

**TRANSCRIPTION FOR THE DECEMBER 8, 2021, SPECIAL MEETING OF THE
ORANGE COUNTY BOARD OF EDUCATION.**

BARKE: Roll call, Darou?

SISAVATH: Trustee Sparks?

SPARKS: Here.

SISAVATH: Trustee Williams?

WILLIAMS: Here.

SISAVATH: Trustee Barke?

BARKE: Here.

SISAVATH: Trustee Gomez?

GOMEZ: Present.

BARKE: Okay. We will do that after, right, after the closed session?

WILLIAMS: We can do it after the closed session.

BARKE: Okay. Yeah. Yeah. Because then, we will have more people.

WILLIAMS: Right. We should adopt the Agenda.

BARKE: Yeah. Yeah.

WILLIAMS: I'll make the motion to adopt the Agenda.

SPARKS: Second.

WILLIAMS: For today.

BARKE: All right, we have a first and a second. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay. Passes 4-0.

WILLIAMS: We have no minutes. Any public comments?

BOYD: Did we receive any more?

AUDIENCE: [Inaudible voice].

BOYD: None for closed session.

BARKE: Okay. Then, we will be back in an hour [strikes gavel].

[The Orange County Board of Education goes into closed session, and then returns to open session.]

BARKE: We are back. Welcome, all those who have joined us since 4 o'clock. We will get started right away.

WILLIAMS: Yeah, Lorrie is going to do it.

BARKE: We are going to ask Lorrie Kaylor to please come up and do the invocation.

WILLIAMS: We can stand if we want.

BARKE: If you want, you may stand; it is up to you.

LORRIE: Thank you for the opportunity. I would like to read from what Paul prayed over the Corinthians. He said, "Now, I beseech you brethren by the name of our Lord Jesus Christ, that you all speak the same thing and that there be no divisions among you, but that you be perfectly joined together in the same mind and in the same judgment." Dear heavenly father, we are all here for the children. We pray that we would be of the same mind and the same judgment for their best interest. And we know that the people that love to children the most are their parents, so we do want to keep the parents of the children in mind and what it is that the parents are seeking for the best interest of their children. We thank you for every trustee that's on this board, and for the superintendent, for all the staff, for the attorneys, for are all of the people that work hard here for the kids in this Orange County area. We pray for every single district. We pray for the redistricting decisions. We pray for all the decisions that will be made tonight that will all be for the children. In Jesus name we pray, amen.

BARKE: Thank you, Lorrie. Next, we're going to have Lisa, Dr. Lisa Sparks do the Pledge of Allegiance.

SPARKS: Ready?

AUDIENCE: I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

BARKE: Thank you both for that.

WILLIAMS: You want to give a thank you to our security, Sheriff's Department?

BARKE: Sure.

WILLIAMS: We'd like to acknowledge our security provided by the Orange County Sheriff's Department. Thank you, sir, for being here.

BARKE: Yes. Thank you. [Applause].

WILLIAMS: Thank you for your service.

BARKE: Okay. Let's see that again.

WILLIAMS: Public comments.

BARKE: Yes. Okay. So, we have all –

BOYD: Report out from closed session.

BARKE: Oh yes, we do. Mr. Greg Rolen, our special board council.

WILLIAMS: Do we have any general public comments?

BOYD: No, just what you have.

WILLIAMS: Okay. So, these are all for item number four, and we'll do the public comments when we get to that item.

ROLEN: Yes. On closed session number one, the Board received information on a matter of potential litigation and directed the reading out and approval of a resolution. The Board's vote was 3-0-1; Trustees Barke, Williams, and Sparks voting in favor, Trustee Gomez abstaining. So, at this time, I'll read the resolution that the Board approved into the record, and we will post it on the Board's website. Please get comfortable. It's quite lengthy.

“Whereas, Article I, Section 2 of the United States Constitution mandates that an apportionment of representatives among the states be carried out every 10 years; and whereas, United States Census Bureau collected data required by Article I, Section II. The final census population data was validated by the Demographic Research Unit of the United States Department of Finance; and, on September 16th, 2001, the United States Census Bureau released the 2020 Census Redistricting Data (Pub. Law 94-171) Summary File to all states representing a significant delay in the ability of the government entities to meet their mandate;

And whereas, subsequent thereto, the State of California adjusted redistricting data, the redistricting data file, I should say, to reflect the reallocation of data from certain incarcerated persons to their last residential address; and this data had to be returned for another review and was eventually released back to the governing entities;

And whereas, as it had historically done in 2001 and 2011, the Orange County Board of Education proceeded to exercise its authority under Education Code sections 35160 and 35161 to create a trustee area redistricting plan.

And whereas, at the May 5, 2021, Regular board meeting, the Board agenda included board discussions - 2021 Census Presentation; and whereas, at the July 2, 2021, Regular Board Meeting, the Board publicly approved the Redistricting Contract for National Demographics Corporation; and whereas, National Demographics Corporation has successfully performed redistricting plans in several states and have received State and National recognition for its demographic expertise;

And whereas, at the June 16 Regular Board Meeting of the Orange County Board of Education, the Board publicly appointed Trustee Williams and Trustee Shaw to the Redistricting Committee; and whereas, at the August 4, 2021, Regular Meeting of the Orange County Board of Education, Dr. Douglas Johnson of National Demographics Corporation made a public presentation on redistricting; and at the October 6, 2021, Regular Board Meeting, the Board received a public update on the Board redistricting process;

And whereas, at the November 3, 2021, Regular Board Meeting, the Board received a public presentation by Dr. Douglas Johnson of National Demographics Corporation on the redistricting process and created three proposed maps with relevant demographic data;

And whereas, at the October 3, 2021, Regular Board Meeting, the Board conducted its first public hearing on the redistricting plan. The Board received public comment on the redistricting plan, not only during the public comment portion of the Board agenda, but also during the public hearing and via electronic mail.

And whereas, at the November 3, 2021, Board Meeting, Dr. Douglas Johnson, presented three proposed maps for the Board and public consideration.

And whereas, at the November 3, 2021, Public Hearing on the Board redistricting plan, the Board welcomed additional maps to be presented by the Board and public no later than November 12th, 2021.

And whereas, on or about November 3, the three presented maps were posted on the Board Redistricting 2021 website.

And whereas, on or before November 12, 2021, the Board received seven additional maps for board consideration.

And whereas, the 10 proposed maps were posted on the Board Restricting 2021 website on or about November 22, 2021.

And whereas, at the November 1 Regular Board Meeting, the Board conducted its second public hearing on the redistricting plan. The Board received public comment on the redistricting plan during the public hearing and via electronic mail.

And whereas, at the November 1, 2021, Regular Board Meeting, the Board considered each proposed map separately. The Board summarily commented on each proposed redistricting map as follows:

Map number 1 - by consensus, the Board disapproved of Map number 1, for reasons including but not limited to: number one, it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area number 2.

Map number 2 - by consensus, the Board disapproved of Map number 2 for reasons including but not limited to: number one, it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area number 2.

Map number 3 - by consensus, the Board disapproved of Map number 3, for reasons including but not limited to: number one, it appeared nonresponsive to public comment requesting Cypress reside in Trustee Area number 2.

Map number 4 - by consensus, the Board agreed to consider Map number 4 at the December 8 Public Hearing for reasons including, but not limited to: number one, Map number 4 appeared responsive to public comment requesting Cypress reside in Trustee Area number 2; number two, Map number 4 maintained a 52% Latino Voting Age Population in Trustee Area number 1; number three, Map number 4 maintained a 33% Asian Voting Age Population in Trustee Area number 2; and number four, Map number 4 had a mere .37% deviation that's 2,349 people between the largest and smallest trustee area.

Map number 5 - by consensus, the Board agreed to consider Map number 5 at the December 8th, 2021, Public Hearing for reasons including, but not limited to: number one, Map number 5 appeared responsive to public comment requesting Cypress reside in Trustee Area number 2. Number two, Map number 5 maintained a 51% Latino Voting Age Population in Trustee Area number 1; number three, Map number 5 maintained a 34% Asian Voting Age Population in Trustee Area number 2; and number four, map number 5 has a 0% deviation, one person between the largest and smallest trustee area.

Map number 6 - by consensus, the Board disapproved of Map number 6 for reasons, including, but not limited to: number one, Map number 6 was created for the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board. Number two, Map number 6 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to consider whether it was come compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly equal in population as they may be. Number three, Map number 6 was rejected by the Orange County Board of Supervisors.

Map number 7 - by consensus, the Board disapproved Map number 7 for reasons including, but not limited to: number one, Map number 7 was created by the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board. Number two, Map number 7 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to determine whether it was compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly equal in population as they may be. And number three, Map number 7 was rejected by the Orange County Board of Supervisors.

Map number 8 - by consensus, the Board disapproved of Map number 8, for reasons including, but not limited to: number one, Map number 8 was created for the Orange County Board of Supervisors which has a different statutory purpose and mission than the Board. Number two, Map number 8 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to consider whether it was compliant with the Voting Rights Act, maintained communities of interest and/or made trustee areas as nearly equal in population as they may be. And number three, Map number 8 was rejected by the Orange County Board of Supervisors.

Map number 9 - by consensus, the Board disapproved of map number 9 for reasons including, but not limited to: number one, Map number 9 appeared nonresponsive to public comment requesting Cypress reside in Trustee Area 2. Number two, Map number 9 had the lowest Asian Voting Age Population in Trustee Area number 2, at 25%. Number three, Map number 9 had a 2.18% deviation, 13,940 people between the largest and smallest trustee area. Number four, trustee Map number 9, redistricted two existing incumbent board members in the same trustee area, redistricted, I should say, two trustee areas, existing board members within the same trustee area. And number five, Map number 9 was submitted with extraneous partisan registration data. Number six, Map number 9 was not presented with sufficient demographic data for either National Demographics Corporation or the Board to consider whether it was compliant with the Voting Rights Act.

Map number 10 - by consensus, the Board disapproved of Map number 10 for reasons including, but not limited to: number one, Map number 10 has a 9.22% deviation, 58,864 people between the largest and smallest trustee areas. Number two, several trustee districts were renumbered. Number three, Map number 10, alters many current trustee areas and thereby does not respect voter choices/continuity in office.

Therefore, the Orange County Board of Education hereby resolves as follows:

Number one, at the December 8, 2021, Public Hearing, the Board will consider public comment in advance of consideration of Maps number 4 and number 5. And number two, the Board will approve a Trustee Area Redistricting Plan at the December 8th, 2021, Public Hearing. Number three, the Board will submit a board approved Trustee Redistricting Plan to Orange County Registrar of Voters as soon as practicable in advance of the December 15, 2021, adjustment process deadline to assist the Registrar in performing its function under such truncated and compressed timelines. Number four, as was done in 2001 and 2011 on December 10th, 2021, the Board will present its approved plan to the County Committee on School District Organization, exclusively pursuant to Education Code section 1002 (b) which states in relevant part, “Following each decennial federal Census, using population figures validated by the Population Research Institute of the Department of Finance as a basis, the county committee shall adjust the boundaries of any or all trustee areas of the County Board of Education as necessary to meet the population criteria set forth in subdivision (a).”

Number five, the Board has not previously made any request and the Board makes no request, to the County Committee under Education Code section 1002 (a) to change to the boundaries of

any trustee area of the county, to increase or decrease the number of members of the county board of education, or otherwise to take any action under Education Code section 1002 (a).

BARKE: Thank you very much.

ROLEN: Does anybody have any oxygen?

AUDIENCE: [Laughter].

WILLIAMS: Sorry.

BARKE: No worries. Okay. We are going to move on to public comment.

WILLIAMS: Wait, do we have any general public comments?

BOYD: Only if they state so on there.

WILLIAMS: Okay. So, to the public, we have, it looks like 11 public comments on agenda item number four. When we get there, we will hear from you, so we will move on. Staff Recommendations.

BARKE: Okay.

WILLIAMS: I'll make the motion for item number 11, excuse me, one.

BARKE: I'll go ahead and second it.

WILLIAMS: I have no discussion, no questions.

BARKE: Okay. Any discussion or questions? No. Okay. Then, we'll call for the vote. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay. Passes, 4-0.

WILLIAMS: I make the motion for number two, the approval of the Educator Effectiveness Block Grant for College and Career Prep. Academy.

SPARKS: Second.

BARKE: All right, any discussion?

WILLIAMS: I have none.

BARKE: All right. I'll call for the vote. All those in favor?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay, 4-0. We now move on to number three, a redistricting update from Douglas Johnson and Greg Rolen. I think we're going to have Justin Levitt in place of Doug Johnson. Thank you for being here.

ROLEN: My understanding was that Dr. Johnson prepared a video that would be played concerning the demographic information concerning Maps number 4 and number 5. And it should be noted, that Dr. Johnson created this video late in the evening after another public hearing, so we ought to listen to it.

BARKE: Okay.

[Video is played.]

VOICE OF JOHNSON: Good evening. Once again, I'm Douglas Johnson, National Demographics Corporation, and it's a pleasure to be with you once again, unfortunately, virtually to discuss your redistricting options for the 2021 redistricting of the Board. As a brief reminder, you can see on the screen, the slide you've seen before, which on the left lays out the federal laws, which are that each district must have, or each, in your case, each trustee area must have an equal population. Each trustee area must comply with the federal Voting Rights Act, and there must be no racial gerrymandering, meaning that race cannot be the predominant factor, either in how a line is drawn or in why a map is adopted. Those are the statutory requirements; state law only hasn't mentioned repeating the Equal Population requirement, so where the decisions and discretion come down are in the traditional redistricting principles as you see listed on the right hand side.

These are, as I've discussed before, so I'll go through them briefly: communities of interest, trying to keep them together; trying to keep trustees compact, contiguous, and following visible, natural and manmade boundaries so they're easy to understand, respecting the voters' choices, which means not pairing board members so that reelection decisions are up to the voters, not dictated by the lines. You can slightly adjust for anticipated future growth. You try to minimize the number of voters who are switched from a 2022 election voting to 2024 voting. And, you can attempt to preserve the core of the existing trustee areas. Again, the ones on the right are principles or goals. The federal laws are your statutory requirements.

You have before you two maps that the Board narrowed the list down to at the last meeting. They are, Maps 4 and Options 4 and 5. Just to repeat what was shown before, and remind you of the demographics and key numbers, in terms of the Voting Rights Act, both maps are close. Option 4 has a 52% Latino Trustee Area 1. While Option 5 has a 51% Latino Trustee Area 1. In terms of Asian American population, Option 4 has a 33% Area 2; and, Option 5 is a 34% Area 2. They're both very close, just 1% off each way. In terms of population balance, Option 4 is well within the 10% maximum, but not quite balanced, so it has a deviation of 2,349 people between its largest trustee area and its smallest trustee area. That is just 0.37% of the ideal population, so relatively small; but, notably more than Option 5's one person difference from the ideal, so no trustee area is off from the ideal by more than one person and a percent deviation of 0%. Of

course, both of these maps are much closer to balance than say Option 9 that we looked at last time, which was 13,940 people off, over 2% off; and Option 10, which was almost at the legal maximum last time of almost 10%.

In terms of the maps, looking at communities, you have on screen both Option 4; and then, I'll show Option 5. Both have roughly similar, actually fairly similar layouts. You can see Area 1 in pink, unites the heavily Latino neighborhoods and communities of Anaheim with the heavily Latino areas of Santa Ana and with Tustin. Both maps essentially have that, those combinations. Both maps also unite Little Saigon in Area 2 and then, have a Northern Area 4, the coastal Area 5, then, an inland Area 3. Where they differ, in part, the first part is the bridge between the Anaheim and Santa Ana parts of Area 1, so Option 4 is using the eastern end of Garden Grove. While Option 5, leaves Garden Grove intact and is using the portion of the city of Orange that is west of I-5.

Also, down on the border of Areas 3 and 5, you can see Option 5 is using Hwy 73, which keeps almost all of Irvine together. You can see there is a part of Irvine right where it comes together with Tustin, Santana, and Newport Beach that is Orange, or golden for Area 5 for population balancing. The rest of Irvine is together, and it follows Hwy 73. In contrast, Option 4 uses the more distinctive boundary between three and five of I-405, which is a very clear boundary, obviously. This does result in the division of Irvine, essentially, very roughly in half with the portion inland of 405 in Area 3 and west of 405 in Area 5. That population shift is offset in South County where you can see Rancho Santa Margarita and the communities around it are all in Area 3, which is an inland trustee area. Then, Area 5, gets essentially, all the coastal communities and stops in Rancho Mission Viejo. In contrast, Option 5, because it's not picking up as much of Irvine, it then comes up and gets Rancho Santa Margarita and the communities around that balance out those two areas. Otherwise, they're very close. Villa Park is the north end of Area 3 in both maps, western city of Orange. Then, the north county is Area 4 in both maps. And, the heart of Little Saigon with Fountain Valley, Garden Grove, Westminster, Stanton are together there with Seal beach, Huntington Beach, Los Alamitos, Rossmoor, and Cypress in Area 2 in both maps. And, it is worth noting, we heard a lot from residents about Cypress wanting to stay with Rossmoor and Los Alamitos. That is true in both of these maps.

So, in the big picture, they're very similar. You can see, we have maintained a Latino majority Area 1, and very solidly community and neighborhood based Area 1. We have a large Asian American percentage in all of the Little Saigon and surrounding community united in Area 2, and then, a community regional focus in Areas 3, 4 and 5. The last difference is probably Tustin. Small difference where Option 5 keeps Tustin all together in Area 1. Whereas, Option 4 has most of Tustin together in Area 1, but the north extension of the city has moved to Area 3.

Those are the differences. I wish you good luck in your discussion and deliberations this evening and look forward to hearing about your choice. Thank you very much. [Video ends].

ROLEN: And with that, we bring you Justin Levitt of National Demographics Corporation to answer any board questions.

BARKE: Welcome. Thank you.

LEVITT: Good evening. It's a pleasure to be here as a replacement for Doug Johnson tonight. As an Orange County resident, myself, I've been following the process as you've been going through it. So, I'm happy to address any questions you have tonight.

BARKE: Okay.

LEVITT: But, my role is just to kind of help you get through this and answer any questions you might have.

BARKE: Okay. So, no comments, we'll just go directly into public comments.

LEVITT: Just a short introduction.

BARKE: Okay. Great. Okay. I'll start to my right.

GOMEZ: I'd like to hear the public comments first. Anybody okay with that?

WILLIAMS: So, we're moving on to four? Are we done with three, Madam President?

SPARKS: Well, I'd just like to ask one question if I could?

WILLIAMS: Sure, yeah.

SPARKS: Yeah. So, I'm learning about all this redistricting business, and, from what I gather, I'd like your confirmation, it's important that we follow the law in terms of Equal Population, federal Voting Rights Act and no racial gerrymandering. So, the goal would be to have the least amount of deviation possible.

LEVITT: That is correct. In fact, the deviation is actually the one criteria mentioned in state law.

SPARKS: Okay.

LEVITT: Federal courts have also included voting rights and other issues, but state law actually only speaks to population difference.

SPARKS: Okay.

BARKE: Interesting. Okay. Very interesting

WILLIAMS: There was in, I believe the November meeting, Mr. Johnson came at the very end of the meeting. He was out, probably Malibu and Los Angeles County, one of those cities dealing with a meeting at that time that he had to attend. He was kind enough to join us virtually at the very end. At that moment in the discussion, we were talking about the public providing maps, and there was a lot of discussion amongst the board members here that they would be able to provide maps along with, I believe it was November 12th deadline, I think that was the date.

We were told by Douglas, and just wanted you to verify this, that in the cities you were able to take that data and create the information. There was actually applications that you can download. Earlier, good Trustee Gomez was sharing that in her city they had crayons that were actually on these maps, but in the county, you were unable to take these applications, take this data, take the map and give us all of the metrics that you have given us for Maps 1, 2, 3, 4, and 5.

LEVITT: Um, I'm not sure exactly what the question is. I know that many cities, for example, have spent a lot of additional resources on mapping tools, some of which have been available early on. We're in a very compressed timeframe to do this, and that's not necessarily the fault of the school district, or I mean, the Board of Ed. We did not receive the Census data itself until the end of September. That has really compressed the timeframe for doing this, not only for the Board of Ed, but also for every county around the state. Some counties, like Orange County, put out tools that literally were using 2010 Census data that are useless because the 2020 numbers don't match those 2010 numbers. That, for example, and also just because of the sheer volume of jurisdictions that are looking for tools, a lot of the companies and vendors that are selling them are certainly prioritizing the people who pay. Counties, like Los Angeles County I believe, spent somewhere close to \$2 million to get themselves priority access to certain tools.

Though that's the kind of resources that, for most, I, you know, I don't want speak for the Board of Ed., but for most school districts that puts them well out of their price range. You know, I mean, and so I would say that all of the submissions from the public certainly contribute to our knowledge, understanding, our look at communities of interest as reflected in the maps. But, they may not be population balanced even within that 10%, not to mention the zero population balance virtually required by state law; but, within that 10% deviation even, especially if you're using old data such as the countywide population kits that the County of Orange put out.

WILLIAMS: But as far as the data for some of these maps that we received from the public, we didn't get anything back from NDC. I believe Doug was sharing with us that he just didn't have the tools to do that. Could you comment on that?

LEVITT: I'm not sure about, I'm not sure exactly what you're referring to. I know that we did receive community input that went into the maps; but unfortunately, creating and analyzing each map for demographic for the full demographic spreadsheet was not feasible given the time constraints that we were under.

WILLIAMS: Okay. That answered my question.

BARKE: Any other board member questions before we go to public comment?

GOMEZ: Well, yeah, I guess we're going to do that now. Given the compressed timeframe that we had, you're saying that we were not able to provide the same data on all the maps that we did on the first few maps that were submitted? Is that what you're saying?

LEVITT: Yeah, I believe so. I'm, you know, I mean, some of the maps, I believe that we could very easily tell were not population balanced. It certainly contribute to our communities of

interest understanding, but, we don't want to spend a lot of time focusing, especially with our compressed timeframe, on maps that are not able to be adopted for legal reasons.

GOMEZ: Okay. One of the things that, you know, we talk about the Equal Population, but that Equal Population has to be within 10%, not within necessarily with one person, which some of the maps displayed.

LEVITT: This is a really interesting case, because 10% is the Supreme Court's presumptively constitutional standard, but boards of education have a unique provision in state law that says, "as close to equal as possible," which is the kind of language that the courts have used to describe congressional districts, which must be exactly one person deviation at most. So, Board of Ed., it's almost an unanswered question, but to protect the district legally we are recommending that you get as close to perfect equality as possible.

GOMEZ: Okay. So, as far as the communities of interest, can you tell me how many school districts were split in these maps?

LEVITT: I don't have that number off top of my head.

GOMEZ: Okay. Can you tell me how many cities were split in these maps?

LEVITT: I can tell you, I can get that information quickly. Most of the maps split the same cities. I should mention, for example, Anaheim is split in both maps. Santa Ana is split in both maps. Tustin is not split in Map 5, but is split in Map 4. Garden Grove is split in Map 4, but not in Map 5. Huntington Beach and Orange are both split in both maps. Irvine is split in both maps, and I believe those, those are the only cities that are split.

GOMEZ: Okay.

BARKE: Excellent.

GOMEZ: There should be no racial gerrymandering, correct? But in Dr. Johnson's presentation, that's how he started off describing each map about the population of, you know, the Hispanic population or the Asian population so that makes me a little uncomfortable when it's described by that.

LEVITT: What I want to emphasize is when we talk about racial gerrymandering that way, it means, both not packing a district that's only justifiable because of race or ethnicity; but also, not intentionally dividing a community. For example, in those supervisorial districts used for the last 10 years, Anaheim and Santa were in two separate supervisorial districts. Thus, the county did not have a majority Latino supervisorial district for the last 10 years. That is a potential issue of cracking, so by mentioning that, we're trying to emphasize that we are keeping the core Latino centers, a corridor between Anaheim and Santa Ana in the same district in both of these maps.

GOMEZ: Okay. In looking at both Maps, 4 and 5, one of the criteria was talking about them being compact, and District 1 is not compact. How was that arrived at?

LEVITT: Well, again, there was a, you know, we wanted to ensure for our understanding of the Voting Rights Act, that we don't divide Anaheim and Santa Ana. That we can keep those two cities, the cores of those two cities, together. In addition to race, and it's not just about race, but if you look at our demographics, that district is different by income. It's different by the mix of renters and owners. It's different by a lot of the demographic variables, but those two communities are fairly similar to each other. So, by uniting or linking those two communities the way that the assembly districts, the senate districts, and the congressional districts do, it's really bringing those two communities together into one district representation.

GOMEZ: All right. I don't have any other questions at this time. I may, after the public comment.

BARKE: Thank you for those answers, appreciate your preparation and providing us the answers. Any other questions before we go to public comment, or Greg, go ahead, take over.

ROLEN: We're going to open the public hearing.

BARKE: Okay. Perfect. Thank you.

ROLEN: Board members, staff, and members of the public, please allow me to address you in advance of the third and final public hearing. I will simply restate the process so as to not completely repeat the painful, verbatim resolution that we have just been read into the record and will be posted on the Board's website. The Board began this process in May with a presentation on the 2021 Census. On June 2nd, the Board approved a contract with National Demographics Corporation. On June 16, the Board publicly selected a redistricting subcommittee. At the August Regular Meeting, and again at the October Regular Meeting, the Board held public presentations about the status of the Board's redistricting efforts. And on both occasions, the Board and public were informed of delays in the release of the final Census data validated by the Demographic Research Unit of the Department of Finance until late September, 2021, due to the impact of the COVID-19 pandemic on the operations of the United States Census Bureau. They were also informed of necessary California mandated adjustments of the federal data, relocating incarcerated individuals to their last residential address.

Three, that that process had to be completed by December 15. At the November 3 Regular Board Meeting, Dr. Johnson made a video presentation setting forth legal standards and demographics. He presented three maps for public consideration. The Board heard public comment, and the Board welcomed maps from the public and set a November 12th, 2021, timeline. On or before November 12, 2021, the Board received five additional maps from the public, and NDC created a fourth map in response to public comment concerning the trustee area where trustee area Cypress may resign, may reside, excuse me. All maps were promptly posted on the Board Redistricting 2020 website with the assistance of Department staff. On December 1, at the Regular Board Meeting, the Board held its second public hearing. At the December 1 hearing, Dr. Johnson, again, made a video presentation setting forth demographics and analyzing each of the 10 maps posted on the Board website. The Board again received public comment. The Board commented and provided testimony on each of the 10 maps. Then, the Board publicly selected two maps that may be considered at the December 8, 2021, Special Board Meeting.

This evening, during the prior agenda item, you've received a further presentation from both Dr. Johnson and Justin Levitt concerning two maps that were brought forth for public consideration. The Board will now receive public comment, and the Board will have an opportunity to comment on the proposed boundary readjustment. During the next item, agenda item number five, the Board will vote on an approval of 2021 Trustee Districts. Assuming arguendo, the Board approves a Redistricting Plan will be presented to the County Committee on School District Organization to approve new trustee area boundaries as complying with Equal Population criteria, pursuant to Education Code section 1002 (b). And with that, we open the public hearing.

BARKE: Thank you.

WILLIAMS: First up will be Libby Frolichman, and I'll be giving the second name. You will be on deck. If the second individual, that will be Harumi, if you will stand behind the podium up here so we can make this process as quick and efficacious as we can? Libby, thank you for being here.

LIBBY: Of course. I'm here because I'm concerned about the redistricting process that is going to conclude this week. I was here last week and was extremely disappointed in the manner that 50 emails with unverified content were given much greater weight than the six people who sat through the meeting and gave public comment in person. Having not seen the emails, I have no idea how many were received from the same person, how many truly unique individual emails were actually received, or if the arguments presented in the emails were even relevant to redistricting rules. I must also state that I was disappointed in the seeming lack of understanding of electoral maps. One trustee in particular, seemed to be seeing the maps for the first time and was very concerned about the physical size of her district. Since the laws guiding redistricting require that the districts have roughly the same population, it doesn't matter what the actual physical size of the district is. All but one of the maps considered, were within the allowable variation in population.

I'm further disappointed that a board member was given the opportunity to submit a revision to his map before final consideration. But, the member of the public that submitted Map 9 and was present at last week's meeting, was not afforded the same opportunity. If the Board is intent on keeping Cypress with Los Alamitos, it would only have been fair to give the Map 9 author a chance to attempt to redraw his submission with that modification. This process is supposed to be equitable, and treating different map drawers differently is certainly not equitable. With that in mind, in accordance with Robert Roberts Rules of Order, I urge this board majority to vote to bring back Map 9 and consider the amended map that has been submitted by Billie Joe Wright as Map 9 Revised. Map 9 Revised is the only map that was drawn with community input and keeps Huntington Beach united in one district. Just as you have been concerned about keeping Los Alamitos united with Cypress, you should have the same concern for keeping Huntington Beach fully united with Fountain Valley since we share school districts. Please adopt Map 9 A, and as you make your final decisions, I employ you to remember Proverbs 11:1, "a false balance is an abomination to the Lord, but a just weight is his delight." Thank you.

BARKE: Thank you.

WILLIAMS: Okay, Harumi. After Harumi will be Judge Riddle.

HARUMI: Hi. My name is Harumi, and I live in the city of Cypress. I am here in support of proposal number 5. The map is very simple and easy to understand who the trustees in each district is. It keeps current trustees in the areas they were elected to serve. Some of the maps take Cypress out of District number 2, where we are now. That's where Trustee Mari Barke is from. I voted for her, and I want her to continue to be my trustee. It also, Map number 5 also keeps contiguous areas together, not those weird maps that goes everywhere and there is zero deviation. Each district is equal, has the same number of people, and this is close to equality. It also keeps community of interest together. I urge you, I totally am with Map number 5. Thank you.

BARKE: Thank you.

WILLIAMS:After Judge Riddle, will be Dorie Krepton.

LYNNE: Good evening, I'm Lynne Riddle. I believe the Board's December 1st decision eliminating Map 9 from further consideration was fundamentally unfair. It was fatally flawed. And for those reasons, I urge you to bring back for reconsideration tonight, Map 9, along with Maps 4 and 5. Whether you intended them or not, these are the unfairness's that I witnessed. First, the Board had access to Map 9 representation, one done using 2021 caliber software with population data reformulated by Maptitude software. None of that information was presented to the public in a timely manner. The public has therefore been prejudice. Without that knowledge, we could not participate fairly. Second, it was during discussion that you came to an evolving set of criteria for map elimination that had never been shared with public before. And, therefore, we had no opportunity to fairly comment or even to ask for an opportunity to amend our preferred maps to conform to your previously unannounced criteria.

Third, when you decided to advance Trustee William's Map 4, you did so giving Trustee Williams the right to amend his maps to accommodate new considerations, but Map 9 advocates were not accorded an opportunity to amend their preferred map in light of any new circumstances or criteria. In my view, that was fatally unjust. In addition, eliminating Map 9, you focused on two primary reasons. First, you said that you'd received more than 50 emails urging you to keep Cypress in District 2, rather than it being shifted into District 4. When asked about the persuasiveness of the six speakers favoring Map 9, you cited the 50 emails as being overwhelmingly compelling. I've carefully reviewed copies of 51 Cypress related redistricting emails, and when I called out all of the exact duplicates, that actual number came to less than 30. When you reduced it to one member, one email per sender, that was reduced to 17.

Next, I looked at content. The reasons the Cypress writers advanced most, entirely had no relevance to the electoral redistricting principles. About half were concerned that their children's school district, or even the place they actually attend, would change and that's not so. Finally, during your discussions, it was suggested that Map 9 would prejudice Asian American communities, something Trustee Williams said was unacceptable. Yet, in none of the 51 Cypress mentioning emails that I reviewed [timer rings] no one made any reference to any prejudice to the Asian American or any other minority community.

WILLIAMS: Thank you, Judge Riddle. Your time is up.

LYNNE: Thank you. Your decision to eliminate Map 9 was unfair-

WILLIAMS: Your time is up Judge Riddle.

LYNNE: I urge to reconsider it tonight and thank you.

WILLIAMS: Thank you very much. Next up will be Dorie Krepton, and after Dorie will be Billie Joe Wright.

DORIE: Good evening, Board of Education, and thank you for the opportunity to be able to speak with you this evening. My name is Dorie Krepton, and I'm a resident of Huntington Beach. I'm here to speak on the redistricting, specifically to speak to the importance and value of adopting Map 9-A with its revisions. Map 9-A follows the federal guidelines for redistricting as well as meets those guidelines. It formulates on four very strong principles. One, it reflects the boundaries of all communities. Two, it respects a broad base of voters allowing for meaningful presentation and balance. Three, it reflects boundaries of actual neighborhoods, rather than cutting an arbitrary line that would run through somebody's home. And lastly, and more importantly, it follows the principle of one person, one vote, in which each district has a substantially similar number of people sharing common, social, and economic interests. Map 9 is well reasoned in its rationale. It was created by a group of thoughtful, diverse, and experienced community members. The very principles on which our democracy was founded. It is a fair map. It is the best map, and giving you the background and the relative information, the right decision would be vote for Map number 9-A. Thank you.

BARKE: Thank you.

WILLIAMS: Okay. Up is Mr. Wright and then we have on deck, Miguel Curiel.

BILLIE: Good evening Board, audience. My name is Billie Joe Wright. I'm a resident of Anaheim, and I'm a high school government econ teacher. I loved seeing some of the kids here tonight. Redistricting is hard. I've taught AP government for 13 years. I encourage the audience and kids to check out redistricting.org or redistrictinggame.org. The kids use it to try and figure it out and just when they think they have it, it's wrong. You've got something wrong with the population, you're missing some group or something. This was my first time ever submitting a map. I was excited to show my kids this step. I was really disappointed after last meeting. When I sat here during the meeting, and let me go back a minute, when I submitted it, I thought, you know what, I don't know if it's going to work. I didn't even have the program to be able to make the map. I thought we'd submit it, let my kids see the process; and instead, they got shut down. They got to hear a board, basically, just ignore public input when trying to give a map.

I think you're all better than that. I don't know you personally, but I hear your passion. Ms. Barke, I heard you even last time, even if you guys didn't pass it, what's wrong with just putting it forward for discussion? Instead, my kids got to see someone step up, try to work with community members, and it's hard and busy being a teacher right now, but to turn around and

feel so dismissed. I don't even want to tell you what some of the comments were from my students. I need people to know in Cypress, I didn't have all the information, so I took what I could get and did my best. The idea of, you keep bringing up the Asian population as if it was something done on purpose. Again, go play the redistricting game and understand how hard it is. All I asked for was, once I heard that Mr. Williams you submitted your own map; and then, you were going to give yourself a chance to resubmit, and then your colleagues are going to go along with it. But for some reason, you felt a member of the public didn't deserve the same. I just don't understand it.

I submitted the map hoping that it would be considered. I then went back and I actually, because I do my homework. I took all the emails that we were able to get. There was so much in there that some people put in. One of the things was, they're disappointed with their leadership in that area. That was one person. Another person thought that if they didn't go with that map, that they were going to be put in LA County, and I don't fault them for any of this. They really cared about going to festivals with the same people [timer rings], having their kids remain friends. All I ask-

WILLIAMS: Please finish up, Mr. Wright.

BILLIE: Please consider that along with everything else.

WILLIAMS: Thank you very much. Next up will be Miguel Curiel, then Mr. Eddie Kim.

EDDIE: Hello. My name is Miguel Curiel. I just wanted to say that I am here in support of Map 9 to be reconsidered for a vote. It is one of the only maps that was made up of community input, community support. It was made up of the Asian communities as well as the Latin communities. Those are communities that have many similarities, and for a very long time, have stayed together. Map 9 would ensure that these districts would make sure, that these people are people who are of the same communities, have the same values, and it would also make sure that we don't go down the gerrymandering route. That's all I have to say. Thank you.

BARKE: Thank you.

WILLIAMS: Mr. Eddie Kim is up next. After Mr. Kim, will be Lorrie Kaylor.

EDDIE: Before I start, I just wanted to say to Teacher Wright. Doing your best, doesn't always mean it is the best. No one is doubting that you did your best, but it doesn't always mean it is. Hello, board members, thank you for considering our requests and concerns. Firstly, I apologize that I am here to ask medical questions instead of asking my family physician, but as a dad of three girls, I need some answers. There's always been a basic public safety requirement, which I totally understand and appreciate. I understand that legally, most people have the right to even decline any medical care or treatment and not be discriminated against. I also know that public schools required children's vaccines in order to be enrolled. What I did not see coming was schools trying to mandate a medical treatment that hasn't undergone safety trials and only given a temporary use authorization.

I also did not see coming was places, restaurants, and public venues following suit. Also, I did not see coming were vaccine passports, AKA papers. Hmm, sounds like Nazi Germany. I thought we agreed after World War II, that that type of behavior was a crime against humanity. We can agree, most parents want what's best for their children, but I did not see coming was that we parents are losing our power to make decisions for our kids. Society, media doctors, educators want to make those choices for us. Since I love my kids and since the government thought it prudent for education boards to make medical decisions for our children, can I ask you a few questions? If you vote to mandate the vaccine and there are any injuries to any child, who is liable, I just want this on the Board, I mean on public record, is OC Board of Education, the administration at school, maybe the OC Health Department, vaccine companies, or is the government? As far as I know, vaccine makers and the government is shielded from liability, to top the bottom, and they seem to be pushing it the hardest.

How can you mandate people to take an experimental injection without any liability? If you vote to mandate the vaccine in our schools and my child is injured, can I personally sue you Ms. Beckie Gomez, or maybe you President Mari Barke, or how about you, Vice President Williams, or maybe even you, Dr. Lisa Sparks? Maybe, anyone that has vaccine injuries or death can sue the people who vote to mandate them. Please help me understand why everyone wants to push this temporary use authorized vaccine and no one wants to take liability? This really makes me question the validity and safety of any item where no one wants to take responsibility for the potential damages that might occur, especially to my girls. I implore you all, unless you can personally stand behind your decision [timer rings] and take responsibility, please do not experiment with our kids.

WILLIAMS: Thank you, Mr. Kim. Your time is up. Appreciate it.

EDDIE: By the way, high five on Map 5.

BARKE: Thank you.

WILLIAMS: Lorrie Kaylor, and after Lorrie will be Mr. George Lee.

LORRIE: As I said, parents care about their kids. I, after more careful consideration of the map options, I am looking now at Map 5 for the following reasons: it's simple, easy to read, it's contiguous, it makes sense. The trustee areas are equal numbers of constituents, it keeps the communities of interest together, and it keeps the current trustees in the areas they were elected to serve. I'm from Orange. I elected Dr. Williams, and I believe that he puts kids best interests at heart. He also looks at the parents and their wishes. I would like to keep this board that cares about families and about kids in place. Thank you so much.

BARKE: Thank you.

WILLIAMS: Mr. Lee, after Mr. Lee is Linda Cone. Then lastly, will be Linda Cameron. Mr. Lee, you're up sir. Mr. Lee, George Lee. Are you Mr. Lee, that would be number nine?

GEORGE: Yes.

WILLIAMS: Okay. Very good.

GEORGE: Thank you. Good evening. I'm here to support Map number 5. My name is George, and I'm a resident of Lake Forest. I support Map number 5 for the following reasons. The first is that the map is straightforward. It's simple. It's contiguous. It makes sense. It's not like, snake around and make the weird pattern. The second one is that, each trustee area has the same equal numbers and there's the zero deviation, which is important when we do the map. The fourth reason is that they keep the community of interest together. That's very important, because we wanted a representation of a, you know, similar or the community share the same values and same culture. The last reason is that it keeps the current trustee in the area they were elected to serve, so I think this map will provide stability to the current board. Also, it protects the Voting Rights Act. Please vote for Map number 5. Thank you.

BARKE: Thank you.

LINDA: Good evening. I also support Option 5, Map 5 for one main reason, that is that it keeps the current trustees in the areas that they were elected to serve. This, for me, is the most important. I do not believe Map 9 does this. In terms of this board, I've already spoken to why I think it's so important to keep these trustees in office. They were all dually elected. We have just heard a lengthy discussion or perhaps the number one issue facing parents, which is the vaccine mandate. I commend this board in public for its strong stance against this vaccine mandate. They have taken a very courageous stance.

AUDIENCE: [Hoot and applause].

LINDA: I do not want to lose this board, and I don't want to lose, particularly a courageous group of people who will stand up to the kind of government that we're experiencing right now. I tell my friends, you either confront tyranny or you bow down to it. This board has chosen to confront tyranny. Once again, I commend you for doing that. Thank you.

BARKE: Thank you.

AUDIENCE: [Hoot and applause].

LINDA: Good evening. I am just going to ditto what was just said, I don't want to waste any time. I like Map number 5. It's simple and it makes sense, so please, number five.

BARKE: Thank you.

AUDIENCE: [Hoot and applause].

WILLIAMS: Madam President that concludes public comments, item number four, moving on to five.

BARKE: Given all the comments that we've heard, and particularly from the demographer as well, I'd like to put forth, for final Board approval, Map number 5 for consideration.

WILLIAMS: I will second that.

BARKE: All right.

ROLEN: Have you closed the public hearing?

GOMEZ: No.

ROLEN: The public hearing is still open.

BARKE: Okay.

ROLEN: That's the next agenda item.

SPARKS: Okay.

BARKE: Shall we close the public hearing? Do I have a motion?

SPARKS: Motion to close the public hearing.

BARKE: A second?

WILLIAMS: Second.

BARKE: All right, we have a motion and a second. Any discussion before we close?

GOMEZ: I would just like one more chance for the public if anybody has last comments.

BARKE: Okay. I don't hear any, so I'll call the vote. All those in favor of closing the hearing?

SPARKS, WILLIAMS, BARKE, GOMEZ: Aye.

BARKE: Okay, 4-0, we close the hearing. And you, now we have –

ROLEN: We move to agenda item number six.

BARKE: Okay. We move to agenda item –

SPARKS: You mean to five.

WILLIAMS: No, five.

SPARKS: Okay. I'd like to reiterate what I had just said, which is, given all the comments that we've heard tonight and particularly from the demographer about California state laws and the federal laws in terms of no deviation, I'd like to put forth Map number 5 for final Board approval.

WILLIAMS: I'll second.

BARKE: All right. We have a motion and a second. Do we have any discussion?

GOMEZ: Yes.

BARKE: Okay.

GOMEZ: I, again, as I said at the last board meeting, I think we are doing a huge disservice to the public who did not have enough time to look at these maps, and we did not get all the data. As I expressed my concern last time about the maps, this has been a very rushed process. I don't think we allowed enough time for the public to see all the maps and to see all the data. I'm concerned that we did not push forward Map 9, as I requested at the last meeting. It's very disappointing to me. It's very disappointing to members of the public. This board has said when people show up to meetings, it's important. I think these people did that expressed support from Map 9. Yet, we are dismissing their comments, so I will not be supporting Map 5.

BARKE: Very good. Any other board member comments?

WILLIAMS: I would like to just make a few comments here. No one is dismissing anybody, Beckie. We have, in record, all of the maps that we went through last week. No one is dismissing. No one is disparaging anyone. We heard everybody. We gave our reasons. That is well documented in the Minutes and in the Agenda from last week. I don't think it was a rushed process that we caused. This was a process that was constrained by time and COVID. I think, the committee that we formed went through this appropriately, and thoughtfully, deliberately. We sought legal counsel. We obtained the best demography group around. You know, maps are controversial and difficult, because not everybody's going to agree. There's a lot of information that was shared tonight that is just blatantly false. Map number 4-A was requested by my colleagues here. It never went forward, because there was no time to do it. I don't think that this was prejudice. I don't think this was unfair. Was it ideal and perfect, not because we didn't want it. It's just because of the circumstances. That's my comments.

BARKE: All right. Any other comments? Any other comments? Okay. I will go ahead and call the vote. We have a motion and a second for Map 5, so all those in favor?

SPARKS, WILLIAMS, BARKE: Aye.

BARKE: All those opposed?

GOMEZ: Opposed.

BARKE: Okay, so it passes 3-1.

WILLIAMS: I make a motion that we adjourn the meeting, Madam President.

BARKE: Do we have a second?

SPARKS: Second.

BARKE: All those in favor?

WILLIAMS: You don't have to [inaudible] it. You just adjourn it.

BARKE: Oh, we are adjourned [strikes gavel].