ask you to look at citizen voting age population. Let me say that if that were the ruling of the particular court that would mean that the Latino numbers would go down substantially and possibly even some of the Asian numbers. Leland would have a better idea than I. But probably some of the Asian numbers would go down as well. So, by using the voting age population we are presenting perhaps the best case for potential plaintiffs who were arguing for a Voting Rights violation.

ULLOA: On this issue, I think it's been mentioned before, we don't have the citizenship data so we're not in a position to be deciding whether or not we want to include it. We just can't do that. So, I think that's really something that we have no choice on at this point. Right?

CAIN: Absolutely. But I just want to remind you that the effect of not having the citizenship data is that we're giving the best, strongest case that we can in terms of the numbers for the particular groups.

Now, if we look at what was done under your preliminary plan we see that basically District 3, which is the district of greatest concern, has about 29% voting age population Latinos, 10% African American and that's, we use Black plus which allows for multiple designations of Black. So again, we're giving the most possible credit to any of these racial categories. We've done the same thing with Asian. And you get another 10%. So, when you put it together, you basically, if you combine all three groups, have a 49% majority/minority district. But as I say, when we look a little bit later at the voting analysis the more sensible way to look at it is either in terms of the single group which would...the largest single group would be the Latino which would be 29% which clearly would put it in the influence category. Or as I said, there's a stronger case for Black and Hispanic based on what I will say is in San Diego some correlation between the votes between the two. If you do that you can get it up to 39%. So, it's clearly very much an influence district. It's not a majority/minority district that the court would recognize as a remedy to a Voting Rights problem.

If you then go to the alternative plan you see that you've raised your number of Latinos from 29% to 34%. You dropped your White population, VAP that is, from 51 to 43 and you've increased the Black VAP from 10 to 11 and the Asian VAP from 10 to 12. Once again, if we simply take the plausible cases you still, in the case of a Latino claim, you still have basically an influence district with the 34% Latino VAP. However, if you were to combine the Black and the Latino you would get up to about 45%. So, it's starting to get close to something that the court would seriously consider a majority/minority district. But it's still falling short somewhat. So, if you were really trying to create a remedy you would probably want to increase the Latino and Black VAP to a larger number.

So, to get back to the first criteria is in either one. Is there a large enough majority...in particular is the alternative plan one which creates a majority of a possible group or a coalition of groups which is large enough to constitute a majority which could elect a representative of their own choice. I would say neither plan does that. Although the second plan gets closer to that. I do not know, because I was not asked to do this, whether there exists an alternative which would do such a thing. It might exist. It might be in some of the plans that

were proposed today. But, I can say that you certainly did not do that in the alternative plan. What you've done is taken an influence district and made it a little more influential or to put it another way you've made it a little bit more minority. But you have not created a majority/minority district. And that's again only in coalitional terms. In terms of single group, you're nowhere close.

Okay. Let us move now to the question of cohesion. You begin to get a sense if you've been looking at the data that we've been handing out over the last couple of months, you begin to get a sense that there's some racial variations in the voting behavior in San Diego if you simply looked at the voting returns in the eight existing districts. For example, one observes that Prop 209 failed in essentially three of the districts. And again that's without the absentee voter ballot data. But even if that changes, and the point is that the pattern is very distinctly different in Districts 3, 4, and 8.

ULLOA: I'm sorry. Bruce. Could you please, just for the record describe briefly what 209 is all about.

CAIN: Proposition 209 was the proposition that basically used the wording of the 1964 Voting Rights Act to basically roll back affirmative action programs at the state level saying that basically the State can use race as a category of discrimination for state action. Okay.

So, Prop 209 was affirmative action. You also see in the voting for the Lieutenant Governor's race and in some of the other propositions you see similar patterns where 3, 4 and 8 clearly are voting differently from the other districts. Now no court would accept that as evidence because that's basically unanalyzable or unanalyzed data that simply tells you intuitively that there's probably something going on here. And essentially you have to then go to the next level of analysis which is what we've done.

Let me point out first of all that we do also give you the results of...with respect to the preliminary plan and alternative plan of different political races. And the point I would reinforce is the first point that I made which is that while there's some demographic change, you don't fundamentally create a majority/minority district. Reinforcing that is the basic returns, the political returns in District 3, are not that much different. The pattern of returns is identical in terms of all the propositions and candidates. The very same people if you were...in other words if you simulating an election in that district using basically just assuming that

everybody voted the same way but just if you like rearranging them into new districts, basically there's no difference between the preliminary plan and the alternative plan in terms of the outcome of any race other than the margins change a little bit. So, you don't change the outcome of any significant race that we analyzed as a result of changing the district boundaries.

Now, here we're going to move to perhaps the mind boggling part. Which I'm sure you're all dying to see. And that is the regression analysis. And that begins with all the undecipherable numbers right here. And other than offering a course in statistics for a whole semester, we can't really hope to understand this in any deep fashion. But let me just try to give you a little bit of an idea of how you would try to read some of the aspects of this table. But I really wouldn't recommend that you do it unless you've had some aspirin or a drink. Basically what the regression does is it fits to a scatter point. You know, it fits a line to a scatter of points and it basically looks at the slope. The bottom line is this. What we've done is run some models where we look at different political races, the outcome of different political races. That's what we call the dependant variable, the variable to be explained. And then we have three racial variables. A Hispanic VAP, Black VAP, an Asian VAP, all over VAP meaning the percentage of the total VAP that these groups constitute. And then we have a DEM and a REP registration variables controlling for party affects. And again the test is this: whether in the presence of minority candidates the level of polarization rises above the normal level of polarization that you find in the party system. And basically what we're looking at are the things called the estimate, which is the first column which is the coefficient. We're looking at the size and the sign of the coefficient. Positive means usually voting in a progressive or Democratic direction. Minus is voting in a conservative Republican direction. That isn't just my political prejudices, that's actually kind of a way we usually do it in political science. No intention to insult Republicans by making them a negative number, but that's just the way the general way we code these things. And political science is. And by the way I should point out that Wendy Tamm is a Republican, so she did it. And the T-values we're looking for levels of statistical significance which conventionally rise above 1.96 or 2 and above. And the probability on the right basically tells you what are the odds that the result that you have was produced by chance. And what you're trying to do is get a very, very, very small number which indicates that the probability that this was produced by chance is an extremely small probability. In most of the results, particularly the results that have been close to 3 stars or 2 stars mean that the probability that that was produced by chance. It's almost like one in

one thousand. So, it's highly, highly unlikely this is the result of some fluke. Okay. Alright.

So, based on that let me tell you what I observed in looking at this data. And that is this. When we...first of all clearly a lot of these models fit the data very well because party explains a lot of what goes on in San Diego. You know somebody's party registration, you know a lot of what goes on at almost any level. But particularly of course in the statewide races. But it is also the case that race explains things beyond party. And what you'll see is a pattern where often the Black and Latino coefficients are positive, meaning they're more likely to vote in a progressive direction or for the Democratic candidate. And the Asian coefficient is negative meaning controlling for party they're somewhat less likely to vote for a Democrat than you would expect, controlling for party. And that is the basis in which I argue that the Asian population looking at most of the data, is not cohesive with the Latino and African American. Because their numbers, their coefficients are often oppositely signed from the coefficients of the Hispanics and the African Americans.

If you look at the races of Bustamante, Lieutenant Governor, Juan Vargas who was running for the Assembly, Stevens, running for Mayor here and Martinez running for the...I think Treasurer, is it? Insurance. Oh yeah. Well we should remember that Quackenbush race. And a vote that everybody in California would like to have back, no doubt. But at any rate, if we take those races, it is...you see a pattern in which the African American and Latino coefficients are virtually indistinguishable. They are both positively signed, meaning that they were more likely to vote for those candidates than the White candidates. And you will see that the Asian coefficient is negatively signed. Interestingly enough when you look at the race between Fong and Boxer you see that the Asians were more likely to defect from party to vote for Fong than the white voters. But neither the Latinos or the African Americans jointed them in voting for a minority candidate in that particular instance.

I wasn't able to tell because I ran out of time on the Board of Equalization that there seemed to be a pattern there with the Asians there. And I can't remember which Board of Equalization district you're in. If you're in district 4, I think there is an Asian candidate that ran in that year. But, if anybody knows let me know. So, to summarize what I would say is this. That there is a kind of normal level of polarization over and beyond the parties. You can see it's a little bit inconsistent, the sign of the coefficient sort of bounces around a little bit on a lot

of the races. But you look at the races in which your minority candidate, particularly Hispanic or an African American candidate was running and you do see that the African American and Latino voting behavior is distinct, statistically distinct even controlling for party than the White voting behavior I would argue is a sign of some degree of polarization. Does it rise to a level that the Court would accept? I really can't say. I don't know. Would they accept the Black and Hispanics based on the similarity of these coefficients or coherent, cohesive coalition group? I really can't say. But I will say those are the facts that the Court would have to consider.

Now, we also with the help of Kevin Davis, and I want to thank him very much for the effort he put into this, we also then took out the precincts which were identified as most likely to have members of the gay community in them. And we ran the same models. And we found the following. And that was that the racial effects were much weaker and inconsistently signed in those precincts, meaning that there doesn't seem to be much that distinguishes the White voters and the minority voters in any consistent way in those particular precincts. In the few cases where we did find some dramatic differences was often that the gay community was voting in a more progressive fashion than the minority community. Particularly in the presence of female...white, female candidates. And we saw that for example in the DeDe Alpert Senate race which is on page 5. You will see that all the minority groups were less likely than the white voters in the gay precincts or in Kevin's definition of precincts that have gays, to support DeDe Alpert. So, that's about the extent which we found any divergence between them. You can also see a little bit of a sign of that on the Prop 22 which we didn't analyze in this progression analysis. But you can see in looking at the discrepancy between District 8 and District 3 on the Prop 22, you see that District 3 voted against 22. Again, this is without the absentee ballots. So, whether in fact it turned out to be a no vote when everything was summed up, I'm not sure. But the point is the pattern of the voting was very different between 3 and 8 suggesting that maybe on some issues minority voters are not as supportive of the gay community but in general. So, I wouldn't argue that these voting blocks are identical, but I would argue that on most of the races we looked at they were pretty consistent.

Okay. To get back then to the two issues of cohesion and White polarization. I would say based on what we saw there's a strong case for cohesiveness with respect to single groups if you look at say the African Americans. Look at the Stevens race which is the last of the sheets of paper with the regressions on it.

You can see that the African American support for Stevens is really phenomenally large. In fact indicating that for every percent Black you get more than the percent support for Stevens. Meaning that the neighbors joined in with the African American community. It was a neighbor effect. Not just a support among the African Americans. You could see you get a very, very strong coefficient on that. You see also in the Vargas race, a very strong coefficient for Latinos indicating that certainly for any one individual group you would be able to argue for cohesiveness. Again, because of the similarity of the coefficients in those minority races that I looked at, I think you could argue for cohesiveness between Hispanics and African Americans. I don't think you could argue for cohesiveness with the Asians in the coalition.

And then getting to polarization. It's a little hard to tell from these equations how much is polarization and how much is just enhanced cohesiveness. That is that you can not say for certain whether out of these estimations whether the divergence between the two racial groups is produced by the White defections or to what extent it's produced by minority support. But there's definitely a separation that is occurring when these minority candidates are on the ballot. And the Court might argue about the meaning of polarization. And then you might want to do a little bit more work into that. Hopefully finding some survey data to supplement this.

But, the sum total of this is the following: that there are some facts that suggest that the racial conditions of races bear some resemblance to the patterns that the Voting Rights Act is supposed to cover. Whether these levels are high enough to warrant a remedy particularly since you have two minority representatives already, is an open legal question which I would leave to Lisa. But I think there are some facts that you might want to bear in mind when you consider the issue of representation for different areas that there are some reasons to have some concerns about polarization and divergence between the different communities in the City of San Diego.

CAMARILLO: That last statement when you said we already have one Hispanic, one Black. Are you suggesting there's a quota on how many we can have from each group?

CAIN: No. Of course not, Mateo. But what I am saying is that based on my looking at the cases, and again I really...I don't want to push this because I'm not a lawyer. I think your strongest case is always when you have a case of exclusion and you're trying to get the first one in there. And I think it becomes a little harder

after you have several representatives already in. But that's all I mean to say. I don't mean to say that you couldn't win the case. I don't mean to say anything other than you do...that would be a fact which would be on the side of the defendants. That's all I mean to say. Whether that fact would matter and be decisive I simply can't say. It would be a fact if you...we have been focusing on the three Gingles Criteria. In reality, as Lisa will tell you, there's actually a longer list which includes such things as how well represented minorities are in City Commissions and Boards. How much representation they have on the existing City Council or on other representative boards. Whether or not racially charged messages are used during campaigns. I mean it's just a very long descriptive list. Whether there was any intent on the part of the redistricting group to actually diminish minority support. All those factors could be part of the court record. And indeed in the most important case that was decided in California, the Garza case, it wasn't decided on the Gingles criteria, it was decided on some of the other criteria. In particular the intent criteria and proof that in past redistrictings there had been a long history in Los Angeles of the County purposely trying to divide minorities. So, just because we've only focused on three criteria don't believe for a second that other factors wouldn't be brought in in a court trial.

CAMARILLO: Bruce, on your examples on polarity I don't see it by districts. I just see one number. For example let's just focus on page five with the Boxer/Fong. I can't determine how different districts in the City. I just see one number. And the other in reference to the Hispanics and the Asians, it looked like they were very similar in voting in that Fong/Boxer race.

CAIN: Right. Well, first of all the analysis is never done by one district. You analyze the whole city. That's the way you do it.

CAMARILLO: So, we can't tell how District 3 votes if it's configured this way or how it would vote if it's configured some other way?

CAIN: Yes. You can do that. And we did that analysis. And it's at the beginning of your packet. And that gives you basically the results of many races under your preliminary proposal and under your alternative proposal. So, you already have that. That number is more easily summarized at the beginning. Okay. The regressions could be done in theory, district by district. You would probably not get very good estimates because the number of precincts wouldn't be enough to give you what we call degrees of freedom which would lessen the statistical

certainty of the estimate that you get. Moreover I don't think that's the point. I mean what you...I think it's rather the data you want as the data at the beginning where we have taken the districts. And then what we've done is re-tabulated the returns by the different alternatives. And that's what I think you're interested in. And that exists for you in your packet.

CAMARILLO: Alright. So, on this page 5 is it fair to assume that the Asians and Hispanics in this instance in this race voted very similarly?

CAIN: Well, first of all, what you're looking at is the gay precincts. By the time you get to page 5 we've taken out only the gay precincts. And the dividing point is on page 3. So, up to pages 1 and 2 and then the first columns in 3 are the ones for the whole city. Then starting at the bottom of page 3 we've separated out the gay precincts and you basically have made the point that I made earlier which is that when you get to the gay precincts you find that the racial difference lessen considerably both in terms of the...for all the groups, vis a vis the Whites. Which is my point that basically the Whites in the areas that Kevin designated are more similar to the minorities than in the rest of the city. Now how Kevin came to his definition of those 300 precincts is between you and Kevin. But as far as we could tell, Kevin's data was the best data that we could get. Now, I could probably get even sharper results because Kevin at one point offered to give us only the 50 top precincts. And we felt for statistical purposes that would have been a little bit more problematic for us. But we could have done that. In fact if we had world enough of time we would have done that. And my guess is that the differences would have even lessened more is my intuition on that.

COMMISSIONER JOHNSON:

You said basically the Latino and the Black community basically follows the same pattern.

CAIN: Not identical. But they're pretty close.

JOHNSON: And in some instances with the exception of where there is a White female, the gay and lesbian community basically kind of falls in line there someplace. I will assume on propositions and this kind of thing there is a similarity. All three of these groups kind of get together.

CAIN: That's right. Which doesn't help you. Because it basically says the you can't eliminate either one of these alternatives because there's a logic to both.

Because they are compatible communities of interest in a sense.

ULLOA: You mentioned earlier about one of the factors to look at is perspective of people of color in planning groups, town councils. And one thing that I've seen is that a large number of planning groups and town councils where there's a significant amount of people of color in the community do not reflect that hardly at all in any other town council planning groups. That's an issue that I question as to why that is. And we have consumed discussion at some of the public hearings but that's an issue that I still feel is a legitimate one to take into account in terms of trying to do something to involve more participation by people of color at all levels of local government. How would you respond to that?

CAIN: Well, I don't know the facts but I mean I certainly...and it would be a legitimate goal of the redistricting commission to enhance the voices of disadvantaged and minority people. I mean that's certainly a legitimate goal. But it's also a legitimate goal to enhance the voices of the gay community. I mean that's a legitimate goal too. And I have no words of wisdom on how you trade these off. I will be watching with interest as you struggle with this. But I think they're both legitimate goals.

CAMARILLO: To that specific point. We heard testimony that there's only one Hispanic in City Heights and out of a dozen or so. And that person felt forced to resign.

PESQUEIRA: We have to be careful because a lot of times testimony that comes in is so subjective in its presentation that we want to be careful whether we put all of your 100% of your weight upon what a person may have said who is speaking very subjectively from a point of view. And we're trying to be much more objective as not to use the anecdotal stories of an individual who happens to come before us and speak about something. Because we could go back and forth on everything.

COMMISSIONER SAITO:

(Compliments Mr. Cain on putting together so much information so quickly and bringing together resources from around the country.) I have some questions about the context with which we can use to understand these numbers. Because these numbers are important to us and it's part of the process for us to base our decision on. I have a number of questions. The first one is..

TAPE C

PESQUEIRA: Leland. May I interrupt you for just a minute so that we...I think we can keep everybody in a focus here. We had asked Bruce to go back and take a look at the area primarily surrounding City Heights so that we could determine whether or not City Heights should be moved into District 3 and that there would be a civil rights violation should we fail to do that. And so as we make our discussion, let's keep our discussion in line of the fact that whether or not City Heights should be moved or not be moved. Because I think that was the focus of our request from the consultant.

SAITO: Okay. Well, my questions and comments here are, or this discussion is based on the idea that we're going to use this report to help us make our decision. And so my questions here are to help us...well to help me, but they can help all of us I think understand these numbers. And that's what this discussion is about. So, first is this. This data is based on voting. So, people who have actually cast a ballot. And as Juan mentioned what about the process of politics within the community and the range of people that are involved. So, another way of understanding the numbers could be that in the United States as a whole, and in San Diego in particular, this is a place where many groups have been politically disenfranchised based on a number of factors whether it's race, religion, gender or whatever. And so in some ways then what we're looking at is the end result of a process where some people may not get involved in politics because they feel that those votes don't count. So, could it be said then that we are looking at people who have voted, but what we're looking at then, and since we are looking at minority communities, these are often communities where political activity has been suppressed because these people feel that they're not part of the political system. Is that a possibility?

CAIN: Yeah. It's a possibility. And it's a possibility that we have known from the academic whether true, that sometimes when you created a district you do create networks which energize voters which might increase participation. And that's not just true in minority communities. That's true in the gay community, the beach community and all of the communities. This is why redistricting matters. Because when you create...and this is why communities want to be whole underneath the districts is because it gives them an incentive to develop an infrastructure that reunites them and motivates. So, yes. It's possible

SAITO: And especially in a community such as City Heights where it's low-income, many immigrants, refugees that this just might even be emphasized more. Is this a possibility, too?

CAIN: To what degree it would increase participation is a normal question. Because you would want to know more about the citizenship rates in that particular area. But it certainly was a logical possibility.

SAITO: So, basically my point is here that when you look at this data, we can't assume that it's a complete and total and accurate picture of the voting preferences of everybody in that area in City Heights. And the other thing is that I think you've done an incredibly thorough job of analyzing this data. But would another limitation though be the kinds of elections that you were able to analyze. And so for example, let's take one of them. Cruz Bustamante. Or another one, Matt Fong. How many people in City Heights that would have ever met or talked to Cruz Bustamante or Matt Fong. And then so there's a difference between a candidate running in a statewide race and a candidate running for let's say a local school board or city council race. And so, something such as identification. And your research and much research show that it's not just ethnic identity. People just don't blindly vote for somebody for the same race or ethnicity. But it's because they believe that this candidate knows and understands the kinds of political issues that exist in their community. So, the point here then is could these races, as important as they are, also be not as strong indicators because they're state races as opposed to say a local race where the candidates and the voters are much more familiar with one another.

CAIN: Yes, but, now remember we do have the Stevens' race. And you will find pretty much the same pattern. So, my conclusions sort of hold up. You look at the Stevens' race you find that again the Hispanic and the African American support. Particularly you see the African Americans were. Now, in this particular case you find that the Asians also supported Stevens. So, that may be relevant to your point that it's the...it's entirely possible that in local government races you might find more coalitional behavior with the Asian community. But we just don't have enough races where minority candidates ran in all these neighborhoods for us to be able to do it.

SAITO: And that I think is one of the major things is that if we had a number of races that...and I think it would help with our analysis. And George Stevens, I can't pass judgment on what kind of candidate he is, but it is kind of hard to make a judgment just based on one person as opposed to a range of candidates.

And the other thing is with Asian Americans having a vote that's different from Latino and African Americans. I think for many reasons that that sort of exists in

the data that's shown. And again I think part of it might be with the kind of lack of elections that we might have. Like for example in the recent state assembly election in San Gabriel valley, Latinos and Asian Americans did form a coalition to vote in an Asian American into the State Assembly. That has changed from election to election. Sometimes Latinos have voted for this person and sometimes they voted against. So, the point here is that sometimes it's difficult to tell because we may not have enough elections to go by. Is that...?

CAIN: Right. But I mean to get back to Ralph's point. I mean the key question here is, is there enough similarities between Asian voting behavior at all different levels and Latinos and African Americans such that a court would say, oh yeah, that's a cohesive group. And therefore we would hold you, Leland Saito and the rest of the Commissioners liable if you don't draw districts that are coalitional districts. And I think what I'm saying is that the factual case would be mixed. And you're saying the same thing. It's not that it's 100% against the notion that Asians will vote with minorities. I think we find some areas where they will. But both of us knowing the academic literature and looking at this say, yeah. That's probably right. There's going to be a lot of instances where Asians don't vote for Latinos and Blacks and some in which they do. And what is the Court going to make of that. You know. Lisa can take a guess. We can all take a guess. But, you know the more you find discrepant information, the more likely the court's going to say, you know this is a stretch. And remember that what Lisa said is that while the Court has entertained evidence of coalitional districts, they've never sustained in any decision a case in favor of plaintiffs that came in with a coalition. And correct me if I'm wrong about that Lisa but I believe that's the record.

FOSTER: Well, I would basically agree with that statement. I think as we talked about this issue at a previous meeting there are some Circuit Court cases in other jurisdictions which aren't binding on our jurisdiction that have found both ways that the U.S. Supreme Court has expressed or refused to rule on that issue. So, there is no binding authority on that issue that would apply to us.

CAIN: Oh yeah, I forgot. That's the 5th Circuit did in some cases in the 80's sustain. I forgot that. So, at any rate. I need to amend that statement. It hasn't happened in our circuit but it has happened elsewhere. So, you know, again all this is a legal continuum. Nobody can tell you you're certainly liable or certainly not liable. But you can sort of figure out where you are. But again, all this...and here I depart a little bit from the report to just step outside as an observer and say, you

know there seems to be kind of a rush to want to make this into a legal issue when in fact I think it's a very legitimate political/community of interest which the citizens of this city are asking you to think about and decide. These are perfectly legitimate claims on the part of the minority community and on the part of the gay community and on the part of all these other communities that testified. And it is your unenviable job to try to satisfy as many of these as you can. And it seems like what we're trying to do is to let the Court solve the problem for you. And I guess what I'm trying to tell you is, yeah. You can sort of say there's a little more legal liability. I think it's fair to say there's a little more legal liability with fracturing minority communities than with fracturing the gay community right now. Because we don't know of any case law which the gay community has been protected under the Voting Rights Act. So, there's a little more legal liability. I think that's fair to say. How much more legal liability, I think it's going to be impossible for anybody to tell you. All I can tell you is this is what the facts are. This is what the Court will be looking at. And you're going to have to factor that in when you make a decision as to how to prioritize between these different competing legitimate complaints or claims.

SAITO: Just one final question. And then just one summary point. In terms of the way the Gay/Lesbian vote seems to be progressive and in some ways sort of overlaps with Asian American and Latinos and African Americans in certain cases. Could that be the case with certain kinds of issues such as propositions. But if there were opposing candidates, say somebody that was run by the Latino community and somebody that was running from the Gay and Lesbian community, then you would have that kind of divergence.

CAIN: That's an excellent point. And that's entirely possible and indeed plausible that if we had more races in which two protected groups ran against one another then we would see evidence of the non-cohesion. And that would apply not only to gays versus Latinos but quite possibly if we had a Latino candidate running against an African American candidate and that's often what's done in these coalitional claims.

SAITO: My final sort of summary conclusionary point is that dealing with the limited information that we have with these races and trying to understand that this analysis, there are several ways we can understand it. One is that the evidence doesn't strongly show or support the kind of requirements required by Gingles in terms of polarized voting etc... Or cohesion among certain groups. So, that's one way of looking at it. But the other way of looking at it could be that

because of the kind of political disfranchisement that's occurred in the community, because of the low level of political activity among these groups, that that also isn't shown. And part of that may be because the way the political system is and the way it has worked and created particular barriers for these groups.

CAIN: Yeah. That's a possibility. Absolutely.

CAMARILLO: I agree with you Leland in reference to the significance of those variables you've identified. Bruce, isn't there another factor in terms of arriving at conclusions in reference to communities voting as a community, or as a group or a tendency to vote as a group is the races you looked at. Based on the data here you're telling me that the...where we have a statewide Asian running, Fong, that was not done in City Heights? So, we don't know the data on that?

CAIN: What are you talking about?

CAMARILLO: I asked you on page 5 on the Boxer/Fong...

CAIN: No. No. We ran it both ways. The table that you want to look at Mateo is on page 2 or is it page 3? Alright. Okay. I take that back. I'm sorry. Page 5 we did not run the gays. I take that back. But the Boxer/Fong that you're talking about on page 5 is the '98 race. You're right. That is run for city wide. And running that city wide you basically find that Black and Hispanic vote was identical to the White vote. That is it was completely explained by party. And the Asian vote went beyond party and supported Fong. That's what that table tells us. Okay.

CAMARILLO: Didn't you indicate that if it has a negative number of which both the Hispanic and the Asian has a negative number.

CAIN: They're not statistically significant Mateo. You look at the T-value. The T-value is below 2. Okay. That means that they're indistinguishable from 0. Okay.

CAMARILLO: The other race which you all don't have in front of you would be to see how Ruben Varales, that race was a statewide race. And that would have been very significant to see how African Americans and Asians voted for Ruben Varales. But you don't have that data. So, what you look at is how you get a conclusion.

CAIN: Right. But, I mean it's also that if we were to find some races in which minorities ran against each other that could be used as evidence that they're not a cohesive block. So, it can work both ways. I guess all I'm trying to say is we could proliferate this report. It would eat up a large fraction of your budget because Wendy doesn't come cheaply. And putting these data sets together doesn't come cheaply. And the question is what's the marginal value of the information that you would obtain by authorizing us to do more studies. I mean, I think Leland has kind of summarized things pretty well. Which is to say, look. If you're interested in saying that there's some community of interest that we should pay attention to in the City Heights area, there's some evidence in this data that supports that. It says that Blacks and Latinos tend to vote together, that there's some level of polarization and that we should consider that as a community of interest. Okay. That's what that report tells you. We could proliferate it more of races and that would simply most likely affirm that result. But, the report also tells you that is it a slam dunk Voting Rights violation on the facts alone? I would say, probably not. Because you know, there's a lot of interpreted things the Court would have to go through. I don't know how they would look at that. I don't know whether they would accept Black and Latino. I don't know how they would look at these numbers. Okay. You have a stronger case when you're dealing with a single individual group. Okay. But, I don't see how proliferating more studies is going to solve the problem. You understand, there's a community of interest between Blacks and Latinos. That's representative in that area. There's a community of interest represented by gays. And it's more or less compatible with the progressive coalition. How you sort that out, there is no legal guidance. That's just something you're going to have to use your judgment on.

ULLOA: Mr Chair, if I recall you mentioned earlier that your impression was that the Gay and Lesbian community met the same criteria for being considered a protected class?

CAIN: No. They're not officially recognized as a protected class.

ULLOA: Right. I understand that. But in terms of your analysis you were saying that unofficially from your review of the information, you believe that their characteristics and history would place them in the same category as other protected groups?

CAIN: No. Juan, I think what I would say is this. That you can safely put the gay

community into a minority district and you will find that on a large number of issues, maybe not everything, but on a large number of issue you're going to have a compatibility. Now Leland's amendment to that which was a perfectly good amendment was, what would happen in a hypothetical race between a Latino candidate and a gay White candidate. But you could see a divergence. Just as you saw a divergence on Prop 22, just as you saw a divergence on the DeDe Alpert race. So again anytime you're talking about the similarity of interests the strongest case for cohesion is each group by itself. But if we're then going to the next level, which groups seem to be in harmony. And what I'm saying is the Black/Latino coefficient seems to move together most often. And that compared to other Whites, the gay Whites which is what we called the intercept term in the gay equations, seemed to be less distinguishable from the racial groups in the gay precincts.

So, that's to say there's some compatibility there. But you could argue for a community of interest that...again it's never going to be 100%. There are surely going to be issues that coalitional partners are going to separate on by definition. And I can't even tell you whether the gay/Latino coalition is closer in some sense than the Black/Latino. I mean that would go beyond these numbers into a much more textured understanding of the politics in San Diego. Which I simply don't have. I can't tell you and wouldn't even venture an opinion. But I think the point is, any coalitional group you're going to find some differences and you're going to find some similarities. But all I'm trying to do is say, alright. If you have to put groups together you can't put them all in their separate districts, but you want to avoid putting them in with the most conservative, White, high voting, wealthy neighborhoods. So, you know to me I would be most suspicious of the City Heights portion of 7. Whereas I would be less concerned about the City Heights portion of 3. And certainly not terribly concerned about the City Heights portion of 4 which probably is the most compatible of the three. So, if you're going to rank order, them based on the data that's here I'd say it's most compatible with 4, number two would District 3 and number three would be District 7.

Now, does that mean you have to make these changes legally? No. Again I keep saying there is all this legal ambiguity. We can't say with certainty. Certainly you're taking a little bit of a legal risk when you divide a minority community in parts. But how much we don't know.

ULLOA:

That's basically why I asked that question. Because I do believe that the Gay

and Lesbian community has a legitimate interest in staying united or becoming more united. But then one of the dilemmas we have is in order to put the groups that are in District 7, people of color who are a contrast in terms of the political voting patterns to folks in District 7 that then creates a domino effect in terms of which other communities do we then take out of District 3. And so I wanted to ask if you're looking at which group needs protection more or higher priority in terms of voting rights or voting issues, would it be those two census tracts in District 7 or would it be Kensington, Talmadge or Normal Heights. And those are the dilemmas that, at least as a Commissioner I'm trying to deal with because I recognize even before the data, that in looking at the data that was given earlier by Joey, that a lot of voting is similar. So, I don't think it's an issue of pitting gays and lesbians against African Americans and Hispanics but it's the idea of which of the groups need greater protection in terms of Voting Rights and voting issues and participation in the political process. And my thinking has been in terms of moving Talmadge, Kensington and Normal Heights to District 7 as opposed to leaving the other two census tracts of people of color in District 7 that those three communities, at least my impression are middle class for the most part. They're White. Then they're probably high propensity voters. That data I don't have. But that would be my guess. And they would be better able to defend themselves in District 7 and make inroads in District 7 in terms of making their political influence known as opposed to the two census tracts of people of color that are in District 7 now. And those are the two groups that I have a concern about.

I understand and I accept that this is not a Voting Rights issue. And that's fine. But as you mentioned there are some legitimate concerns that we as Commissioners need to look at and I think in terms of equity, in terms of fairness to those whose vote we did not hear. And I understand that Lisa had mentioned that be careful with that. But we also have to be careful not to be too conservative in how we're going to react to that situation. And I'm hoping we can find some compromise here so that we can still create a district where the gay and lesbian community felt that they have the capacity to continue to elect a person to represent their interest but not ignore the fact that there is a group that is protected by the Voting Rights Act that should have some level of protection. And in a district where they can have some influence. That really is the dilemma that I'm going through right now. I was hoping that maybe later on in the discussion of meetings that we can have some data that will give us a better sense of which way we should go.

CAIN: I think you're asking all the right questions. And I feel your pain. But I mean I think in the end no facts are going to resolve this, Juan. I think you've got to make some value judgments, bottom line.

COMMISSIONER MAGANA:

I wanted to make a comment in regards to which census tract you move. And I think that in a prior meeting I had asked that in regards to a particular community. And Bruce your response to me was that we do not protect individual census tracts for individual communities. What we have to look at is the whole entire district or the whole entire city. And because one census tract is in this district this time around and they feel they have the power to vote for their candidate of choice, because they're now placed in different district the next go around it's still a matter of numbers and a matter of community interests. And so, I think we need to take a look at all of these groups as communities of interest. As new concerned citizens and that we need to listen to what it is they are telling us. Because again, we refer to individuals who we don't see but I need to tell you that I did work in the Mid-City area for a number of years. And in order to bring that community...to improve that community coalitions had to be built. And it wasn't just one face you saw it was hundreds of faces representing all aspects, all neighborhoods of that community. And what I've heard in the testimony from the community is that that is what is continuing. And we can not say, well this one little segment of the community we haven't heard from them yet. But what I'm telling you is we have heard from them because this group is not...didn't come to us saying, I only represent me, I only represent my race. What they're saying is that I represent this part of the community. But in essence they have been telling us they are a coalition. They have been working collaboratively, they have made major improvements in that area. And I would again want to caution us in terms of looking at something that...we seem to always need to be searching for something. Something more, something other than what's already in front of us. And we have to take a look at that more closely.

Chairman Pesqueira recessed at 6:15 for a 10 minute break until 6:25p.m.

Chairman Pessqueira reconvened the meeting at 6:28 p.m.

SPEAKERS ON ITEM #5

C184 **Speaker #9** Fred Lindahl: Good evening. My name is Fred Lindahl and I live at 4550 Estrella Avenue in Talmadge Park, District 3. This evening I'm just coming

to speak to you after hearing the presentation. And one of the things that I want to express is that I am a member of the Talmadge Park Neighborhood. And we have been working over the course of six years with the City Heights Neighborhood. And when I say the City Heights Neighborhood, I'm talking about a number of issues that we began with collaboration. In one area we're talking about the El Cajon Business Improvement District. We're talking about the Euclid Avenue Revitalization Program. The City Heights Redevelopment Project Area. The I-15 Corridor. And just our maintenance and with the newly formed Maintenance Assessment District.

When I listened to what it is that some of the Commissioners are asking, it sort of sounds like their leading to show that the way that it should be working is that Talmadge would be the leader and that City Heights would be learning from the people of Kensington and Talmadge when in actuality what is occurring is that Talmadge has learned from our neighbors in the south in City Heights how to actually work with our current Council Members and how to work and learn how to fill out applications for CDBG grants. How to form historic districts. How to create assessment districts. And the list goes on and on. So, I guess I become a little bit emotional when I hear that it is something that would be in reverse. I think statistics would show and numbers would show that a neighborhood like Talmadge would be the leader when in actuality as to what is going on in City Heights and Talmadge is that it's in the reverse. And so what I guess what I'm saying is that I would be open to questions from the Commissioners as to what is actually going on in my neighborhood. And what it is that I see as a person that resides there and that works within my district and is also participating in things that are happening in City Heights.

Speaker #10 Joe Cordero: Good evening, Mr. Pesqueira and members of the Commission. I live at 1651 Quiet Hills Drive in Oceanside. However, I'm the Co-Chairman of the Chicano Federation Board of Directors. And our address is 610 22nd Street here in San Diego. As you might be aware, the Chicano Federation has been involved in the City redistricting process for 30 years. Ten years ago we saw a need to protect the rights of individuals who we thought their rights were being violated. And those individuals being protected under the Voting Rights Act. We felt their rights were not being respected. We're talking about individuals that are our constituents. Latinos, other people of color. Immigrants and other under-served communities. We feel that the bottom line here is that you should continue to protect the voting rights and unify City Heights into one district. Our constituents, many of which come from City Heights. We have seen over the years how difficult it is to get resources for individuals. It becomes increasingly

difficult when those individuals are divided into various districts. Whether it's a City district, Assembly district, Supervisorial district or whatever. So I urge you to consider our proposal. And I understand you have a very difficult task before you. This is not an easy decision you have to make. But, we ask you to make this decision in good faith otherwise you're going to force us to consider other avenues to try to protect the Voting Rights of our constituents. Thank you.

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Speaker #11 Ellis Rose: Members of the Commission. Mr. Chair and staff. My name is Ellis Rose. I reside at 3535 Monroe Avenue in San Diego. And first of all I wanted to talk to an issue which has concerned me greatly for weeks and weeks. And that is what seems to be a segmentation of the very real and diverse interlocking communities within the 3rd District. We are not just simply White or Black or Asian or Latino. We're not simply LGBT or straight. We overlap quite a bit. And what concerns me is that the tone that comes from the Commission, whether you realize it or not, really constantly segments us when we are much more than that. And one of the things that's frustrated me also has been that over the last few weeks that I've talked to people, especially people from City Heights asking them about getting involved that they've expressed concern that they feel dismissed. And quite frankly they have told me they feel disenfranchised because they feel that regardless of their ethnicity, their race, regardless of their activity as activists within City Heights unless they give the answers that want to be heard, as they believe, then they believe that they're dismissed and they are not being listened to. They feel like this process is weeding them out. I did want to ask some questions that perhaps the consultant can provide answers to.

My first question is in regards to the issue of network development within districts that are...you talked about minority districts. You talked about the development of networks. Is it possible that the network can develop under the present system where there are three districts representing the various neighborhoods of City Heights? I was wondering is it possible that the influence can be limited by being packed into one district if they've already developed networks that are effective within the three district system? I was wondering if you could site the so-called minority requests from City Heights residents requesting to be in one district. I'm not aware of any. And I was wondering if you can speak to the possibility of disenfranchising and cite examples within City Heights or is that simply just hypothetical?

CAIN:

Well, those are a lot of questions. And some of them I have absolutely no data on. With respect to the two more general questions. One is whether networks can develop if you divide them into three. Yes. They can develop at the Assembly level or the Congressional level or at the State-wide level. But, in terms of organizing with respect to the City Council level, I think we've heard testimony from everybody that neighborhoods like to be united and develop their networks in a united fashion under one representative in general. It's not always the case but in general in my 20 years of redistricting, communities of any sort prefer to be kept together rather than divided.

As to the question of whether you limit influence by packing it. Yes. Of course the same thing could be said of the gay and lesbian community. That is to say that your demand is to have yourselves concentrated. Well, somebody could come to you and say, well you're just packing yourselves or you're limiting your influence. The obvious answer is that you have to let every community speak as to whether it wants to be divided or united. There is no abstract academic answer as to whether it's better to have a 30% or a 35% concentration. That's something the community has to decide and testify on. So, I would urge the Commission to look at the testimony and make a decision based on that. Don't expect academics to come up with some magic number for you.

Speaker #12 Kevin Davis: My name is Kevin Davis. I live at 1263 Robinson Avenue. I wanted to address the Stevens' race for Mayor in last year's primary. I disagree. I believe I have a different interpretation. I don't believe that you could guess someone's vote whether they were African American or Latino or not one of those categories. I believe that voting was largely along the lines of what Council district they lived in. I believe that the data shows that almost every precinct where Mr. Stevens received more than 50% of the vote was in District 4 where he had been the Council Member for over 8 years. And the Latinos in District 8 were not as likely to vote for Mr. Stevens as the Latinos in District...or as the White people in District 4. So, I think...I don't think you can draw conclusions as to racial polarization or collusion or anything like that with regard to the Stevens' race. I also have a question I'd like to ask of Lisa Foster regarding the responsibility of this Commission. I'd like to know how much this Commission has to take into account both people who are not of voting age, people who are not...people who do not participate in the voting process or people who are not eligible to vote. Or whether this process is about empowering people who do vote to elect

a City Council member of their choice?

FOSTER: I'm assuming, Kevin, by that question you mean to the extent that those people not of voting age should be taken under consideration in a Voting Rights Act analysis. Is that what your question is?

DAVIS: No. With this Commission when they're looking at drawing the lines, do they have to take into account there are many people who are not citizens or many people who don't participate in the voting process, so let's do something for them. Or is it rather we need to do something for the people who do vote and do participate?

FOSTER: Well, I don't think I can answer that with a simple answer. I think we look at different populations for different purposes. And I think that Dr. Cain touched on that earlier. We really look at total population based on the census numbers which are presumed accurate in equalizing the districts which I consider the primary goal. For Voting Rights Act analysis though, you do look at a different population. We're looking at what we call VAP (Voting Age Population). There is some fairly strong legal authority that we should be looking at CVAP (Citizen Voting Age Population). It's impossible for us to do that because we don't have that data. But there is some authority, where that data is available it should be considered. So, again in the Voting Rights analysis it's much more important to hone in on those who have the ability to vote. But for other purposes, like equalizing the population, you look at total population. So it's not a simple situation.

MR. CAIN: And if I could answer Kevin's first question. There may be variations in the Latino vote in different areas of San Diego. What the equation tells you is that on average, on average Latinos were more likely than Whites to support the Stevens' race on average.

CAMARILLO: Mr. Chairman, just a clarification of something. Kevin identified the Stevens' race. In your analysis, Bruce, didn't you look at the...to the extent that Latinos in District 4, because that's who voted for...because you have them by districts. So the question is in terms of trying to clarify the...

PESQUEIRA: Okay. We'll go with that. But I'd like to get through the speakers first...

CAMARILLO: I just want to clarify. Because you made a statement earlier that speakers can't

rely on the statements. They could be hear-say or unvalidated information.
That's what I'm asking Bruce.

PESQUEIRA: Unless there's some strong reason, I'd like to save that question.

Speaker #13 Douglas Case: I'm Douglaas Case. I live at 5444 Reservoir Drive in San Diego. Two things. I would first of all like to caution the consultant about using the terminology gay district. Because there is no precinct in the City of San Diego where there is the majority of the voters who are from the LGBT community. My primary comments have to do with process. It is my understanding that when the Commission proposed their alternative map that that map would only be considered if it was clear from the consultant's report that there was a very clear Voting Rights problem with the preliminary map. And as I understand there is not a clear indication that there is a clear violation. I think there are some Commissioners that regardless of what the consultant said would be coming here today to be arguing for this putting City Heights together and the request for the consultants report was no more than a facade to hear that argument. But I would suggest to you as a matter of process that if you choose to look at anything other than the preliminary map as your basis map you have an obligation to go back out into the communities and get the input from the communities that are affected to decide if you put City Heights in the same district. You need to go out into City Heights and have public hearings there. I understand that the Charter doesn't require that. But I think if you're going to use as your basis either of the City Heights map or the radically different Voting Renaissance map that you have an obligation to go back out into the communities and seek their support if you're going to be doing anything that is substantially different from the preliminary map.

PESQUEIRA: That's why all of our meetings are public and open for people to participate or watch on television.

Speaker #14 Dwayne Crenshaw: Good evening, Mr. Chair and Commissioners. Dwayne Crenshaw. 6275 Alderley Street in San Diego. I found the presentation interesting and fascinating on the City Heights issue. To me as we talked about the issue of City Heights the Commission has to consider whether you go into the district 3 or district 7. I think what I heard Mr. Cain say was that the most substantial difference would be to put City Heights into district 4. We know there was a question about whether or not African American and

Latino's participation will increase if they're combined. There is a study done by the Public Policy Institute of California, their website is PPIC.org. I would encourage you to look at that. This is an analysis of the 52 Congressional Districts but 13 that are majority/minority. And in each of those cases, the participation of people have increased because of that. I think to continue City Heights divided will continue to diminish their Voting Rights. That may be the reason they're not here today to speak that's been suggested. So, you need to really look at that issue as a concern. I think also, however, there are two other points that I think need to be clarified or perhaps I want to share my thoughts on. One, that the gay and lesbian community, LGBT community, needs to be pitted against the City Heights community. I think the Voting Rights Renaissance map may be an alternative that keeps the LGBT community, University Heights united as one of the Chairmen was asking, Hillcrest and those communities together while uniting City Heights in another district. Another comment Commissioner Camarillo asked about, whether or not 2 minority districts was enough. Well if you look at the population in East San Diego which is almost 50% or is 50% minority, having 20% of the seats represented by minorities is not adequate. So, as a City-wide picture I think there is a Voting Rights issue to look at. If you can create three majority/minority seats that's a plus that I think you should consider it as well. I think the Voting Rights map may lead you in that direction.

And then lastly, I think there was a point made regarding the public process and going back out to the community. I think that's a valid...I think you know you're on T.V. now. I think the process is going on. We need to continue to move forward. I would suggest before you delete any maps that you do allow us all time in this room to get back together and try to see if we can come together with the Commission. Thank you.

(D141) Mr. Pesqueira announced that Item 6 and 7 will be trailed to Wednesday, August 1, 2001 at 4:00- 8:00 p.m.. Mr. Pesqueira announced that the Commission will notice the public for meetings on Thursday, August 2, 2001 and Friday, August 3, 2001 at 4:00-8:00 p.m. as well in case these meeting dates are needed.

Mr. Pesqueira also mentioned that the Commission does have as least a moral responsibility to say why they will reject a map or why they will accept one.

Mr. Saito expressed concern for members of the audience who came to testify today and who will then have to come again. For many it is a hardship. He also questioned whether the Commission

is ready to have a final decision on the final map. He feels more time is need to make a decision.

Speaker #15 Mark Conlan: Two points. First regarding the question that came up earlier as to what the population base for determining Voting Rights Act compliance should be. According to Justice William Brennan in his majority opinion in the Gingles case it is, quote “The minority voters must be sufficiently concentrated and politically cohesive that a putative districting plan would result in districts in which members of a racial minority would constitute a majority of the voters.” In other words simply doing the analysis on the basis of Voting Rights population... voting age population is not good enough. It has to be people who are actually eligible to vote. And since your consultant was, I understand, unable to do that analysis, there is a flaw in the data from the very beginning. Because it does not cover the correct population base which is people who are actually eligible to vote. Not immigrants documented or otherwise, but people who actually have the legal right to vote and may be disenfranchised by a certain redistricting. So, this is not just an academic point because it may lead some of the advocates of a third majority of people of color district in the rather unfortunate position of asking...of getting what they asked for. Getting districts in which there is a majority voting age population of color, but still a White majority of actual voters with the result that they may lose not gain representation on the City Council from that sort of a district. And also I would quickly point out that there are many issues, particularly dealing with the morality of homosexuality itself. Issues like Proposition 22 where there are significant and very stark differences between the queer community and communities of color. I’m sorry the analysis did not cover Proposition 22 for that reason. Thank you.

CAMARILLO: I think it should be kept in mind that minorities may chose to have a White representative. So, we’re not talking about minority elected representatives. We’re talking about the opportunity to chose the person of their choice.

ULLOA: Mr. Chair, I just want to repeat that we don’t have the data for citizenship. And so the point can be made that maybe that ought to be the case. But it can’t be the case currently because we don’t have the capacity at this point to do that. Thank you.

Speaker #16 John Stump: John Stump, 4133 Poplar Avenue, Azalea Park, City Heights. Thank you very much. A couple of points I wanted to

make is first of all Mr. Ulloa, there are 25 copies of the request concerning what are gay precincts and what are not gay precincts. They are order of importance. It's in your file. I read your entire file today and one of the questions I'd like you to think about is, they've made some statements about what they desire as precincts. There is a task that was put in the Gay, Lesbian, Bisexual Redistricting Manual which has also been submitted to your Board of 5 factors which need to be demonstrated in order to have a precinct that can be qualified as mainly a community of interest. Those 5 factors...there's no evidence yet in the file that that's...those have been identified. There is a manual Staa provided to you. It's a part of the public testimony. A couple of comments. This is a Council race not a Congressional race. In the last Council race 54% was all that participated of the eligible voters. So an absolute majority of voters in that race, in the Council race, is only 28%. 34%...57% which is in the alternate map would have exceeded that. So, I think there is a real question now whether or not combining people of color in one district is equal or fair treatment for them. Finally a factor I'd like you to look at is not only the Mayoral race but we had school district races. We had a Mr. Lopez run. We had a Black women run for school district. How did they perform in City Heights. This is also a non-partisan race. So, I'd like you to take a look at that. And finally, when I make my presentation on the Coffee Map I'll be bringing up Miller vs. Johnson, which says race is a matter to be considered. It's just not the only matter to be considered. Thank you.

Speaker #17 Levin Sy: Good evening Commissioners. My name is Levin Sy and I'm with a group called Asian Pacific Americans For Fair Redistricting. Before I begin today, I'd like to respectfully ask that comments from the Commission such as putting district 2, and I quote "putting District 2 clear out of the country" which criticize, evaluate or judge the proposed district plans before we can submit them to you, be eliminated. First, I'd like to ask the Commission a couple of questions related to the data which has been presented today. Number one, the Bush/Gore races that we have been presented show that Asian Americans vote contradictory to what Latinos and African Americans vote. I would like to suggest that we look specifically at City Heights. I've been active with the Asian Pacific American political community. One of the things that we know in San Diego is that they are very much Republican. But there's decline to state, or a decline to state a party preference that's big enough it can influence that. If you're looking specifically at City Heights where Philipinos comprise 28%...excuse me in Paradise Hills where Philipino's comprise 28% of the community, two things can happen. The first being, there are similar Latino

surnames can be incorporated into Latino voter roles. And the second, they are very much a Democratic vote. And if you look at the City Heights research specifically on these races, I will tell you that the African American, Latino and Asian American communities do have shared interests along political boundaries.

The third point I'd like to bring up is related to process. Today we were given the impression that we had a time-certain date and time that we would be able to present our proposed district. We feel that we're being shut out of the process by not being allowed to speak today. And if Item 6 is removed from the Agenda that those who wish to speak and submit a card be allowed to be added to the Non-Agenda public comment. The last comment I have is on City Heights. The proposed Asian Pacific Americans For Fair Redistricting Plan speaks to the needs of creating an Asian Pacific American district in District 2. Yes. What we did was to show you that this can be possible and it will not be too drastic to do so for the rest of the community. The dilemma that you have before you with City Heights and the LGBT community can still be constructed given the freedom that you have here today. Thank you.

PESQUEIRA: Levin. Just so you understand. What I'm doing in effect is we're keeping those speaker slips and when we start Wednesday again, the slips will be valid and I'll call the roll to make sure that those people have returned. And then we will get into our discussion here and then move on to item number 6 with the people who have already submitted their slips.

SY: A point Mr. Chairman, I think one of the things that we felt and is very disturbing is that a lot of folks came out today, almost 20, that wanted to speak on the item. And because it was an Agenda item we did not speak at the Non-Agenda public comments. And I think as a matter of process and for fairness and for really if you were concerned with inclusive public participation we have people here who want to speak on an issue. And to have them not be able to speak sometime today, I think would be an injustice to them and their time. Thank you.

Speaker #18 Michael Sprague: I have a few quick questions. I was surprised that the numbers within your work didn't come to more than 100% with mixed race being added in several different categories.

CAIN: I'll take a look at it.

- SPRAGUE: I was also curious. You have grouped African Caucasians with African Americans, correct?
- CAIN: We took...the Black plus is anybody who designates that they're African American and a second mention. So, that might include some people who were both Caucasian and Black; small numbers, yes.
- SPRAGUE: The division in City Heights between Africans and African Americans is about equal?
- CAIN: I don't know. We didn't look at that.
- SPRAGUE: Back to the comment I've heard several times and I'd like to go over it one more time. Regarding the racial makeup of the City Heights Town Council. The racial make up is 30% White, 12% mixed race, 18% African, 18% African American, 12% Hispanic and 6% Asian Pacific Islander. And while each of those numbers may not on a yearly basis be exactly accurate to the proportions of the population, I don't think a 7 to 30 split is bad, the individual who did speak to you is on the Town Council has not been removed from the Town Council. I've heard more stereotypes from the Commission than I care to even think about. Stereotypes that everybody that lives in Kensington is White, everybody who lives in Hillcrest is gay, everybody who lives in City Heights is of color. I've heard stereotype after stereotype after stereotype. I don't know why are you coming up with these. Kensington, Talmadge is 52% white and 48% of color. So if you move part of District 7 for part of District 3 for that tradeoff you're not going to get anything close to what you think you're getting. That simply isn't there. You have suggested and suggested changes and no matter what the consultant has said or will say, you're going to subdivide the question again to try to get answer you want. Please stop trying to create something that doesn't exist. It has never existed and why in God's name you don't think there can be a coalition between gays and lesbians and the rest of the city and the rest of the people of color in this community, I do not understand. Thank you.

Speaker #19 Maxine Sherard: Good evening. As you know, I've become the poster child for reuniting City Heights. And I did so not lightly. In 1980 City Heights seemed to have been united together. In 1990, it was separated into three districts. And I believe at that time the voting strength of people who are in protected groups was diluted. And will be diluted if not reunited in this particular

redistricting. The question I had Mr. Ulloa asked for me, and I thank you very much. I think I understand what's going on. That in terms of priority, City Heights would be better in 4, in that order 3, and of course the least desirable is to leave it in 7. Least desirable is to leave it in 7. And I have spoken to this at several hearings that have taken place around the city. My second question is this. To what extent should the Commission rely on testimony when it has been dominated by members from the community planning boards and special interest groups who have sought to keep City Heights separated rather than unite it? And thirdly, to leave City Heights in 7 as it is presently constructed in 7 would that be a violation of Voting Rights Act. I thank you very much for your attention.

END OF SPEAKERS ON THIS ITEM

CAMARILLO: Just a brief question. The influence census tracts around both the margins of 3, 4 and 8 which all are neighboring each other, did you look at that; those neighboring census tracts or precincts is what you did in terms of voting patterns.

CAIN: These would be precincts that are boarding Districts 3, 4 and 8. Alright. We didn't separate them out. And indeed they had different patterns from the rest of the City. That's statistically possible to do. We didn't do that. But that could be done. You could see if some subset of the precincts is different from the average. What we give you is the average across the city.

JOHNSON: In my mind, I guess the final thought is in looking at District 3 here and in trying to put everything into a proper perspective, it seems to me that what I hear you say is there appears to be some violation, some denial or some problem there which this Commission is definitely going to have to take a look at and make a final decision. Is that correct?

CAIN: Well, I think I would say this, that what I said is that factually there are some facts that could be used by plaintiffs. There's an ambiguity as to what this would mean when you put it together with the legal ambiguity. But there are some facts that indicate polarization. There are some facts that indicate cohesion. So, you can't dismiss out of hand the possibility that these communities are subjected to some of the problems the Voting Rights Act is supposed to address. Right.

ULLOA: My concern continues to be with census tract 2707 and 2709. In terms of district 7, at least my numbers that I have here, show that district 7 is 60%

White. Census tract 2709 is 88% people of color. Census tract 2707 is 94% people of color. And then you had mentioned earlier that district 7 and a couple of the other districts vote the opposite of 4, 8 and 3. So, again I'm looking to do what I think is right to try to enable these individuals to have their voice heard. And if individuals want to put words in my mouth or other Commissioners' mouths they can do that, but I don't think that's fruitful or productive for anyone. What is important is if those who come up can give us information specifically that would help those of us who have a strong sense that the neighborhoods in City Heights who are in District 7 if there's a method to include those in District 3 without causing any substantial harm to any other group. That is the type of testimony that I would like to hear at this point. It is correct in terms of the analysis that Bruce had made there's no clear evidence that supports that there's a Voting Rights violation such that we would say absolutely we have to work on that. But there is evidence. And significant evidence according to Bruce that we should be concerned. And that's the concern that I continue to articulate when folks continue to say that we're ignoring their input. I'm not ignoring it. I'm taking it into account. But I'm also going to take into account the numbers that show the disparity. Why continue to put a census tract that's 80% another one at 94% people of color in a district where their votes are not being heard. So, I think that's the place where I need to start in terms of trying to resolve this problem and trying to make sure that everyone's voice is recognized. So, as one member I would be willing to work with having City Heights in 2 districts. But I would not be in favor of trying to continue in 3 districts. Every other community has asked us to reunite them. The only community that's asked us to continue to keep them divided is the community where you divide people of color into another district. I don't think that's fair. I'm not accusing those that have spoken here of being unfair or anything else. I don't want to get personal because I don't think that's necessary. I'm saying we have a difference of opinion and my opinion says that it's necessary to recognize that these folks need to be included in the political process. And I don't think that's occurring at this point. Thank you.

MAGANA: In regards to what Leland said earlier. We do have individuals prepared to speak today rather than making them wait until next week, because I feel that I need to hear that testimony before I can make any decisions further.

END OF ITEM #5 to hear speakers on item #6.
(Decision made to hear the speakers on Item #6 who are present.)

REDISTRICTING COMMISSION ACTION

(Tape location: D572)

Item #6 and #7 will be continued until the next scheduled meeting. Testimony of speakers present who wish to speak on Item 6 will be conducted tonight.

Item 5 decision will be made at the next meeting in order to hear testimony on Item #6 and allow Commissioners to digest comments on Item 5.

TAPE E

TIME CERTAIN 6:30

Item 6. Receipt of Redistricting Maps Submitted for Consideration by Commission

Members of the public will present and explain the redistricting plans they have prepared and submitted for the Commission's consideration. Possible action and direction to staff relating to one or more of the plans.

Speaker #20 Levin Sy: My name is Levin Sy. I reside at 7390 Dancy Road. And I'm here today with a coalition of community activists, business owners and young professionals and seniors who have come together under a coalition entitled "Asian Pacific Americans For Fair Redistricting". When you began this process one of the first things that you all knew that this City's tremendous population growth occurred in two areas. In the first district and also in the fifth district. The Coalition For Asian Pacific Americans For Fair Redistricting respectfully submits a proposed redistricting plan to establish a fair opportunity for Asian Pacific Americans to participate equally in the political process. This plan respects Asian Pacific American communities and their communities of interest that exist in the City by not dividing or otherwise diluting our votes. This plan unites cohesive communities of Rancho Penasquitos and Mira Mesa into one brand new City Council district and ensures fairness of equity for all San Diegans by reflecting more accurately the communities of interest in the northern portions of the city which did experience the most population growth. The proposed City Council District 2 which we are presenting to you today came about in two ways. The first beginning May 4th, July 9th and July 17th at community and public testimonies throughout the city.

We came before you to identify where our communities lie. The current City Council districts continue to divide the Rancho Penasquitos and Mira Mesa communities which form the bulk of a large Asian American Village in the north

part of the city. Both your proposed and alternative districts continue this division. And we feel that we came here today to turn in an assignment that Chairman Pesqueira asked me to do. And he said, I want to see you combine Rancho Penasquitos and Mira Mesa without impacting the rest of the community.

The guidelines that I used to draw these boundaries are those that are before the City Charter. Provide fair and effective representation for all residents. You've heard, ad nauseam, discussions about communities south of the 52, about City Heights, about the LGBT community. But let me speak to you about a community that has not been heard. And that is the Asian Pacific American community or also northern San Diegans. We feel that this redistricting plan protects the voting rights of African Americans, Asian Pacific Americans and Latinos and fulfills the LGBT communities desires to remain in one district. Thirdly, we created more compact districts and followed natural boundaries. The western boundary of the proposed District 2 is the I-5, I-805 freeways; the southern boundaries, Miramar Road, the northern boundaries are the city's boundaries and to the right is the I-15 freeway. If you look you now have more compact districts. The new Districts 2, 7, 3 and 4 are more compact. And I found it encouraging to hear this morning that residents from Point Loma wanted to be together with people in Mission Bay because they too share the community of interest, that of the water shed, that of the coast.

We've developed this plan to focus on developing a community of interest argument for an Asian Pacific American district which will only total 34% of Asian Pacific Americans. Non-Hispanic Whites still form a majority of this district. We felt it was important to do because as many of the people have noted, the study by the public policy institute of California creating districts for minorities increases their participation. And I want to thank you again for letting us speak today. Because I think that is why people participate.

The most important criteria as I stated is maintaining communities of interest. And I think there's been a lot of discussion about that. And what I wanted to do is to quote Lisa Handley, one of the colleagues that Bruce has and I'm sure she was probably someone who bid on this consultant job. "A community of interest is rarely codified by the statute but is generally thought of as a group of individuals united by shared interests or values. These shared values may be the result of a common history or culture, common ethnic background or a variety of other ties that create a community of voters with distinct interests. Well

Commissioners we have done that with this plan. We preserved the common interests and characteristics of the communities of Mira Mesa and Rancho Penasquitos and also of the Carmel Valley areas. And we also reflected the patterns of community interactions in a sense of shared community that your proposed and alternative plans do not take into account.

First, a shared sense of common history and culture. It is no wonder that the largest concentrations of Asian Americans are in this northern part of the City. Mira Mesa represents 40% of the Asian Pacific American population of that city and in Rancho Penasquitos they represent 26%. And the majority of those communities have a shared history. A history bounded by the military. Filipino Americans and Vietnamese Americans have come to this country by the military in two different ways. Filipino Americans fought valiantly for this country. They were recruited by the military and they joined. Many of the Filipino Americans in this region are in some way connected to the military today. They're military personnel. They're children and decedents of the military. They're family members of military personnel. Vietnamese Americans, their story is different. They came to San Diego because San Diego was a major U.S. settling point for refugees. As a result of our U.S. involvement in southeast Asia they have come to San Diego as refugees. But others of their families have come as immigrants to join their families. Mira Mesa has a large military installation to the south that a majority of the major Filipino residential commercial concentrations are resided in this city.

One of the things that people don't realize is that when the Filipinos first came here in the military suburbs that were in Mira Mesa, over time from the 80's and 90's they moved into Rancho Penasquitos. They moved into Carmel Valley. Vietnamese Americans moved from Linda Vista. They moved to Mira Mesa. Then they're moving to Carmel Valley. There is a pattern of immigration that happens. Yet the inter-relatedness of these communities continue today. Asian Pacific Americans in Rancho Penasquitos and the Carmel Valley continue their ties to Mira Mesa. They shop, they worship and they visit the community. Because these communities have major Asian American commercial quarters that they visit. Another characteristic that I thought was very important was shared socio-economic status. The zip codes of 92126 which is in Mira Mesa, 92129 which is in Ranch Penasquitos, 92130 also Rancho Penasquitos. According to ACORN which is a classification of residential neighborhoods. It's a commercial data base company. They've termed 92126 as a thriving immigrant community. And the 92129 and 92130 is prosperous baby-boomers.

Yet one of the things that they have in common based on the 1990 median household income is that they have similar income status. And also finally they also have shared housing types. They're all single-family home owners. This district bounded by the I-805 and I-15 freeway also shares political interests. Any of you that have tried to call me anytime I was at home can hear the helicopters hover over my house. It is because from Miramar Air Station when the marines came over, helicopters hovered over the I-15 and the I-805 corridors. These helicopters go over these communities. These form a community of interest. They formed a coalition because they felt that the noise that impacted their communities was unacceptable.

Finally this map reflects the true patterns of community interaction and a true sense of shared communities between Rancho Penasquitos and Mira Mesa. As you know, Sorrento Valley and Mira Mesa are major job corridors for the city. And the residential traffic that goes through Mira Mesa and Rancho Penasquitos is one of the problems that has united these communities. This community has the 56 freeway going right through it. If there's a solution to be had for the residential traffic, it is to have the one freeway going right through it. They also have a shared resource. The Los Penasquitos Canyon Reserve goes right through it. Both Mira Mesa and Rancho Penasquitos and Carmel Valley residents use the same resources. This is a shared resource.

Finally, others that will follow me will speak about the economic ties we have in this community. Many business owners of Mira Mesa reside in Rancho Penasquitos. The civic and communications networks of Asian Americans are concentrated in Rancho Penasquitos and Mira Mesa. Before you can have political participation you must have interested individuals that group themselves along similar interests. And we have that in this district. Vietnamese Americans, Filipino Americans based on professional groupings. There's family associations for their professional affiliations with schools from the Philipines. These folks are based in Rancho Penasquitos and Mira Mesa and they gravitate to this area because residents live there.

In conclusion, Asian Pacific Americans For Fair Redistricting Plan addresses their concerns to preserve a shared interest of all our communities not just Asian Pacific Americans. Because if you look at the other parts of the area we've done that. We've respected police beats, planning areas, freeways, natural boundaries. This is a comprehensive community of interest redistricting plan that's been created for you with flexibility. I appreciate the fact that

Commissioner Magana did not want to discuss City Heights because this plan accommodates City Heights according to what you would like to do. Right now, City Heights in District 3 is split. Webster goes to 4 and also the Kensington Talmadge area to this day and the LGBT community goes to district 7. Well, those are issues of your concern. What I was asked to do on July 9th was to provide a plan. Combine Mira Mesa and Rancho Pesanquitos without impacting any of the other cities. And I present before you the plan that maintains your District 8, that maintains your district 4, that maintains your district 3. And I have brought number 5 closer to zero. I think this plan meets all the criteria that you've established in the City Charter. And it's accomplished everything that you've asked us to do. And now we have speakers that are going to speak on all these points. Thank you.

CAMARILLO: Mr. Chairman, real briefly. I can't tell because the size of the map. Were any census tracts split, if they were, were as they split along census blocks? Just for data facility.

SY: You know, one of the things that we heard loud and clear in this district, for example was that Mission Bay, because it was a shared watershed, they wanted that area split. So, that was one area that we split. For the most part, all of the census tracts were kept in line. The only areas where I cleaned it up was here in this area. The Linda Vista, Mission Valley area. I had to split census tracts because the census tracts went long going this way. And I think, you know for public perception you would want to have a clean tract. And that's what we tried to do. This respects communities of interest based on planning areas, on police beats. These communities right here, this is Ocean Beach. This is University City. I did not break up any other planning areas. And even in this district right here, the Mission Hills area, Golden Hills we tried to keep that together. We know that our community has a higher standard than most of the people that come here before you. And that's what we tried to do. We tried to keep the census tracts and the block group splits very minimally. And what we did was not just created a District 2 that had a rationale and basis that was convenient for us, but that rationale and basis was legal and it was applied throughout the City of San Diego.

CAMARILLO: And lastly, Mr. Chairman it looks like we have it in the computer so we can do the demographics.

PESQUEIRA: We should be able to do the demographics. I don't know if Staa is prepared to do the demographics.

SY: The demographics are right behind you. And you can look. The new district 2 that we've created is 34% Asian Pacific Islander.

JOHNSON: I just have a quick question, Mr. Chairman. Looking at your map it seems to me that Clairmont is split. Am I...

SY: No, sir. One of the things that I did was I read all of the Commission's public hearings and testimonies. And one of the things that was loud and clear was that Clairmont, north, west, and east wanted to be combined. And we did that. Currently Linda Vista is in the District 5 and what I did was keep it in District 5 by keeping it united. You now have Linda Vista and Kearny Mesa together in one district. And if I could speak a little bit. You know Linda Vista has a large Vietnamese American Population and also Latino population. We combined that with the commercial corridors in Kearney Mesa.

JOHNSON: I was just looking at the Clarimont area. It just seems to me that that line comes in there and takes out some of Clairmont between district 5 and 6, the way you have it here.

SY: No. That's Linda Vista.

MAGANA: I only wanted to hear the rest of the testimony before we start asking questions.

ULLOA: I was just going to ask if we can get a written summary of all the moves that were made in the other districts so that we don't have to take up the time at this particular point. Because I think you did the ones for District 2. But if you could also give us a written summary of all the other moves in terms of the changes to those districts so we can appreciate what was moved where in written format.

SY: Just for the commissioners to have now before you 8, 3, and 4 for the most part went along with what you proposed in the preliminary map. And I'll go ahead and submit those to you as soon as I can.

PESQUEIRA: And Levin. Just let me ask you a question. Because looking at the map. Did you move across Mission Valley to form the northern boundary of District 3?

SY: You know, let me speak to some of these other districts because I think Commissioners have an interest in that. District 5 on the western edge is bounded by the I-15 freeway. It continues to the west on 52 freeway and then goes down to the 163. Freeways and communities just as an aside are very controversial. For low-income minority communities, freeways have divided us. For newer, upper-income and new developments, developments have been constructed along the freeways. And I have respected that. In the north part of the City where I knew developments were brand-new and they were going to spring up along the freeways, we followed freeway lines. In communities such as City Heights, where freeways were run right through the community, I did not follow that because I knew there was a cohesive community there in spite of the freeway. To get back to the 5 you follow down to 163 excuse me, the 805 freeway and then it picks up the planning area of Linda Vista and to the south it's Mission Valley.

PESQUEIRA: So, the boundary is Mission Valley?

SY: It's the 8 freeway.

PESQUEIRA: Okay. I just wasn't sure trying to look at that. In District 3 you've, from what I can gather, is that you did leave 3401 in District 4 as well as 2705, is that correct?

SY: I put Webster, back into 4 or in 4 and then the communities of Normal Heights are in District 3 according to this plan. And Kensington and Talmadge are in District 7. But I appreciate the fact that you are concerned about my map. But what I want to do is really focus on District 2. I think the rest of the plan...I just wanted to show you that it was possible. You know, I'm not here to try to solve your issues in City Heights. You know my concern is with creating a new district that adequately represents northern San Diegans and I've done that. Without impacting, too severely the rest of the City Council districts.

PESQUEIRA: The only reason I'm asking the question and maybe others are is that when we consider this as a map for the whole city we want to be able in our own minds to justify other boundaries, not only just the boundary that you've created in District 2.

SY: I appreciate that. So, let me continue with District 7, the northern boundaries 52 freeway; the western boundary is the 15 and into the south it does pick up the census tracts in contention. I think Council Member Madaffer wanted 2703 I believe. If can get on the computer I can know exactly what the tracts are. (Instructs Staa on map

program) That is Darnell. Now this is flexible. I just showed you this is possible

Speaker #21 Stan Chu: Good evening, Commissioners. My name is Stan Chu. And I live at 4615 Yerba Santa Drive, San Diego. I'm a member of the Mayor's API Advisory Board. I'm also a member of the Chinese American Engineers Group in San Diego. We strongly support the Asian influence district in our city. And we think in this respect will be able to get Asian Americans involved with more government and also community. Also to have their voices heard. If a new Asian influence district is formed I think it could act as a catalyst to encourage more Asian American involvement and their more participation in the government and community services. I think it's almost a challenge for Levin to produce such a map. I think it is possible for us to draw a map with the Asian influence district and at the same time minimize the existing boundary changes. So, please do consider the map presented by Levin. Thank you.

Speaker #22 Sally Lorang: Good evening, Commissioners. Thank you for all your work. My name is Sally Lorang. I live at 6890 Condon Drive in University City, part of San Diego. And I'm currently the Executive Director of the Asian Pacific...Southwest Center for Asian Pacific American Law. I'm a board member of the Japanese American Citizens League. And I'm a past president of Pan Asian Lawyers. Although I'm speaking for myself right now as a Japanese American, I just want to say that I'm fully in favor of the map that Levin has put together for us. I think it's a wonderful map. As a Japanese American, I'm very much aware of how important it is for us to act in coalitions and working within the Asian Pacific American Community. It's a privilege for me to be involved in this whole activity. And you know, it's been very interesting going through this process and learning so much about how our government works. And so, I just appreciate all your time and effort. Thank you, very much.

Speaker #23 Faith Bautista. Hi. I'm Faith Bautista. Live at 8429 Sedorus Street in Rancho Penasquitos. I'm also the current President for Asian Business Association. I just really appreciate that you would not be rescheduling our speaking to next Wednesday. Because I canceled a very important engagement. Thank you, Marichu Magana and for supporting us.

We had a press conference today at 1:00 in Rancho Penasquitos for media who where there. And after the conference some people came up to me and really, Filipinos especially, thank us for speaking in behalf of our community. You

know apparently they've been asking this for a long, long time to combine Rancho Penasquitos and Mira Mesa together. As you know we shop and you know, you've heard this from me before. I already spoke. But we share common things together. And it just really makes business sense. So, please consider combining Rancho Penasquitos and Mira Mesa. You'll make us a lot, a lot happier. Thank you.

Speaker #24 Allen Chan: Good evening, Commissioners. My name is Allen Chan at 9871 Carmel Mountain Road in Rancho Penasquitos. And I've been practicing in Rancho Penasquitos for the last 13 years. And I just want to support what the previous speakers said about Rancho Penasquitos and Mira Mesa as one village and the ties between the two areas as one integral village. My patients and my relatives and friends are all in these areas. And I think they all support our cause. And within the last 2 days we have collected the petitions here who share our view and our opinion about forming this district. And I would like to present that to you. And you guys have done a great job in putting together the plans that you have done so far. And respect and listen to the people of different districts. Especially the African Americans and Latinos and also the gay and lesbian community. And I appreciate that you would do the same thing for the Asian Americans whose population has increased and is growing in San Diego. And we'll be putting a lot of positive interest in the future development of San Diego. Thank you.

SAITO: Mr. Chan, what is the petition about? What does it say?

CHAN: The petition is to support the iformation of a Asian Pacific American influence district.

Speaker #25 Greg Alabado: Good evening Chairman Pesqueira, Honorable Commissioners. My name is Greg Alabado. I'm a resident of 478 Tram Place, Chula Vista. And I'm a member of of the Mayor's Asian Pacific Islander Advisory Board. But I'm not here in that capacity. I'm representing the Council of Filipino American Organizations for San Diego County and it's 73 member organizations. Asian Pacific Americans residing in the communities of Rancho Penasquitos share a community of interest. Having resided in the county for more than 37 years I've seen these communities grow as an outgrowth, a shortage of neighborhood housing in and along the Naval Air Station during the Vietnam War and followed by the Cold War. A great number of those who lived in these communities are Filipino Americans since retired from the Navy,

have raised their families there and there are even a second generation Filipino Americans there also. There are so many of them there that other Filipinos in the county would fondly call Mira Mesa as Manilla Mesa. And also Penasquitos as Pedo Aquitos. Pedo is a slang for Filipino in dialect. I think the community is cohesive. The answer is "yes". The Marine Corp station is an employment center and other employment centers in Mira Mesa. There 's interaction between the two communities. Are these communities contiguous? Of course they are. Each community can access the other without leaving City limits. In fact they are more contiguous than some neighborhoods across District 8. Where Barrio Logan for example connects to San Ysidro using an imaginary line through the water of San Diego bay. Of course it's been like that for years. Incorporating Rancho Penasquitos and Mira Mesa communities into one district would provide an opportunity for Asian Pacific Americans to fairly participate in the political process. Combining these two communities into one Council District is not only a fair decision, but it is the right decision.

Speaker #26 Lucy R. Gonzales: Good evening again, Commissioner and also the members. My name is Lucy Del Rosario Gonzales and I reside at 9989 Paseo Montril and which is in Penasquitos. My area code 92129. I'm very happy to be here this evening because after this listening to your comments and also to our presentation, I'd like to just mention that I represent at least 34 years of gathering votes again in areas throughout the City where we have members that are qualified to vote. Tonight as I was listening to Levin I really had tears in my eyes because you know at age 70 you kind of figure, is this ever going to be a time, or is there ever going to be a time when we as Asian Americans will be recognized. I testified 10 years ago and like I said before it was just me and a handful. But tonight listening to Levin and the homework that all Asians have done, I have to be very, very happy that if you will consider District 2, you will not only be uniting all Asians that are forming coalitions now, but we will be a great asset to the City of San Diego. I mean we have the tremendous input of the Black community, the White community, and also the Hispanic community. And imagine you're going to be the first to allow the Asian community to be part of San Diego and I hope during my lifetime. Thank you.

Speaker #27 Andrew Shogren: Good evening, Commissioners. My name is Andrew Shogren.. I live at 823 San Luis Rey Place in San Diego. I want to thank the Commissioners for allowing us to speak this evening. There were several time commitments that were canceled and I appreciate the Commissioners being flexible. I serve also on the Mayor's Citizen Advisory

Board of Asian Pacific Americans. I serve as a Government Chair for the Asian Business Association. I serve on the executive board for the Southwest Center for Asian Pacific American Law Association. And I also serve on the Youth Advisory Board for the Union of Pan Asian communities. Asian Pacific Americans represent over 15% of the City's total population. We are the fastest growing and most diverse ethnic group in San Diego. However, Asian Pacific Americans are the only ethnic minority group without representation on the City Council. The map that Levin's put together for you respects communities of interest in San Diego. Not only ours but all the communities of interest I think that have come to speak before you. It respects Council planning districts, neighborhoods and communities that share interests not limited to race.

Commissioner ODell asked to hear from our community. They gave us a stack of E-mails, a stack of Fax's and a stack that Dr. Chan brought today. I think you've heard from our community. I hope that you take those words and the action that the Commissioners asked for we've responded to what you've asked us to do.

Commissioner Pesqueira you asked Levin to create a map that would join Mira Mesa and Rancho Penasquitos and he's done that. I urge you to keep our communities whole as the Asian Pacific Americans for Fair Redistricting Map does just that. And we are too to respect the boundaries of cohesive minority communities and not split our communities across multiple council districts. I thank the Commissioners for their time and all of their hard work. Thank you.

Speaker #28 Levine Sy: On Monday the Union Tribune did an article on redistricting. And there's an omission in the article because it didn't mention what the Asian Pacific American community was doing. In fact that's what's happened. This community has been silent for too long. And today we wanted to make our voice heard. Through out T.V. outlets today the radio and the public comment you've received today, the E-mails, the Fax's and the petitions that you've received. This community has been loud and clear. We want to be united in one cohesive community. Respect our communities. Understand our communities. They can be united.

The proposed redistricting plan and the alternative redistricting plan that's been created by this Commission continues a 10-year division of cohesive communities of interest based on shared economic, social, political and ethnic lines. You have the opportunity to correct that. And we hope you will. Thank

you.

SAITO: Levin, I just have a quick question. You talked about the tremendous growth of the API population in Rancho Penasquitos and Mira Mesa. I was wondering if you looked at the AD-92,000 census and compared the growth of the API population in those areas as compared to just the overall growth of that area?

SY: If I can refer you to the packet that you received that's called Data Brief. It's the, our nice little logo. And the table. Now this is statistical data that has just been released through the census bureau. But unfortunately we're unable to look at sub-ethnic populations. For example the Filipino American community, the Japanese American community or even within the Latino community where the Mexicans are where the Guatemalans are, where the Central Americans are. What this did was by City it showed the growth in our community. And I wanted to answer Leland's question by referring to this data. Asian Americans have a large mixed race population. So, that isn't reflected here. But what you see, for example, the Asian Indian community at 6,909 people. Their county population is now 10,000. It was half that in 1990. Why is that? Because they have shared community of interest arguments. They are biotech, hitech engineers and consultants that work in Sorrento Valley and they live in Rancho Penasquitos. The Filipino American community has historically been the biggest ethnic sub-group in San Diego. And their continued growth reflects that. These communities are growing in the northern parts of the city. It is no surprise that District 1 has a 17% deviation and that District 5 had the largest. It is also not surprising that only District 1 and District 5 had large enough deviations for being too big that you had to move people. It's because Asian Pacific Americans are moving there. They've lived in Rancho Penasquitos. They're moving to the new houses in Carmel Mountain. They're the ones causing traffic off the 56. They're buying those new homes. But they're also moving into Mira Mesa because they know that's where they can get great Filipino food, they can get Vietnamese food and that's where they can go to Church.

Commissioner Camarillo commends the participants on a great presentation.

ULLOA: I had a question in terms of the numbers and the reasoning for putting the number 2 on the top part of the new district. Can you explain the rationale for moving that number up to that area of the city?

SY: Commissioners, redistricting is the most political process that anyone will ever embark on. Elected officials have it in their interest to keep a job. Community groups have it in their interest to keep their political power. This is a very political map. We knew that City Council District 2 was the one that was going to be open in 2002. But we also knew that the current number 6 City Council Member wanted parts of the coast. Why not extend it beyond Mission Bay to the rest of the coast. And that is a political reality. We did not want to encroach upon any incumbent's potential districts. And though that is not one of your criteria, the political reality is that is the number one criteria. This map does not, and I repeat, does not impact any of the incumbents that are going to be running.

MAGANA: I want to thank Levin and his group for coming in today. I also want to remind the Commission... Oh, I had a question also on why you chose the new district up there to be number 2. I had two comments. One, first of all is I want to understand how the Del Mar beat, District one at the top portion, on the very top, right there, that area is a very... actually if you drive down the freeway down the 5, what you see on the left-hand side, or the west side is actually Del Mar. But the City of San Diego owns a little piece of that land which has a lot of homes. And I wanted to know is why you purposely left that part. Because if you leave that community there, they'll be stranded. The only, the next community that you're going to find is actually way over in the La Jolla, UCSD area. And so, I'm concerned about that. But, the other comment was that when I reviewed my notes from the initial community meetings that we held way back in May, I read the comments that the community made at the District 1 meeting. And overwhelmingly they said to us that they wanted to keep La Jolla and Del Mar and the Carmel Valley area together because they had the concerns of the 5 freeway; the traffic going down there. But that they did say to get rid of Penasquitos. So, in terms of supporting, keeping or putting Mira Mesa and Penasquitos together, that would be another reasoning why. Because the concerns of the 5 freeway are quite different from the concerns of the 15 freeway and Mira Mesa and Penasquitos.

SY: I'd like to address that point in three fashions. The first being communities of interest arguments socio-economically, west of the 5 freeway, those houses and income levels of that community are totally different from the Carmel Valley, Rancho Penasquitos and Mira Mesa area. Number two, they are connected to University City and La Jolla by the 5 freeway. Number three, the issue that was brought up about I-15 communities versus I-5 communities was answered for us in Rancho Penasquitos, July 17th. A gentleman there from the Rancho

Penasquitos Town Council spoke, spelled it out for us and said, well, this I-56 issue, these transportation issues it's a big issue and we should have more City Council members representing that. And that's what we did. The I-5 traffic now has two council members responsible for that. As well as the I-15 traffic. And that's what we want. More representation for northern San Diego.

JOHNSON: My question is, just very briefly here, looking at the figures it says 40% in Rancho Penasquitos, is that the total population? Asians, 40% of the total population?

SY: Mr. Johnson, if you're referring to the prepared text, the 40% of the total population would be in the Mira Mesa. Out of the 70,000 people that are in Mira Mesa planning area, 40% of those are Filipinos or Asian Pacific Americans. And similarly in Rancho Penasquitos they are also 26% of that community.

PESQUEIRA: Thanks Levin and all the speakers for their presentation.

SY: Just as a point of clarification. I know the Commission all wanted some specific data. And as Bruce was leaving he mentioned that it was voting age population in each district that you were specifically looking at. I know you requested more data from me. And I wasn't sure if it was voting age population by ethnic group or just voting age population within the districts.

ULLOA: No. I was just asking for the changes that were made in the other districts so that we can know that the voting age thing. Maybe Mateo asked that question. I'm not sure. But, I was just concerned about the boundary changes.

SY: And would you like that with a reference of the 1991, the proposed preliminary or the proposed alternate map?

ULLOA: I would prefer the preliminary since that's the official preliminary map. That would be my thinking.

PESQUEIRA: Again. Yeah. You want to go off of that because that became a base map for us. And keep in mind once again that these maps are giving us tremendous information. They are adding to the testimony that we've been hearing in all the areas. And I have to say, although Marichu didn't bring it up again, I think the great weight, nevertheless, has got to be placed upon those people who do appear before the Commission and give us the

testimony. Because that's really in some cases the only way. And I'm very concerned that if we just reach out and say that there's a group of people some place that we need to protect. That does concern me. So, I'm glad that you've come out. And all of those who have come out and have testified to help us, those are the evidences that we need to build our only support on a map.

TAPE F

Speaker #29 Ted Bunce: My name is Ted Bunce. And I'm at 4063 Albatross Street in Mission Hills. And I'm in District 2 currently. As you all know I was a candidate for the Commission when I testified before. I want to explain to you, my map is a little different from the other ones. It looks like this. I did two maps actually. One of District 3. And then I did another one, but it didn't get printed out. But that was the one that did get printed out, at least in outline form you can see what I'm trying to do. And it is up here on the screen.

My statistics are on my District 3 map. So, that's the complete City-wide information. The population breakout is there on the District 3 map. So, it's there. Now in general I find the preliminary map acceptable. However, I felt I could suggest significant improvements in District 3 which would be my district under the preliminary map. When I testified before the Commission on May 23, 2001 I suggested that Mission Hills be added to District 3 and that parts of City Heights be moved. Therefore, in my suggested District 3 map I have added census tracts 1, 2, and 61 to District 3 allowing I-5 to serve as the natural western boundary. And Mission Hills adjoins Hillcrest and has much more in common with Hillcrest than it does with the beach communities. I also put Park West census tracts, 57, 59 and 60 and Cortez Hill back into district 3 where it was before. In exchange, I placed 3 City Heights census tracts, 23.02, 26.01 and 26.02 in District 7. This change still leaves a large part of City Heights in District 3. I also put census tract 34.01 which is Webster back into District 4, thus following the pleas of City Heights residents to remain in three different districts. In order to make up for the loss of Mission Hills, Park West and Cortez Hill, I have extended District 2 northward along the coast to include more of La Jolla, namely census tracts 81.02, 81.01, 82, 83.03 and 83.11. In order to address the considerable support of community spokespersons, I have placed Mission Bay east in District 6. If the Commission still feels it should be in District 2, I could support that because it is in fact part of Mission Beach. In the northern part of the City I have placed everything in either District 1 or 5. This includes roughly everything north of route 52. I made a conscious attempt to put

as many Asians as possible in District 5. And as a side, I did work with Levin Sy on this. And my particular district 5 has 26% Asian population in it. But I see that he's actually worked beyond that and expanded it. And I support his efforts. Please note that my suggested districts are compact and contiguous in an attempt to put communities together with the notable exception of City Heights where residents have loudly and clearly expressed a desire to remain divided among three different districts. All of my suggested changes fall within the deviation. And you can see those deviation figures at the bottom of the District 3 map.

As an aside, I would strongly urge the Commission to urge the creation of at least two more Council districts by 2010 and/or the institution of proportional representation in order to allow the opportunity of unrepresented, e.g., Asians and under-represented, e.g., Hispanic minorities to have a fair representation on the San Diego City Council. That's my statement.

ULLOA: I just had a question in terms of La Jolla. In moving La Jolla, did you split La Jolla in 2 districts or is it all in one district?

BUNCE: Well, the preliminary map already has moved into La Jolla, has already moved some census tracts into La Jolla. And I just added upon it that little curve in the upper corner there. The preliminary map already had census tracts...they moved...District 2 needed more people. And you've already moved up there a little bit. I just extended it a little further. It's another beach community. It's contiguous to the adjoining community of Mission Beach.

PESQUEIRA: Ardath Road appears to be his northern boundary. And that goes down and then down to where La Jolla Village comes in, I think it is.

ULLOA: I have a question in terms of planning areas. Were you able to keep planning areas for the most part in one district?

BUNCE: That was the intention. Yes. We looked for planning areas and census tracts.

CAMARILLO: And it looks like you took District 8 all the way to Balboa Park. And so it incorporates Golden Hills and that whole sector by A Street?

BUNCE: I'm not exactly sure what the census tracts are. That's the...that area but, to the south eastern corner I believe is the area that was already there, that you put in

there. That was already in District 3. All I did was take out three eastern tracts in City Heights districts that are in a row together. Eastern boundary there, south eastern boundary of the district.

PESQUEIRA: Looking again at the same place, between District 2 and District 8, the line that goes up there, that separates the 2 colors, what is that boundary, do you know. The northern boundary that moves up to the bottom of Balboa Park.

BUNCE: Well, I think that...I'm not sure what that is. But Balboa Park is right...Cortez Hill is in there. And I'm not sure exactly what that is.

PESQUEIRA: Is that A Street that runs across there then.

BUNCE: I can't say for that. I'm not sure exactly.

PESQUEIRA: I'm not sure what that street is. It appears though, it could be 8th or something like that.

OPERATIONS DIRECTOR HESHIMU:

It looks like 23rd. It's real little on this Thomas Guide. My eyes are not as good as Joey's but, it looks like 23rd Street.

PESQUEIRA: It's right in the middle of Balboa Park, southern area. So it splits right there. So, just so we can get that idea. It looks like it extended 8 up to the north. It could be 24th. I'm not sure if you were looking at the...

BUNCE: I don't have my large map of the census tracts on it. So, I'm not sure. But there were....all I did...I mentioned the census tracts that I moved into the district. I put them back basically. The ones that were in there before. (Inaudible) put anything else in there.

SAITO: Mr. Bunce, I'm also somebody who thinks that proportional representation or cumulative voting are some other sort of voting scheme should be considered for the City of San Diego. I was wondering if you wouldn't mind giving us a brief definition of what you consider to be proportional voting?

BUNCE: Right. Proportional representation is used in many countries. It's used in this country. My city of Cincinnati in the 50's had proportional representation on this City Council and as a result we were able to elect a Black representative to City Council in the 50's who eventually became the Mayor of Cincinnati. And my

boss at the Community Services Administration under the Office of Economic Opportunity in Washington, D.C., Ted Barry. How it works it that minority parties can give...the losing candidates can give their votes to another candidate. And in Europe for example, they have proportional representation in their parliaments. And parties who get 5% or more are represented regardless of how many votes they get. If they have 5% they have at least some representation in the parliament. And it can be done by party. It can be done by ethnicity. It can be worked out in the community. But I think it's something that should be looked at.

(Brief discussion on the Commission's format for accepting further testimony and geographical data submitted by the public)

FOSTER: Well, the only thing I wanted to say is I thought that what you were asking for as far as clarification from some of the people that submitted maps was that you wanted more information about where the boundaries were. Because our staff can use our data to look at the VAP numbers for any of these maps. But we do need to know specifically where the boundaries are. So, as long as we know where the boundaries are.

Speaker #30 Council Member Jim Madaffer: Thank you, Mr. Chairman. And I appreciate the opportunity to be here tonight. I must admit I walked in the door at my house and my wife says, what are you doing here? The Chair just said that there's people here and they're waiting for me to speak. Even though we had heard, I thought that you were going to be deferring these things until next Wednesday. So, I immediately got back in the car and raced back from Tierresanta back downtown. So, I appreciate the opportunity to, and certainly for the Commissioners to be here tonight.

I hope all of you have a copy of a packet that I've prepared for you. It probably has a lot more data in it than you need for the purposes of the discussion tonight. But I wanted to present it to you in the most complete fashion that I thought would be appropriate for your purposes. I will go through, basically the letter that I have submitted to you and then go through a couple of individual maps. I might add, and I should have said something to start earlier. If you've noticed on the maps that I presented, I have street names on my maps. And for some reason you guys have not added that layer on to your computer. It's easy to do. I heard your comments earlier when I was down watching the meeting in my office. I'd be happy to do that for you if you need that help. At

some point it's.... Okay. I showed Joey how to do it but it apparently didn't happen yet. But it's certainly very easy to do. So, you don't have to be messing around with a Thomas Brother's map to see where a street is. As you can in my maps, what I did is I installed Maptitude on my laptop computer in my offices. And as I stated in my letter to you of July 20, I took the data from your June 29th map that you filed and I copied that into my computer as well.

My recommendations that I'm here to talk to you on today are based on your June 29th map. And to make it very clear I've only really suggested three changes to your map. As my letter indicated, I think that the work that you've done and the testimony that you've heard from members of the public to date at the many meetings that you've been to has been extremely thorough. And I think that the map that you presented on June 29th is probably the best map that you could do based on the discussions you had to date.

The changes that I'm recommending are essentially fine-tuning. Consistent with also public testimony that you've heard. If you go to page 2 of my letter, you'll note that the first two areas that I suggest on making changes to the June 29th map have to do with adjustments to the boundaries between Districts 4 and 7. And in the map adopted on June 29th you split census tract 27.03, giving a portion of this tract, below Streamview Drive to District 4 including the College Grove Shopping Center. And I know you've heard much about this issue from many people with testimony strongly supporting keeping the boundaries as they are now. And I will go on to maintain that 27.03 should remain whole and entirely within the 7th Council District. And I need to state, and if you look...you jump into this thing. Let me just ask you to jump past the letter for a minute and you'll find that I have submitted to you two options.

An Option A to the Madaffer map and an Option B. And they are the 11 X 17 maps that are shown right inside the front cover. Option A is District 6 with just DeAnza only for population purposes. If you go to the next map, Option B is District 6 with eastern Mission Bay added essentially, Ingraham Street as the dividing line down to the channel. Including the San Diego River to become part of District 6. I met and shared my map with a number of the Council Members, not saying in that statement that any of them or all are in agreement with this, but certainly took their issues and considerations into consideration. And I did not meet with all the Council Members. I met with most of the Council Members on it. I will direct you past those 11 X 17 maps. You will see one of the maps included, shows Madaffer Map Options A and B,

showing revisions to District 4 and 7. And you will find by looking at that map that it shows again District, the Webster area being returned to District 4 and 27.03, below Stremview Drive being made whole again including the College Grove Shopping Center. If you go to the next page you'll see that that shows the census tracts. The next page are the census blocks. And then I have in there included in that the statements that I've read on your hearing in the College Area on Tuesday, July 17th. And I want to draw your particular attention to the (SanGIS) map that is shown right here that I'm holding in my hand.

The important thing about this map is this is similar to the map that I showed you the night that I testified before you in the College area. And I would like to read the caption to the record. And it says, "this aerial view shows the existing boundaries as adopted in 1990 with tracts 27.03 entirely within District 7 and tract 27.06 entirely within District 4. Prior to 1990 both tracts 27.03 and 27.06 were in Council District 3 as adopted in 1980. And then prior to 1980 tract 27.03, that is the College Grove Shopping Center tract, was in Council district 7 as adopted on February 6, 1973. College Grove is part of 27.03, has been part of 27.03, and community leaders as you've heard from the area have asked it to remain in Council District 7. I brought for your inspection tonight, a map that I obtained from the Clerk's Office. This is the original map that was filed in 1973 that...If you look here you can see very clearly the census tract. This s 27.03. The rest of it having been in District 3. District 4 being much lower down. So, from a historical standpoint, I'm continuing to make the case that, with the exception of the time that College Grove was in District 3, and that by the way is property of the Clerk's Office so we need to take that back. But I would imagine you guys could get that. They've loaned it to me.

I think I've seen in other public documents you've seen the map of 1980. I saw that in one of the handouts tonight. I don't think I've previously seen the 1973 map here. So, I thought I would bring it for your perusal. Following the maps in my packet you will find a letter from Margo Leimbach, the President of the Oak Park Community Council, which she's here tonight to speak on it following me. Also, and in this letter stating the insistence of keeping the boundaries that are in District 7 the way they are. And the boundaries for District 4 to stay the way they are; stating the benefit as you've heard also in City Heights when both districts are in the case of City Heights where 3 districts represent us.

The President of the Darnell Community Council, Ms. Constance Mitchell, also

submitted a letter which is in your packet. And then you'll see some petitions. So, that's pretty much the issues that I have proposed on making small changes to Districts 4 and 7. When these changes were made, the population numbers stayed consistent demographically. They stayed consistent and I believe it makes sense. And I understand the basis to which you folks originally made those changes in the first place. I think the testimony you've heard in the past dictates that they should just be restored they way they are now, the way they've been historically, and not getting into any of the other issues because in light of the limited amount of time I have.

In the chart that I have in my packet as well, that follows the discussion of Districts 4 and 7 you will find this thing here, where it show Madaffer Map Comparisons of Options A and B. This is a feature within the Maptitude program that I utilized that actually showed, especially in the area of District 6, what the two options offer. So, I made a copy of that and included that in my packet as well, so you could see that. This shows again, as I stated, Option A including the De Anza Park area only for population purposes, Option B, Mission Bay. Option B didn't add any population to District 6, simply waterfront. I should also state, Option A, if you were to look at it closely, includes all of the shoreline going all the way down to the river. It does cross over 5 at one point. Well, wait a minute. No. No. I...if you'll look clearly on the...if I could...well, you don't want me to add the street layers. But, when you look at the street layers it does not, sir. It does not cross over 5. And that's why I added the street layers when I did my work on the program so I could make sure I was not crossing over. And I will, again, highly urge you guys to do that.

If you move on, you'll see the map Option A showing the streets. And you can see here on this closeup that I did Option A, district 6 Option A it shows the De Anza Streets very clearly.

MAGANA: Now, in order to include De Anza Cove into District 6 you would have to cross over the freeway 5.

PESQUEIRA: And then that whole... you go down that..

MADAFFER: I must have misunderstood what you were saying. I thought you meant within District 2. You're talking about District 6. Yes it does. Yes. In fact this page here shows it very clearly. I misunderstood you. I thought you were talking

about District 2 crossing 5.

That's the beauty of having the streets on here because you can actually see where it's going. And then I go on from there with Option A into the technical data that the program provides, the population summary report as well as the error check report showing that things were okay there. And then from there going into the cross-tabs which, from the data-view set that gives all of the information from a demographic stand-point. If you go past that first pack of green, which are the cross tabs, you'll then go into, I just did this showing some ethnicity differences. It was quite interesting having seen this chart. I hadn't seen this displayed before. Obviously the program has some very good capabilities, I was very impressed with it.

Going into Option B, which would be this page here, this then again and I believe Staa now has that highlighted on the map as you can see on the screen. That is including all of De Anza, the cut off line, I think I put a zoom-in on that. I may not on this one. I did on the computer in my office. But, I think the line is Grand Avenue is along there. So, it actually shows the streets.

The last change, as I said there were 3 changes; the College Grove District 4 and 7; the options offering to you folks. Leaving it to you to make the decision. I was going to compromise between Mr. Wear and Ms. Frye and put the monkey on your back to decide what you want to do. Certainly from a population standpoint, Ms. Frye has adequate with just De Anza. From her interests in the bay, east of Ingraham does not have a materiel affect on the population. The changes to District 2 were also very minimal by adding De Anza to District 6 and taking it away from District 2.

The last thing I wanted to call to your attention, and the third of my recommended changes again from your June 29th map really are near the back of my packet. And that's the eastern portion of District 6 and the western portion of District 7. This is the area where, in your June 29th map you used Clairmont Avenue as the line. And if you'll turn to that page, it's behind that ethnicity graph on the green sheets. Make sure that you all have that. You can actually see the street names on my proposal here. It's showing what I drew as a boundary was Rancho Mission Road, from Friars Road down to (Ward Road). As Joey Perry indicated to me, it was your policy call to not split census blocks. So, based on that I had to have that one little piece that kind of sticks into...I don't know, Leland do you see the page number. It follows this last

graph.

I was told by Ms. Perry, the reason for the intrusion, if I could use that term, into the Navajo Community Planning area and into areas that have traditionally been District 7 was because of the community planning boundaries. So, what I did is I did, and I haven't handed this to you, which I'd be happy to. Today on my computer after meeting with Ms. Frye, I highlighted what is defined in the computer on Maptitude, the Mission Valley Community Planning area. And it follows along the river as you could see here and not to Fairmont Avenue. I understood you did not want to go over this way because it kind of made the district a little strange looking. But that's just the way the census block is drawn. And there wasn't much I could do about that. And since you didn't want to split census blocks, you know I just...that's why I proposed the map that I did showing Rancho Mission.

Ms. Frye will probably tell you when she testifies that she would like to keep the Mission Valley plan whole. I would state that for all intents and purposes I'd be happy to amend the Mission Valley and the Navajo Community plan. The prior maps, if you were to look at them show historically the line used to be Interstate 15. I would propose that you folks consider beyond what I have suggested as Rancho Mission Road to go forward to Highway 15 and make that your line, and then we would amend the Community Plans. But I will have these as handouts for you just so you could see. I redid the map also following the community plan as it exists. This part of the Mission Valley community plan is District 3. We just kept it as District 3. So, you already have split community plans as it is. I'm not suggesting though that you make this District 3, I mean District 6, because then it really looks like a mess. It looks like this. That's what it would look like. So, and frankly as I was with Ms. Frye, one of her staff members today, Lisa Gonzalez and you look at the Mission Valley community plan in the book, the actual on-file with the Planning Department, it does not match this.

So, instead of you know really picking anything too fine-tuned, I would be happy to take what I submitted as Rancho Mission Road. It took care of my District 7 population. It took care of Ms. Frye's population. Everything worked out just fine. It does impact a little bit onto the Mission Valley Community Planning area now into district 7. Frankly I think that we can handle that administratively by amending the plan if necessary. So, that's why I would urge you to go with the map that I have submitted, the second from the back

page. But I will, just for your perusal, since I can't sit at your computer and draw, and I appreciate that, I will show you what I did draw for you this afternoon showing you what it would look like if it did follow the boundaries that you have on the computer. And I want to thank you again for the opportunity. And I'm happy to answer any questions now or in the future.

ULLOA:

Mr. Chair. I guess the biggest question that I have is with the College Grove and the Oak Park and that census tract. And I think you probably would be able to clear up for me some of these concerns I have. Because we're hearing one side from Councilman Stevens and then a whole other group of arguments from your side. Can you walk me through the history of College Grove Shopping Center? You said it was in District 7 in the 70's and then in the 80's it moved to District 3, and then in the 90's went back to District 7. The one question that is of a concern to me is that in the 1990's a lot of communities were split because the city just looked at census tracts. So, now we're being asked to reunite all of those communities. But the rationale that I use in terms of looking at College Grove is I understood that College Grove was in a tract that belonged to District 7, but then I was seeing that by doing that Oak Park, nine-tenths was in District 4, one-tenth or so was in District 7. And so I had concerns as to whether or not that's an issue that you've looked at in terms of a community that's continuing to be kept split. And which of the two is more important, reuniting Oak Park or following a census tract. Because what we've done for the most part is ignored census tracts when it came to reuniting communities.

And then the underlying is what were the reasons that caused that tract that has College Grove Shopping Center to move from District 7 from the 70's into District 3 in the 80's and then back to District 7 in the 90's? Can you provide that information?

MADAFFER:

Well, let me start with your last question first. And I'll be happy and very thankful for your question to...No. I can not tell you what the thinking was between the February 6, 1973 map, the 1980 map, and the 1990 map. I can tell you that historically the College Grove Shopping Center has been in the 7th City Council District. That's just a fact. I mean, I've presented to you the best I can the evidence that shows that.

ULLOA:

Except for the 80's, right. It was in District 3.

MADAFFER:

And I can not tell you why it was in District 3 in 1980 other than the fact that

maybe Ms. Leimbach can tell me, who is the President of the Oak Park Community Council. She's very familiar with Ms. McCall and worked with her in those days. And I think will probably add some insight to there. So, lets leave the historical question to Ms. Leimbach as a community leader. Let me address two other issues though that you did raise.

When I did my own investigating to see what might have prompted you folks, I also noticed that you followed what were Police Beat boundaries. Streamview drive being a separating line. And quite frankly the community does not recognize those boundaries. That is faulty data. And I don't think should be used in this case. The community is sort of the reason that I'm standing here arguing vociferously that College Grove stay where it is. The community is the reason that they want to have that one-tenth, nine-tenths representation in Oak Park. The community of Darnell has made it very clear. And I think by the two documents that I've presented to you on July 17th and I'm again repeating here, by the presidents of those two community planning...community town councils are evidence of that.

The...we have heard some revisionary history about College Grove that I won't get into here because I don't think it's an appropriate forum to really talk about it. But let's just simply say I very strongly disagreed with Mr. Stevens' testimony of last week on the 17th. I think what you surely should do is follow your conscience. Look at the history and listen to the community. And listen to the Council Member who was intimately involved in the development of this College Grove Shopping Center to the magnet and the economic powerhouse that it is for the area now. And in fact my track record is very strong in that area and will continue to be so.

When you get right down to it, I listened to the people who elected me both in my district and I listened to the people who are in the surrounding districts. It's for the same reason why I support Ms. Atkins, and frankly Mr. Stevens in keeping District 3 just the way it is now. Three Council Members as you've heard from Mr. Stump, Mr. Varnadore, and the others who have spoken, gives that community power that they would not have if it was say, just Mira Mesa where they only have one Council Member or Point Loma where they only have one Council Member. Power is in numbers. And around this place you count to 5 to get something done. And they've already counted to 3. And when you talk about economic redevelopment, when you talk about the plans that I've had and I'd be happy to share with you all right now. Cross Roads Redevelopment

area that we're talking about which will take in from Martin Luther King Highway on College Avenue all the way up to Montezuma. We're going to take Montezuma all the way up to El Cajon Boulevard. We're taking El Cajon Boulevard from 54th Street to where the current redevelopment areas from Mid City, stops at City Heights. All the way east to 73rd. We're taking University Avenue all the way east to 73rd and we're creating this cross roads...and we're taking 54. And this redevelopment area that's being created, that I've been working on will continue on in the track record that I've started with College Grove to actually bring economic prosperity and restore an area that was once grand in our history of the city and bring it back to where it could be. We're not getting into single-family neighborhoods. We're talking corridors. And corridor redevelopment is something that works. And the College Grove and the medians that I'm installing between Highway 94 and Montezuma, right down the center. Those cigarette butt, magnet, asphalt laden medians that have been there for 50 years they will be scraped out and replaced with stamped concrete and trees. I've already got the money. It's underway now. Construction begins September of this year on College Avenue at Highway 94 at the Lemon Grove boundary going north. These are things that I'm doing consistent with College Grove. Median in front of College Grove Shopping Center on College Grove Drive. The same thing. Between College Grove way, look on the map, the current boundary, District 4 and 7 all the way east to College Avenue. Stamped concrete and trees. This is what I do. Because this is what my community wants. So, they too can have what La Jolla has, what Scripps Ranch has and everywhere else.

That's...I listen to them. And that's what I'm doing. I want to keep doing it. Keeping College Grove is a piece of that. It is a piece of that.

ULLOA:

At one of the public hearings, one of the members of the Oak Park, I guess Town Council or group, said that they were not able or willing to take a position one way or the other. And I wanted to ask that, I would assume the next speaker might be able to address that. They said they didn't feel comfortable getting into the fray of political discussion, which is understandable. But maybe you or the other individual can respond to that issue. And the other concern that I had is, we drew an area that consists of the Shopping Mall as well as the open space that's in District 4, is that correct?

MADAFFER:

That is correct?

ULLOA: And one of the comments, if I recall correctly, Councilman Stevens was saying that, none of the redevelopment increment tax was being spent on the other half of the redevelopment area. And I was under the impression that generally the tax increments should be spent first in the redevelopment area and then make findings to spend it outside of the redevelopment area. Can you explain that concern that Councilman Stevens had.

MADAFFER: I'd be happy to. You folks had a presentation from I believe, Todd Hooks of the Economic Development Division in the City of San Diego. When we attracted WalMart and Sam's Club to come to College Grove it didn't come without a price. And the price was a long-term contract where they get increment paid back over the next 10 years out of that center to pay them back for the investment that they made to come in to College Grove in the first place. So, at least for the next 10 years, there isn't going to be really an increment to go off-site to anywhere else but within the College Grove proper. Now, to suggest that I would not be interested in helping out the other areas, I think would fly in the face of people that have testified before you such as Joelaine Harris, Danielle Laymen, Margo Leimbach and many others who know of my dedication, for example, to those sport's fields and four trips to Sacramento last year, and working with them, the Chair of the Assembly Budget Committee, Denise DeChaney to actually get 1.89 Million dollars out of the state budget funding. That recreational area. You know, that's a heck of a lot more money than we would have ever seen out of increment. And my big concern right now is how the City has squandered that away. But Mr. Stevens has made it very clear to me that he intends to take care of that playground area. And so I said fine. It's his district.

I have a little bit different approach. I would have had the City Manager by the ear in my office and said, justify every darn penny you're spending on this project. But to this date, based on comments I get from the community, that hasn't happened. But to answer your question, the other question is the political issues relating to Oak Park. You hit the nail on the head. They don't want to anger Mr. Stevens and they don't want to anger me. So, they're just trying to be a little bit down the middle. I don't blame them. You know, I think that I'll leave that to you to draw your own conclusions. You've heard the testimony. I don't know what the testimony was when you were in District 4. I didn't attend. I didn't find that to be appropriate. When you were in District 7, I'd say it was about 90% going in the direction of keeping things just the way they are.

ULLOA: So, currently there is no significant tax increment coming from the shopping mall until those ten-years of monies that will recover for the developments themselves is expired?

MADAFFER: Let me emphasize something else that I need to tell you. Increments that we've had in the past have not stayed on site. I loaned. And this goes back to the day when I...I guess I will just say this. This goes back to the days of Juan Vargas, and Mr. Stevens and myself then as Ms. McCarty's Chief of Staff. And there was an agreement made. We would actually loan money off-site from this redevelopment area while we were waiting for College Grove to get rolling. I've helped out Barrio with College Grove money. I've helped out SEDC with College Grove money. I think that should answer your question very clearly.

PESQUEIRA: You know, I think the question has been answered very clearly. I think it's time to move out of this area.

ULLOA: The reason I'm asking these questions is because Councilman Stevens had these questions and then Councilmember Madaffer has these others. And they didn't...we weren't getting any real resolution to that. And as a Commissioner I need some resolution. And so, these questions may be a little difficult or a little controversial, but I think it needs to be laid out. So as a Commissioner I get as many facts as opposed to opinion as to what's going on. I think that's what's happening here today.

TAPE G

MADAFFER: I was just given a note. I also loaned money to the Days Inn downtown family shelter as well, from College Grove. Now let me just make one last comment. Because I do appreciate your asking these questions because, the issue is real clear. And I have Ms. Foster your attorney, answered my question a couple of times ago when I was here. Forgive me for interpreting your charge. But, as I've read it, based on the charge that you were given, based on the vote of the people that created this Commission. College Grove has no people in it. Nobody lives in College Grove. The census tract is wholly within District 7 as it is today. I don't see aside...and you've heard an overwhelming amount of public testimony in my opinion, to leave College Grove just the way it is. Mr. Stevens' arguments are baseless, it's that simple. It's nothing but an emotional reaction for something that he sees was done very well, and he wants it. And I don't blame him for wanting it. But the reality is what you see here are facts.

What you see here are the census tracts. And what I have showed you is history. And I think on that basis alone, based on your charge of population, keep it where it is. And I appreciate your very strong consideration. I just don't see how you can justify changing it. I do appreciate your time. Thank you, very much.

Speaker #31 Margo Leimbach: First excuse me for not being here at the other meetings. I've been ill in bed for a long time. And so I'm here tonight to go ahead and talk on my behalf for the area that I've lived in for 43 years. Chairman, and members of the City of San Diego Redistricting Commission, my name is Margo Leimbach. I reside at the community of Oak Park at 5071 Kalmia Street, 92105. For the past 30 years that I can remember and probably longer than that, when it came time to redistricting the boundaries of the Oak Park area, we've gone ahead and played apart as far as going ahead and redistricting us, gerrymandering us, whatever you want to call it. At one time it was in the 7th District and it was in the 7th and 3rd district. Then it was in the 3rd district. And at the time that it was in the 3rd district, Susan Golding was our City Councilwoman. Susan Golding at that time went ahead and left to go to Sacramento because Pete Wilson went ahead and was appointing her to a position up there. At that time that position as far as for the 3rd district was open. There was 24 of us, 24 of us including myself that ran for it. Not that I wanted to. But we had so many carpet-baggers if you know what those are, coming into our area that didn't have the invested interest as far as in our community, but going ahead and looking at something going up in the ladder

So, I went ahead and threw my hat in the ring, even though I had children. Even though I went ahead, and it really was not what I would have wanted to do. But I said, okay, if I go for it, I go for it. It narrowed down to three people. The three people at that time were myself, Gloria McColl and another lady, and I can't remember her name. It ended up, they had 24 or 25 different votes that the Council went ahead and did in order to go ahead and appoint the person for the remainder of the time for the 3rd district. At that time the people that went ahead and wanted me to go ahead and be in stayed with me. I went ahead and asked them to please go ahead and give their votes over to Gloria McCall because I felt that she would be an asset to our community. So, that's when we were in the 3rd District and that was back when before Susan Golding went ahead and was the Mayor of San Diego and so on. So, that's where we've gone ahead and been.

After it went to the 4th and the 7th. Now you are promising, supposing to put us all in the 4th and put our neighbors to the southwest of us in the 7th. Every time you redistrict we get changed. And people have to establish new working relations with the City Hall. Why do we have to be tampered with all the time? We wish to remain the way we are. Let someone else have a turn in redistricting playground. We enjoy the fruits of having two City Council Persons representing us just as Mid City enjoys having three representatives. Let's play fair here. This area is, if not the most ethnically balanced community it is certainly in the top two. I'm proud to have gone ahead and been living in my community raising five children without a yellow bus coming in. We were balanced as far as in Oak Park Elementary School ethnically. Our Boy Scouts where the kids were playing. Right now in my community I have all races and I'm proud of it. From that my children have gone ahead and have brought it on to their children and we have no problem. We see no color. And that's the way we've gone ahead and done it for a long time in Oak Park.

We did this naturally. It is a good place to live. Everything that happens to us out of the ordinary tends to upset the balance that we work hard to maintain. Everytime something happens that's our of the ordinary you're going ahead and there's people flighting out and going out to the County doing something. Our schools are balanced. Our neighborhoods are balanced. And we would like to go ahead and have it be that way. It has been alleged that we want parts of our community to stay in the 7th district because of financial reasons. This is only partly true. Let me explain.

The point of contention between the 4th and the 7th district is the census tract that includes redevelopment of College Grove Shopping Center. We feel that any redevelopment funds derived from this shopping center remain in the eastern part of the city around the shopping center. They should not be distributed to the north, south or west. There is a need for the monies to remain here.

Within the boundaries of Oak Park is the jewel called Chollas Lake Park. It's our little Balboa park. While this park is available to and used by all citizens of the San Diego, Oak Park is the community that has the driving force for its development. Stopping the dump from going in at one point. As far as next to an elementary school to going ahead and now we have a lake, we have Gloria's Mesa, we have as far as ball fields, we have not too many things in our community for our children. And this is what we're striving to do. We just feel that it is a responsibility that we should take. The park is not finished; it is a

work in progress. Remember Balboa, Mission Bay Park did not happen overnight. This park is more kin to the Mission Trails Park. Things are still developing. To develop a park takes money. We will take any monies we can get to further Chollas Lake Park. Therefore the two reasons we want the College Grove census tract to remain within the 7th District are first: we don't want these voters shifted again. And the second is that the 7th district council person has pledged to keep the redevelopment funds in that area.

I am 100% in favor of the map submitted by Councilmember Jim Madaffer, of the 7th District. Please leave us the way we have been for 10 years.

ULLOA: So, I'm going to say; correct me, District 7 will be committing tax increment from the redevelopment area into the Chollas Lake area.

LEIMBACH: We'll go ahead. And what we want is to have it go ahead and be committed to anything within the eastern area as far as we have quite a bit of land that needs to go ahead and be developed. And this is why, why shouldn't the money coming from College Grove Shopping Center be put into it. And into anything else in the eastern part.

PESQUEIRA: Okay. Again, I want to step in here. This is not really for us to be looking at.

ULLOA: Well, you know we can say it's not a political, economical thing. I think it's a number of Commissioners who are being motivated by that as well in terms of their position making processes. And as one, I need to get some clarification as to what the history has been, what some of the ideas are. Especially from this individual because she lives there. I think that's probably the most credible in terms of that particular area. So, just a couple of more questions if I could.

PESQUEIRA: Well, again I want to remind the Commissioners that something that Charles has said over and over again. That it's people gentlemen, ladies. It is not economic. It is people. And we have to keep that in mind.

LEIMBACH: Within our boundaries as far as Oak Park as I said. I live in an area where there are 24 houses. And out of them there's three Mexican families, there's four Vietnamese families, there are five Black families. Out of 24 houses. And our kids play together. My grand-kids when they come over they play together. So, we want to keep it the way it is, not taking away part of our community.

ULLOA: I was just concerned in terms of the community of Oak Park currently a part is in district 7 and the majority is in district 4. Does that cause a problem in terms of what you were saying earlier with the redevelopment funds staying all in District 7 or are you saying that some of that will be used in the Chollas Lake area in district 4? Because my concern is that in terms of the Oak Park neighborhood as a whole. Is it being served as it should be?

LEIMBACH: We have a commitment. And he's shaking his head. And as far as the money would come to Oak Park.

PESQUEIRA: Jim, as I understood you said that redevelopment funds, as soon as the shopping center is up and running, stay within the shopping center.

MADAFFER: Let me just add one thing for Juan's benefit. Under state law Redevelopment funds must stay within the redevelopment area. It can not be spent anywhere else. You've heard me describe how money has been loaned. Those are loans back to the district. Mr. Stevens can not take this money and spend it down on Market Street or Imperial Avenue. He may have visions of doing that, but that can't happen. And it won't happen. And I will certainly make sure it doesn't happen whether I have College Grove or not. But the point is very simple. My commitment is clear. Not only in going to Sacramento to get some of our tax dollars back as we did last year for the Chollas Recreational Area, but to continue to work on that area one step at a time.

LEIMBACH: We also have 350 Navy housing right adjacent to Chollas Lake. And there's some kind of money coming from that we've never...

MAGANA: I have a question. And that is during public testimony when we were out in the community there were several references made and you made it again tonight, that by drawing our line where we have drawn it on the preliminary map, we are cutting the community in half. So, you need to clarify to me and the Commission. Because when I look at the map and I see Oak Park it goes all the way up to College Grove Drive or whatever that street is. And then I look to the south where there's the Navy housing and then also the big huge Chollas Park. And what I want to understand and what I want to hear actually is that that portion of Oak Park which is north or adjacent to College Grove is really a community that is more in line with all of the people around College Drive and not...that community there is not...is more in line with Darnell than it is with the bottom part or underneath the park. Because what Juan is saying is that we are

trying to unite the community of Oak Park which is north of Chollas Park and then south of Chollas Park. And what I think I heard the community say to me is that north part of Chollas...the north part of Oak Park is actually part of Darnell. Or they consider themselves part of Darnell.

LEIMBACH: Streamview is the breaking line on it. Let me tell you as far as if I can. In the 43 years that I've gone ahead and been in Oak Park I've helped form Darnell. I've helped form Webster Community Council. I've helped form Rolando Community Council. I've helped form Adams Avenue and two of them in South East San Diego. We were the first neighborhood watch in all of San Diego in the 70's and helped other communities. As far as our community going ahead and being split this is where I'm in the Mid City planning area. In the Mid City planning area it takes in Webster, it takes in Darnell. It goes ahead and takes in Rolando. It takes in all of those areas in there that are adjacent to us. We're a very close as far as in the makeup of our community. That's why Webster is one that we wanted to go ahead and keep. It's the makeup of the houses. We don't have a lot of apartments. The whole...our kids go to the same High School and Junior High School. We share the same Police Department. We're now getting involved with the City of San Diego's Attorney's Office as far as on their Mid City corridor. And we have representatives on it. And they're coming from this area that would be in the 7th as well as in the 4th.

PESQUEIRA: Okay. Look at Jim Madaffer's map. It's the second map after the folded map in front of his book. You get a real close-up view of the area that I think you're speaking of. If you look at the first folded maps. Then go to the next map. And then the second map after that. It says, Madaffer Options A,B Showing revisions to redistrict 4 and 7. Do you see that? Okay. The area that we're talking about here, see where College Avenue is. And then you see where College Grove is. There's two different streets. See that? Okay. So, go ahead. What Mr. Madaffer has done has taken College Grove away and Deer Flower Road and made that the division line there. The map that we drew took it all the way up to College Avenue. Streamview runs perpendicular to College Avenue. And then it swings down. But it comes in all perpendicular from College, do you see that? And it swings around in a kind of a curve and then runs over and connects with Lion Street.

MAGANA: That's the current boundary as it is now. And that's what they're going to do. But again, I guess the difficulty sometimes is that the northern part of Oak Park or what we see on the Police Beat map is Oak Park. And that's the argument that I guess some of us on the Commission have been trying to make and that is

re-unite Oak Park. But what I hear from you and what I've heard several, from other members of the community is that we're splitting the community by drawing the map the way it is on the preliminary map. So, I want to understand what you mean by splitting the community. What community. What geographic area are you considering as the community.

LEIMBACH: The community as far as as it was before. As I went ahead and said the 3rd district went ahead at one time and took in everything. Then they decided on the 4th and the 7th. And then they went ahead and it was more than we've had Lee Hubbard and yet you name it. All the different Council people. We like it the way it is. We have a planning area that goes ahead and takes in all the rest of the areas. We have the same police department. It goes all the way up to College Avenue. It goes all the way into Rolando, Mid City Police Department does.

MAGANA: And again. So, what you're supporting is that northern part of Oak Park and Darnell and City Heights east and El Cerrito and Rolondo and all those areas are what you consider your community.

LEIMBACH: Not my community. El Cerrito has it's own community council. Darnell has it's own community council. Webster has it's own community council. And Rolondo has its own. Oak Park goes ahead in the boundaries of Oak Park Community Council. As it was drawn up back in 75 is the way it is through the 4th district that the 4th district has, to College Avenue with 94 on the south and Streamview as far as on the west. And down Streamview to 54, well it goes 54th and goes over into Chollas Road into Euclid Avenue. We take in the census tracts or the boundaries of 2 Elementary Schools, Oak Park Elementary School and Carver School District. Then we formed it in the beginning. And we were the only one in the whole area, Oak Park was. The only way we could figure on doing it was going by school boundaries. And that's what we did. We formed it with Oak Park. Then Carver came in because the landfill was going up to their school and they asked please help us. And then we put in Carver. But, the other ones of Darnell they're in Darnell School District. Webster's in Webster's. The boundaries of their community councils are. But it so happens that as far as our boundaries go all the way to College Avenue as far as Oak Park. And the legacy that we have or the thing that we have to go ahead. And for the City of San Diego, this Chollas Lake and the whole piece of property that we have there is not just ours. It might be in our boundaries. We have tried to oversee it so that it's going to be something for all of our children. My

children are gone and my 11 grand-kids are probably not going to use it. But this is something that we did want to go ahead and do. And that's the reason for it and like I said that's the reason why we've had 2 City Council people. And it has worked fantastically.

ULLOA: Mr. Chair. In terms of Oak Park. When Councilman Stevens said that he thought that there has been a problem with the irregularity with College Grove being in District 7. I would have not considered entertaining this issue had I not seen that Oak Park was not united. Even though I understood his argument, put that back and forth, that's an economic reason and rationale and that's not one of our criteria. I recognized that Oak Park was divided. And so I was looking to see why that had occurred. And that's why I had that line of questioning with Mr. Madaffer trying to figure out why that happened. And my only question that Marichu had in terms of does Oak Park, does the northern part of Oak Park consider themselves more aligned to their northern neighbors, more aligned to their southern neighbors so that we can ascertain whether we're doing the right thing or the wrong thing with the reuniting of Oak Park. Even though I totally understand that by doing that we would end up moving College Grove to District 4. That I could completely recognize. But I had not had a clear understanding as to what the folks in the northern part of Oak Park, how they align themselves in terms of the south part of Oak Park or the northern neighbors of Darnell. And I think she was going along those same questions.

PESQUEIRA: I think Juan, we got off on a bad step. When we started looking at Police Beats. If I suggest very strongly you get rid of the maps that have police beats on them. Because I think that those police beats are really throwing us off. And you should really get rid of those police beat maps. And we should not refer to police beats. We've heard enough testimony from all areas that the police beats do not represent their neighborhoods.

ULLOA: So, then north Oak Park. What is it really then? Is it part of Darnell or is it a community that stands alone but relates to the northern parts.

PESQUEIRA: Part of Darnell from what I understand.

ULLOA: That's really the question that I was wanting to get an answer to.

PESQUEIRA: The Oak Park is a police beat name.

ULLOA: Right. I understand that. So, in terms of getting clarity what is then the northern

part of Oak Park? Does it have another name, is it really belonging to Darnell, so that I can then be satisfied that we don't need to re-unite Oak Park because the community of northern Oak Park doesn't feel it's an issue. So, if someone can answer that question whether it's Mr. Madaffer or...

LEIMBACH: The boundaries as I've said before is, College Grove Drive to the east. 94 to the south. Come down 94 to Federal Boulevard. Federal Boulevard to 54th Street. Or Euclid comes in as a peak and both Webster and...and there's Webster as far as the west side of Euclid. Come down Euclid Avenue where it forks in the road. 54th goes this way, Euclid goes this way. There's a fork. There's a FamMart sits right there off of Federal Boulevard. We go ahead and go down Euclid Avenue. Down into the hill as far as in taking both sides down to the bottom of the hill and then where Chollas Road comes in we go ahead and go into Chollas Road and take in all the way to 54th...well down Streamview. And on the south side of Streamview. On the north side of Streamview is Darnell.

PESQUEIRA: Does Chollas Road where it comes toward Euclid, does that turn and then go to the west?

LEIMBACH: Where it comes down Euclid, Chollas Road dead ends right there at Euclid. But it goes all the way to 54th Street.

PESQUEIRA: Yeah. 54th comes down to Euclid. Then it turns to the east, because Home takes off from that point.

LEIMBACH: Right. And we're not that far. We're not up at the top of the hill where Ridgeview is on one side and Altadena on the other side. We're down below that.

PESQUEIRA: And that district is known as Webster is what you're saying?

LEIMBACH: No. That district that I just gave you the boundaries of is Oak Park. Webster's boundaries are on...and they'll go ahead and bring up the map. I think DeDe McClure has got her map that's going to go ahead and come up on Wednesday. But as far as they are on the west side of Euclid Avenue going all the way to 47th Street. Federal as far as would be your southern boundaries. Understand that. Federal is just right up above 94. Okay. They go straight down Federal, down 47th Street and they go ahead and come up into the hill as far as up there.

PESQUEIRA: Right now the map that I see, 47th Street is in 4th District. And then immediately to the east of it is Euclid Avenue. And that's where the boundary is. Good. I see it.

LEIMBACH: That means Federal is one. Euclid is one. Fairmont or 47th Street is the other.

CAMARILLO: Mr. Chairman, just an observation. The lady that she was trying to remember that was also a finalist in the nomination was Elsa Sackson, a Latina. And prior to Susan Golding being appointed over 30 rounds another Latina was being considered for District 3 that covered this area. And that was Rachael Wong Mongia.

PESQUEIRA: I thank you both Jim and Margo. You've given us I think a pretty good education of this area. And it's an area that I think that we've struggled with. And I think that's why we vacillated because we couldn't quite understand what was happening. I think Juan brings that out very clearly that we couldn't understand why that was being divided the way it is by where the boundary was. But I think you've helped us out tremendously.

CAMARILLO: Mr. Chair. Just another real brief observation. I know the time is late. And I want to re-emphasize something that was being said about freeways. In the newer communities freeways are good boundaries identifying. But in the older communities like Barrio Logan was split in half by Highway 5. It is not a boundary. It's a divider of a community. And that applies to going up Highway 5 through the...

PESQUEIRA: No. That's very true. In the older part of San Diego freeways did in effect split communities and took a...there was a great deal of hardship that was caused by that split. But I think we've been good about recognizing that at least in the highest density areas and trying to keep the community together.

Alright, we're going to trail this meeting until next Wednesday. Unless there is something specifically a Commissioner wants added to the agenda, the agenda will stand as it is tonight. So we will continue with 6, Item number 6 and then we'll move to Item number 7. Alright. And we will continue to meet as frequently as necessary to make the deadline that we have to make in order to get this to the Office of Registrars.

ULLOA: Questions at what point Commissioners will be able to present their maps.

PESQUEIRA: I think that it would be better, Juan, when we've already gotten all of the community

maps in that we...because they had to be in by noon on last Friday, as I recall. And so we'll go through those maps and then the Commissioners can present their maps. And we will take it from that point on. There is a point where we've got to make a decision that...what map we're going to accept. And I think we have to at least come up with a justification why we drop a map or why we feel...once we asked for those maps it became a responsibility for us to say why we didn't chose a map. And it may be difficult to say that. It may be very difficult to say that. But, we're going to have to at least say that so and so's map that came in was very good here, very good here, but we make a decision. And I want us to try to make our decisions based upon the law that we have to follow. On the City Charter and the Voting Rights. I don't think we're going to have too much of a problem with Voting Rights. I think we've got that pretty well. But we're going to have some problems with the City Charter. And I think that we're going to have to line those maps up to the City Charter as much as we possibly can to justify. Otherwise I can understand where an individual who works hard on a map comes back and said, but you can't find anything wrong with my map, why wasn't it accepted. So, I think it's going to be incumbent upon us to take that into consideration.

Lisa reminds me that the maps that we had that Kairn...the McDonald people...remember when we were downstairs there in the basement of the building. We had those maps up. We still need to bring those up again and look at them. I know that night we sat there and said, I like 2 and 4, but let's throw out 1 and 3. But we didn't say why. And so we need to reconsider those.

So, there is a fair amount of work ahead of us still, but I think we can wrap this up if we can just get by the small little areas that seem to be tripping us up. And which are very important. I think we have to.

Okay. So, this meeting is now trailed. It's 9:30 in the evening. It's trailed until 4:00 p.m on Wednesday, August 1st. Thank you.

REDISTRICTING COMMISSION ACTION

(Tape location: D561-G.)

Adjourned and to continue Items #6 and #7 to next meeting, by Chairman Pesqueira at 9:30 p.m.

Item 7. Discussion of Post-

Preliminary Map Public Hearings

Discussion and possible action related to comments received at the recently concluded public hearings, identification of additional communities from which the Commission would like to hear, and additional information needed to move forward to the Final Redistricting Plan.

REDISTRICTING COMMISSION ACTION

Item continued to next meeting.

Item 8. Commission Calendar

Discussion and action to establish dates and times for future Commission meetings.

The following meetings will be noticed:

Wednesday, August 1st from 4:00 - 8:00 p.m.

Thursday, August 2nd from 4:00 - 8:00 p.m.

Friday, August 3rd from 4:00 - 8:00 p.m.

REDISTRICTING COMMISSION ACTION

Item 9. Adjournment

REDISTRICTING COMMISSION ACTION

(Tape location: G400.)

**City Of San Diego Year 2000 Redistricting
July 25, 2001 -
Council Chambers - 4:00 p.m.**

Page 87

Ramone Lewis
Legislative Recorder II