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## U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING **UNEDITED**

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FRIDAY, MARCH 18, 2016

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The Commission convened in Suite 1150 at  
1331 Pennsylvania Avenue, Northwest, Washington, D.C.  
at 9:00 a.m., Martin R. Castro, Chairman, presiding.

PRESENT:

MARTIN R. CASTRO, Chairman

PATRICIA TIMMONS-GOODSON, Vice Chair

ROBERTA ACHTENBERG, Commissioner

GAIL HERIOT, Commissioner

PETER N. KIRSANOW, Commissioner

DAVID KLADNEY, Commissioner

KAREN K. NARASAKI, Commissioner

MICHAEL YAKI, Commissioner\*

MAURO MORALES, Staff Director

MAUREEN RUDOLPH, General Counsel

*\* Present via telephone***NEAL R. GROSS**

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STAFF PRESENT:

PAMELA DUNSTON, Chief, ASCD  
JENNIFER CRON-HEPLER, Parliamentarian  
TERESA BROOKS  
JOE D'ANTONIO  
LATRICE FOSHEE  
SEAN GOLIDAY  
GERSON GOMEZ  
ALFREDA GREENE  
AYAN ISLAM  
MARCLE NEAL  
JUANDA SMITH  
TAMIKA TUCKER  
MORGAN TUFAROLO  
MICHELE YORKMAN  
DAVID MUSSATT, Director, RPCU  
LENORE OSTROWSKY, Acting Chief, PAU  
JOHN RATCLIFFE, Chief, BFD

COMMISSIONER ASSISTANTS PRESENT:

SHERYL COZART  
ALEC DUELL  
AMY GRANT  
JASON LAGRIA  
CARISSA MULDER  
ALISON SOMIN  
KIMBERLY TOLHURST  
IRENA VIDULOVIC

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## P R O C E E D I N G S

(2:30 p.m.)

CHAIRMAN CASTRO: Okay, we're back in session. It is 2:30 p.m. Eastern time. We are now continuing with the business meeting portion of our briefing/monthly meeting. We already voted to approve the agenda and any amendments earlier in the day, so we'll just get right into it.

**I. PROGRAM PLANNING**

**DISCUSSION ABOUT MOVING THE  
DECEMBER 16, 2016 BUSINESS MEETING  
TO DECEMBER 2, 2016**

The first item on the agenda is a discussion and vote on the changing of the December 2016 business meeting to December 2nd, 2016. Reason being, when we set the dates on the calendar, we did not realize that two of us are terming off on December 5th, which would've been before the current meetings in December that we're scheduled to have. So by moving it to December 2nd, it allows myself and Commissioner Achtenberg, who are terming off on December 5th, to have the opportunity to participate in our last meeting with you all. So any motion on that?

COMMISSIONER ACHTENBERG: So moved.

CHAIRMAN CASTRO: Is there a second?

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1 VICE CHAIR TIMMONS-GOODSON: Second.

2 CHAIRMAN CASTRO: Any discussion? None.  
3 I think we do this by voice vote. All those in favor,  
4 say aye.

5 (Chorus of aye.)

6 CHAIRMAN CASTRO: Any abstentions? Any  
7 opposition? Okay, that one passes. Thank you. Was  
8 kind of concerned about that one. I wasn't.

9 **DISCUSSION AND VOTE ON UNIONTOWN TOWN HALL**

10 Next, we have a discussion and vote on a  
11 Uniontown town hall. I'll have the staff director  
12 speak to that initially. Mr. Staff Director?

13 DIRECTOR MORALES: Thank you, Mr.  
14 Chairman. Whoa. Thank you, Mr. Chairman.

15 CHAIRMAN CASTRO: My chair wasn't working  
16 today.

17 DIRECTOR MORALES: Even got myself  
18 excited there. Thank you. We -- I've sent a memo that  
19 I think all of you have seen, and I'd like to make a  
20 few comments before we have a discussion and entertain  
21 any questions you may have.

22 First of all, I'd like to say, you know,  
23 when we've, when this first got initially proposed, I  
24 think we got a little bit ahead of ourselves about  
25 holding this town hall in Uniontown, Alabama.

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1           Due to the weather and the heavy workload  
2 we had at the beginning of the year, we were only  
3 recently able to provide an on the ground assessment  
4 of what we're really facing in holding a town hall in  
5 Alabama.

6           And, at that point, when I -- when we did  
7 do the assessment, and I really want to thank Pam  
8 Dunston for going down there and Wanda Smith to really  
9 be on the ground, and to communicate with everybody that  
10 we would be involved with.

11           I don't think we really fully understood,  
12 you know, what we were facing. And basically, there  
13 were a lot more logistical challenges than we had  
14 anticipated, and that's in some regard to holding the  
15 entire commission, you know, meeting down there.

16           I don't think we fully understood or  
17 anticipated these logistical hurdles and the cost.  
18 The memo that I provided gives you a cost of about  
19 \$38,000, and we've, since, subsequently anticipated or  
20 learned, might be additional \$2,000.

21           So we're looking at about \$40,000 to hold  
22 it down there. And it's not just the cost. You know,  
23 it's the logistical challenges.

24           So let me just say, additionally, our State  
25 Advisory Committee in Illinois held a meeting on

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1 environmental justice. The State Advisory Committee  
2 in North Carolina's going to do the same.

3 And given the unique needs of the  
4 Commission, our limited resources, you know, we also  
5 have encountered an unanticipated and unexpected  
6 expenditure that we may have to make that we have to  
7 budget, and you know, and to avoid the further strain  
8 on our staff and our budget, I recommend and I ask that  
9 the commissioners consider to cancel the town hall in  
10 Uniontown, Alabama at this time.

11 CHAIRMAN CASTRO: Yes. Is there any  
12 discussion, commissioners? Commissioner Heriot?  
13 Put your mic on, please. There you go.

14 COMMISSIONER HERIOT: Okay. I really  
15 hate the idea of not going to Uniontown. I feel like  
16 we're doing a report that, you know, one of the big  
17 features of it has to do with the landfill there in  
18 Uniontown. And so I'm not happy at  
19 all about the notion of canceling this. Can I ask what  
20 the unexpected expenditure is?

21 DIRECTOR MORALES: Well, it's, it isn't  
22 just one, there's several. The fact that Uniontown,  
23 Alabama is about an hour and a half away from a major  
24 city --

25 COMMISSIONER HERIOT: I don't mean, I

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1 don't mean the money dealing with Uniontown, but I  
2 thought that you had mentioned that something was  
3 coming up that --

4 DIRECTOR MORALES: Oh, yes. There was  
5 additional cost for the -- I believe it was the court  
6 reporter, and then, you know, I think some additional,  
7 again, I mean, I can ask Pam.

8 But there was like about \$2,000  
9 anticipated in addition to the 38,000. Isn't that  
10 correct? No? I'm wrong? Okay, then I'm wrong.

11 Then it's 30 -- well, no, no. That's a  
12 different issue. That's a different issue. I'm  
13 talking -- she's asking about the additional \$2,000 we  
14 --

15 COMMISSIONER HERIOT: No, I thought, I  
16 thought there was something that was unrelated to  
17 Uniontown that you thought --

18 DIRECTOR MORALES: Oh, yes, yes, yes.  
19 Well, we may have to look at -- we just received a letter  
20 from a congressional office in regards to an inquiry  
21 as to an audit, and we may need to revise the audit.  
22 And so there's, that could be fairly expensive.

23 So we don't know. We're in the process of  
24 assessing it. We're in process of communicating with  
25 the committee and with our staff here, and so that's

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1 the unanticipated cost. I'm sorry. I misunderstood  
2 you.

3 COMMISSIONER HERIOT: Okay. But the  
4 thing is my understanding was that our report is  
5 supposed to feature this landfill in Uniontown rather  
6 prominently.

7 And it strikes me as wrong to be writing  
8 about that without there having been some formal, or  
9 at least informal, procedure under which we, like,  
10 actually see it.

11 CHAIRMAN CASTRO: Yes. Let me suggest  
12 something. I know that some of us have been talking  
13 amongst ourselves as to, you know, what we were thinking  
14 about, but there is maybe another way, and that is  
15 perhaps a smaller contingent of us, perhaps you and  
16 Commissioner Yaki could go down as fact finders.

17 Maybe not do the full-blown town hall, but  
18 conduct some interviews, view the site, you know, get  
19 some additional data so that there is that.

20 COMMISSIONER HERIOT: Here's another  
21 problem with that. I may not be able to go at the same  
22 time that Commissioner Yaki does. Would it be possible  
23 for us to go separately?

24 CHAIRMAN CASTRO: I don't know.

25 DIRECTOR MORALES: I'm going to ask

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1 general counsel to opine. We've looked at this, and  
2 there still would be a significant cost of about -- if  
3 we had to get staff and our commissioners, and down  
4 there, and we're still looking at a cost of about \$9,000  
5 to \$10,000, even to do two commissioners. But I'm  
6 going to have the general counsel opine on this.

7 GENERAL COUNSEL RUDOLPH: Thank you.  
8 First, I just want to clarify one thing about the report  
9 and what the report is focusing on. The report is  
10 focusing on EPA.

11 That is what the concept paper has  
12 instructed us to look at, which is the EPA's -- we're  
13 doing a statutory enforcement report about the EPA.  
14

15 How heavily, or how prominently the  
16 Arrowhead Landfill factors into that report, I think  
17 is, I just want to clear that up, but I'm not sure that,  
18 I want to make sure that we understand that we're not  
19 focusing on the Arrowhead Landfill here.

20 Second, with regard to the commissioners  
21 traveling sort of for the Commission down, the  
22 regulation does speak to when commissioners are  
23 conducting business, the regulation on 702.52 states  
24 that commissioners shall not jointly conduct or dispose  
25 of agency business, other than in accordance with this

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1 subpart.

2 And the subpart is the part that  
3 specifically speaks to meetings. The reason that I'm  
4 bringing this to everyone's attention is that there is  
5 the possibility under the regulation for a  
6 subcommittee. And that is spelled out. As referenced  
7 in our statute it would have to be one of each side,  
8 and these other types of things.

9 However, if we're talking about proceeding  
10 under the regulation as a meeting, then all of the other  
11 things sort of come into play in terms of transcription,  
12 in terms of all of these, all of the things that are  
13 required for our meetings that are set out in the  
14 regulations.

15 COMMISSIONER HERIOT: Okay. What if,  
16 what if a subcommittee is appointed, and the  
17 subcommittee is, you know, bipartisan or whatever, and  
18 part of that is simply going to the landfill and getting  
19 the tour. Not a meeting, but just getting  
20 the tour. Much like we did for the detention centers.  
21 You know, obviously when we visited the immigration  
22 detention centers, we did not post in the Federal  
23 Register that we were doing that.

24 It's just a fact finding mission. It's  
25 not a meeting. Nobody's invited. It's basically the

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1 detention center visit all over again, except for we  
2 end up going on different days. Does that work?

3 GENERAL COUNSEL RUDOLPH: I think that, in  
4 that case, you know, this sort of idea of a site visit,  
5 that yes, you could, you could vote to do that. That  
6 would not necessarily be, you know, conducting or  
7 disposing of the Agency business in the manner that  
8 you're, that you're referring to.

9 CHAIRMAN CASTRO: Ask her. Go ahead,  
10 Commissioner. You had a question? The microphone  
11 there, Commissioner.

12 COMMISSIONER ACHTENBERG: Why can't you  
13 go on the same day?

14 COMMISSIONER HERIOT: I'd be happy to tell  
15 you that confidentially.

16 COMMISSIONER ACHTENBERG: Oh, okay. Did  
17 we set the date?

18 COMMISSIONER KLADNEY: If I can, Mr.  
19 Chairman.

20 CHAIRMAN CASTRO: Yes, sir.

21 COMMISSIONER KLADNEY: I was very  
22 hesitant to vote for this in the first place.

23 CHAIRMAN CASTRO: Vote for what?

24 COMMISSIONER KLADNEY: Even going.

25 CHAIRMAN CASTRO: Oh, the bigger --

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1 COMMISSIONER KLADNEY: To Uniontown.

2 CHAIRMAN CASTRO: Yes.

3 COMMISSIONER KLADNEY: And it was really  
4 interesting, because getting a tour of the landfill now  
5 is really meaningless in the sense, just in the sense  
6 that they're not accepting coal ash now.

7 And the coal ash that they have accepted,  
8 they have put in the ground, they have covered up, which  
9 is what a landfill is supposed to do, and planted grass  
10 on top.

11 So I don't know what we're going to see if  
12 we go, either individually or two or five or however  
13 many go, that you couldn't see in photographs of green  
14 grassy fields.

15 You're not going to see an operation where  
16 coal ash is being brought in on rail cars, being trucked  
17 to the landfill and dumped in, the operation itself.

18 There is no coal ash operation there now.  
19 So I don't know what the benefit of that is. I thought  
20 that we accepted quite a bit of testimony from them,  
21 which -- where they spoke about observing all the  
22 regulations in the state of Alabama, and that kind of  
23 thing.

24 What was interesting is I spoke with the  
25 gentleman who was president after we broke that

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1 session, and he -- I asked him, I said -- because the  
2 question I asked was about the wells, monitoring the  
3 wells.

4 And I said, so how many wells do you  
5 monitor? And he says, two. He says, that's the state  
6 requirement. And we drill our own wells, and we  
7 monitor them.

8 So, if they're complying with the state  
9 regulation, and they're not accepting coal ash, and  
10 there's nothing to see but a regular landfill, you're  
11 just looking at a landfill, and I don't know if it's  
12 worthy for us to do that.

13 I know that at the time we voted on this,  
14 there seemed to be, the people had something to say,  
15 and I thought that lady who was our witness here was  
16 an excellent witness for the community.

17 So I am of the opinion that we shouldn't  
18 go, and if the landfill wanted to submit photographs,  
19 they can submit photographs, which would be just as good  
20 as going there, and it would be, actually, photographs  
21 that their PR department can put together and give to  
22 us.

23 So I'm going to make a motion that we cancel  
24 Uniontown and move onto our regular schedule.

25 COMMISSIONER HERIOT: My understanding

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1 is, if I'm remembering correctly, that there was  
2 testimony that coal ash is still blowing around.

3 And that is something that can be seen when  
4 one goes there. Is there coal dust blowing around or  
5 is there not? It may not be perfect, but it makes a  
6 lot more sense than simply accepting that testimony.

7 COMMISSIONER KLADNEY: Karen?

8 CHAIRMAN CASTRO: Commissioner Narasaki?

9 COMMISSIONER NARASAKI: So I had also  
10 somewhat reluctantly voted for it at our last meeting,  
11 more because I felt that we had set an expectation for  
12 the community who wanted to have an opportunity for  
13 members of the community to talk to the commission.

14 The original point, I thought,  
15 of going to Uniontown was the town hall, and not so much  
16 to see the site itself, for the reasons that  
17 Commissioner Kladney laid out.

18 So I was supportive of the thought of  
19 having a subcommittee go down, because I feel we did  
20 create this expectation, and would want the community  
21 to be able to feel respected and heard.

22 But if I understand the General Counsel  
23 correctly, if all you can do is go take a tour of the  
24 facility, and not actually talk to the other members  
25 of the community who clearly have a different view than

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1 the people who operate the landfill, then I feel that's  
2 actually worse than, you know, because then it's a very  
3 one-sided visit.

4 Am I understanding you correctly that they  
5 would not be able to meet with other members of the  
6 community because we need to have a court reporter  
7 there?

8 GENERAL COUNSEL RUDOLPH: That's correct,  
9 Commissioner Narasaki. What I'm saying is that,  
10 pursuant to our regulations, for the subcommittee to  
11 go down and hold the town hall, they would need to comply  
12 with all of what's in our regulation for a business  
13 meeting, including the requirement of a court reporter.

14 COMMISSIONER HERIOT: What if it were not  
15 a town hall, but simply speaking to people in the  
16 committee informally?

17 You know, walking into a store and saying,  
18 hey, what do you think about this? You know, what do  
19 our rules do for that?

20 Because in a sense, you know, even visiting  
21 the site, you're collecting facts. You're not  
22 inviting facts from everybody, you're collecting  
23 facts. Is it prohibited to collect facts outside of  
24 a town hall?

25 I mean, for instance, for the briefing

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1 today, if I were to telephone, you know, my friend who's  
2 a judge in a municipal court, not that I have such a  
3 friend, but if I did, and say, we had a bunch of  
4 witnesses who testified blah, blah, blah, blah, blah.

5 And, you know, what do you think? You  
6 know, what's the procedure at your court? We don't  
7 have a rule that says we can't collect facts informally,  
8 do we?

9 GENERAL COUNSEL RUDOLPH: I'm sorry, you  
10 mean in terms of collecting facts informally, then  
11 bringing it back to everyone? Or are you talking about  
12 having that person submit to the public comment  
13 process?

14 COMMISSIONER HERIOT: You know, I'm  
15 curious, you know, how are we conceptualizing this? If  
16 I were to call my hypothetical friend who has some  
17 knowledge of what we talked about today, do I have to  
18 then tell him, well, you need to put that in writing  
19 and submit it as a public submission?

20 Or can I come back and during the meeting  
21 where we're discussing the draft of the report, say,  
22 well, you know, Judge so and so, who has some knowledge  
23 of this issue, told me blah, blah, blah, blah, blah.

24 GENERAL COUNSEL RUDOLPH: Well, I think  
25 that in terms of information collecting, you're free

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1 to collect information and bring it back to the rest  
2 of the Commission.

3 Whether that can be cited to, or how we,  
4 you know, how we -- what we do with that information  
5 in terms of how we use it in the report, is something  
6 that is also up to all of you.

7 COMMISSIONER HERIOT: Well, but we don't  
8 have any rule that facts that are collected have to be  
9 on the record. I mean, this isn't a court.

10 You know, we're more like a legislature in  
11 that respect, and so, you know, members of legislatures  
12 contribute legislative facts, as they call them, all  
13 the time.

14 You know, just like we have a report, you  
15 know, where the staff members pull things off the  
16 Internet that weren't part of the hearing.

17 It can't be that a staff member can pull  
18 things off the Internet, but a commissioner can't speak  
19 to somebody. And, you know, can't get into the report  
20 unless there's been, like, notice and such. So it  
21 seems like we're off kind of in an odd world here.

22 CHAIRMAN CASTRO: Can I say something?  
23 I, without opining on whether we're legislative or  
24 executive, I mean, I don't --

25 COMMISSIONER HERIOT: Legislative or

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1 judicial for the purposes of fact finding. I'm not  
2 talking about the issue that --

3 CHAIRMAN CASTRO: Okay, well, I'm not  
4 suggesting, without opining on the legislative issue,  
5 how's that?

6 You know, it seems to me that what  
7 Commissioner Heriot is asking for is virtually  
8 identical to what we did when we went down to the  
9 detention centers, but smaller in that we're not even  
10 going to have all, a quorum of commissioners, which we  
11 did have when we went down to the detention centers.

12

13 And we did speak to folks there. We spoke  
14 to people from ICE and from GO and the detainees. We  
15 spoke to some folks from the nonprofit world, and we  
16 brought that data back, and some of it made it into the  
17 report.

18 Granted it was, you know, under a different  
19 -- I think, well you weren't, not general counsel at  
20 the time.

21 COMMISSIONER KLADNEY: No, I don't think  
22 anybody was --

23 CHAIRMAN CASTRO: Yeah. So, but having  
24 said that, so under the scenario, do you see an  
25 equivalence there or is it, is there an issue?

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1                   GENERAL COUNSEL RUDOLPH: What I want to  
2 be clear about and what I think I was being asked was,  
3 to the extent that there is some sort of public town  
4 hall, then that would require the what is set out under  
5 our regulations in terms of documentation of that  
6 gathering with -- as it's set out in our regulations.

7                   CHAIRMAN CASTRO: Okay.

8                   GENERAL COUNSEL RUDOLPH: I want to  
9 contrast that to a site visit, which I had said, you  
10 know, does seem to fall outside of that, even though  
11 one could argue as Commission business, but it does seem  
12 to be in a different category.

13                   The question I was being asked about, well,  
14 what if we, you know, talk to some people sort of around  
15 town kind of thing. I don't think that there's  
16 necessarily a prohibition on that from the sort of how  
17 we document that and how that makes it into a -- into  
18 our report. I think that that raises a  
19 different question about how we document our  
20 information collection, which is not necessarily tied  
21 to what's under our regulation about holding a meeting  
22 or a town hall, or a site visit for that matter.

23                   So I think they are a little bit different.  
24 And I hope that that answers that question.

25                   CHAIRMAN CASTRO: Okay.

1 COMMISSIONER HERIOT: I'm happy.

2 CHAIRMAN CASTRO: Okay. Good. I want to  
3 make sure we're all on the same page then.  
4 Commissioner Kladney, you had a motion? We're waiting  
5 --

6 COMMISSIONER KLADNEY: I made the motion.

7 CHAIRMAN CASTRO: We're waiting for a  
8 second, I believe.

9 COMMISSIONER HERIOT: What was the  
10 motion?

11 CHAIRMAN CASTRO: Would you repeat it  
12 please?

13 COMMISSIONER KLADNEY: The motion was  
14 that we cancel the journey to Uniontown to either to  
15 take a tour and have a town hall, whatever we had  
16 approved in the last meeting. That's my motion.

17 CHAIRMAN CASTRO: Was there a second?

18 COMMISSIONER NARASAKI: I second, I  
19 assume there's going to be a subsequent motion?

20 CHAIRMAN CASTRO: Depends on how this one  
21 goes, right? Is there any discussion? Additional  
22 discussion?

23 CHAIRMAN CASTRO: Pardon me?

24 COMMISSIONER NARASAKI: So I assume  
25 there's no visit?

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1 CHAIRMAN CASTRO: Okay, well, we'll take  
2 a vote on this motion then. Commissioner Kirsanow, how  
3 do you vote?

4 COMMISSIONER ACHTENBERG: Mr. Chairman, a  
5 point of information --

6 CHAIRMAN CASTRO: Yes.

7 COMMISSIONER ACHTENBERG: Does this imply  
8 or address specifically whether or not any  
9 commissioners will -- would be going to Uniontown, or  
10 is this just on the issue of canceling the --

11 COMMISSIONER KLADNEY: I think  
12 procedurally I'm --

13 CHAIRMAN CASTRO: We're going to cancel the  
14 town hall.

15 COMMISSIONER KLADNEY: -- canceling the  
16 town hall.

17 CHAIRMAN CASTRO: What we voted to do last  
18 time. Right.

19 COMMISSIONER KLADNEY: In the last  
20 meeting.

21 CHAIRMAN CASTRO: So he's seeking to undo  
22 what we did at the last meeting.

23 COMMISSIONER ACHTENBERG: Okay. And  
24 then whether or not commissioners were to go to  
25 Uniontown is a different --

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1 CHAIRMAN CASTRO: And yes, right.  
2 Depending on how that goes, if a commissioner wants to  
3 make her motion --

4 COMMISSIONER ACHTENBERG: Thank you.

5 GENERAL COUNSEL RUDOLPH: Yes, that's  
6 right.

7 CHAIRMAN CASTRO: Then she'll make her  
8 motion. Right.

9 COMMISSIONER NARASAKI: That was my  
10 comment that I was assuming there was another motion  
11 coming.

12 CHAIRMAN CASTRO: Right. Right. Okay?

13 COMMISSIONER NARASAKI: Though I don't  
14 know how to vote on this one.

15 CHAIRMAN CASTRO: Well, me either. So  
16 let's figure it out as we go along. Commissioner  
17 Kirsanow, how do you vote?

18 COMMISSIONER KLADNEY: Commissioner  
19 Kirsanow is not voting.

20 CHAIRMAN CASTRO: Oh, that's right. I'm  
21 sorry. You recuse yourself. Commissioner Heriot?

22 COMMISSIONER HERIOT: I guess, I vote no.

23 CHAIRMAN CASTRO: Okay. Commissioner  
24 Narasaki, how do you vote?

25 COMMISSIONER NARASAKI: Yes.

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1 CHAIRMAN CASTRO: Commissioner Kladney,  
2 how do you vote?

3 COMMISSIONER KLADNEY: Yes.

4 CHAIRMAN CASTRO: Commissioner  
5 Achtenberg, how do you vote?

6 COMMISSIONER ACHTENBERG: Yes.

7 CHAIRMAN CASTRO: Commissioner Yaki, are  
8 you participating? No, he's not. Madame Vice Chair,  
9 how do you vote?

10 VICE CHAIR TIMMONS-GOODSON: Yes.

11 CHAIRMAN CASTRO: And I vote yes. So we  
12 have one, two, three, four, five yeses. And a no. So  
13 the motion passes. Is there another motion?

14 **DISCUSSION AND VOTE ON APPOINTING A**

15 **SUBCOMMITTEE TO GO TO UNIONTOWN**

16 COMMISSIONER HERIOT: Yes, Mr. Chairman,  
17 I move that the Commission appoint a subcommittee  
18 consisting of, I guess, Commissioner Yaki and me, and  
19 authorize them to go to Uniontown to inspect the  
20 landfill, and to -- well, to at their discretion, choose  
21 to do so.

22 So we would not necessarily do so if we  
23 could be convinced that that's a bad idea. But I just  
24 move that we appoint that subcommittee and allow that  
25 subcommittee to go to Uniontown.

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1 CHAIRMAN CASTRO: Is there a second?

2 VICE CHAIR TIMMONS-GOODSON: I have --

3 CHAIRMAN CASTRO: Go ahead, do you have a  
4 question?

5 VICE CHAIR TIMMONS-GOODSON: I had a  
6 question.

7 CHAIRMAN CASTRO: Go ahead.

8 VICE CHAIR TIMMONS-GOODSON: And so --

9 CHAIRMAN CASTRO: Turn your mic on.

10 VICE CHAIR TIMMONS-GOODSON: Thank you.  
11 So is the subcommittee limited to what you just said,  
12 which is going and inspecting the --

13 COMMISSIONER HERIOT: I think we would not  
14 want to hold the town hall under those circumstances.

15 CHAIRMAN CASTRO: But you will want to  
16 talk to people informally.

17 COMMISSIONER HERIOT: I mean, I wouldn't  
18 anticipate anything that would be formal other than  
19 speaking to people who might happen to be standing in  
20 front of us.

21 CHAIRMAN CASTRO: Okay. Is there a  
22 second to the motion? Do we have a second? I'll  
23 second it for you so that we can have a discussion. Any  
24 discussion? No? We'll call the question --

25 COMMISSIONER HERIOT: I don't think I need

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1 to say anything that I hadn't already said.

2 CHAIRMAN CASTRO: Right. Okay.

3 COMMISSIONER NARASAKI: Wait, wait. No,  
4 no.

5 CHAIRMAN CASTRO: Oh, you have something  
6 to say? Okay, I thought you were just smiling at me.

7 COMMISSIONER NARASAKI: No, I turned my  
8 thing on. I thought you smiled back.

9 CHAIRMAN CASTRO: I did because you smiled  
10 at me. I try to be polite.

11 COMMISSIONER NARASAKI: We're smiling at  
12 each other. Yes, I would like to speak. Thank you,  
13 Mr. Chairman.

14 CHAIRMAN CASTRO: Go ahead.

15 COMMISSIONER NARASAKI: So Mr. Chairman,  
16 you were talking about the example of the detention  
17 center and there at the detention center, in addition  
18 to talking to the DHS and ICE officials, we also got  
19 to talk to the detainees. So I felt that that was a,  
20 you know, we were able to get a well-rounded viewpoint,  
21 shall we say. A diverse viewpoint.

22 I'm concerned about sending people down  
23 just to talk to the company who already testified. I  
24 just don't know, I feel like that does not seem fair  
25 to the community members who are there, and who will

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1 already be disappointed that we canceled the town hall.

2 I'm concerned about the community feeling,  
3 I think, disrespected and unheard. So I'm a little  
4 concerned about not being able to work out a visit  
5 because that enables the subcommittee to talk to more  
6 than the company.

7 And maybe it's something that the  
8 subcommittee could work out with counsel about what  
9 could be done, but if it's just that all they're going  
10 to do is to meet with the company, then I would have  
11 to vote no, and I don't necessarily want to. So I'm  
12 looking for help.

13 COMMISSIONER HERIOT: Well, let's see.  
14 We could have a motion that says that we will do this,  
15 but only if we can work out, to the satisfaction of the  
16 general counsel, the chairman and the subcommittee  
17 members that we will be able to talk in some way to --  
18 I don't know if we're getting too complicated here.

19 CHAIRMAN CASTRO: We probably are, but I  
20 think it's probably worthwhile so that folks know how  
21 they can vote. So that's your -- you want to change  
22 your motion, I'll accept that change.

23 COMMISSIONER HERIOT: Okay. The motion  
24 would be, we appoint a subcommittee. The subcommittee  
25 goes down and takes a tour.

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1           The subcommittee also, in conjunction with  
2           the general counsel, do you want it to be the staff  
3           director, or you, Marty, or what?

4           CHAIRMAN CASTRO:   The general counsel's  
5           fine.  I think if you do that before you go down there,  
6           right?

7           COMMISSIONER HERIOT:  Okay.  We won't do  
8           it unless we're sure that the general counsel thinks  
9           that we can talk to people down there in a way that  
10          doesn't trigger expensive procedure, but doesn't leave  
11          us in the situation --           CHAIRMAN CASTRO:  Yes.

12          COMMISSIONER HERIOT:  That we are only  
13          doing the tour --

14          CHAIRMAN CASTRO:  Right.

15          COMMISSIONER HERIOT:  -- and not speaking  
16          to nobody.

17          CHAIRMAN CASTRO:  Right.  Okay.

18          COMMISSIONER NARASAKI:  I appreciate  
19          that.

20          CHAIRMAN CASTRO:  I accept that change.  
21          I second that change.  So any other questions or  
22          discussion?

23          COMMISSIONER ACHTENBERG:  Yes, I'm going  
24          to --

25          CHAIRMAN CASTRO:  Yes, Commissioner

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1 Achtenberg?

2 COMMISSIONER ACHTENBERG: Yes, I'm going  
3 to vote against the motion. I think it seems to me to  
4 be the worst of all possible worlds that we've now  
5 created.

6 I was in favor, originally, of going down  
7 there in full force, doing it right, you know, both  
8 visiting the site and having a community meeting. If  
9 we're not going to do that, then it seems to me we are  
10 canceling -- so the community's going to be  
11 disappointed.

12 We don't have enough, I mean, you'll take  
13 a tour of the site, and some form of fact finding, I'm  
14 hearing our general counsel say, actually can't take  
15 place, although some anecdotal kind of inquiry of  
16 community members perhaps could take place.

17 It's getting too nuanced for me. I think  
18 the wrong message, therefore, will be being sent. And  
19 I'm not -- I don't think that's the way to go.

20 So if we're not going to have the full  
21 Monty, which is what I was originally in favor of, I  
22 don't think we should, I think we should just cut our  
23 losses right here. So I'm going to vote no.

24 CHAIRMAN CASTRO: Any other comments  
25 before I call it for vote? Commissioner Kladney?

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1 COMMISSIONER KLADNEY: Mr. Chairman, I  
2 believe firmly that the landfill is no longer accepting  
3 coal ash, and there -- no one ever, I don't believe  
4 anybody testified there's coal ash still flying around  
5 down there.

6 It's my understanding that the testimony  
7 was, is when the trains pulled in and unloaded the coal  
8 ash, that it blew around and blah, blah, blah.

9 During our briefing, I had said something that  
10 I had not been able to read their general counsel's  
11 statement because it had arrived the night before.

12 They had tweeted out, well, Commissioner  
13 Kladney, you should read it, which I thought was fine,  
14 but then they attached a photograph of the landfill  
15 during that, which was what a landfill should look like  
16 with grasslands that was completed. That  
17 they weren't accepting any more coal ash. And I  
18 believe they testified to that during the hearing too.

19 So I don't see what you're going to see at  
20 the landfill outside of a landfill that's not accepting  
21 coal ash. So I'm going to vote no as well.

22 CHAIRMAN CASTRO: Okay. Any other  
23 comments? I'll take a roll call vote. Commissioner  
24 Heriot, how do you vote?

25 COMMISSIONER HERIOT: I vote yes.

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1 CHAIRMAN CASTRO: Commissioner Narasaki,  
2 how do you vote?

3 COMMISSIONER NARASAKI: I vote yes.

4 CHAIRMAN CASTRO: Commissioner Kladney,  
5 you vote no?

6 COMMISSIONER Kladney: Yes, sir.

7 CHAIRMAN CASTRO: Commissioner  
8 Achtenberg?

9 COMMISSIONER ACHTENBERG: No.

10 CHAIRMAN CASTRO: Commissioner Yaki, are  
11 you on the phone? All right. Madame Vice Chair, how  
12 do you vote?

13 VICE CHAIR TIMMONS-GOODSON: No.

14 CHAIRMAN CASTRO: And I vote yes, so we  
15 have one, two, three yeses, and three noes. So I guess  
16 the motion fails. Let me make sure I got that right.  
17 Yes. Three yeses and three noes. All right. So the  
18 motion failed. Okay. We'll move onto the next item  
19 then.

20 **DISCUSSION AND VOTE ON THE NATIONAL VOTER**

21 **REGISTRATION ACT REPORT AND**

22 **FINDINGS AND RECOMMENDATIONS**

23 The discussion and vote on the NVRA report,  
24 and as well as findings and recs. We'll take these as  
25 separate, part A and part B, part A being the report.

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1                   Hopefully folks have had a chance to review  
2                   this for the umpteenth time. Do I have a motion?

3                   COMMISSIONER NARASAKI: To move the  
4                   acceptance of the report?

5                   CHAIRMAN CASTRO: Report. Yes. Just  
6                   the report for the moment.

7                   COMMISSIONER KLADNEY: I so move.

8                   CHAIRMAN CASTRO: Is there a second?

9                   COMMISSIONER NARASAKI: I second subject  
10                  to some changes.

11                  CHAIRMAN CASTRO: Okay. What are those  
12                  changes?

13                  COMMISSIONER NARASAKI: So we have sent  
14                  this around to staff and the special assistants, and  
15                  there's two places in the draft.

16                  One is a fairly minor change that's in the  
17                  findings on pages two and three, and also get repeated  
18                  on 47, and it's talking about the integrating voting  
19                  -- voter registration procedures. And instead of  
20                  using the word technology on its own, we would say, we  
21                  would change it to integrated computerized processes.

22                  And then in the second bullet, instead of  
23                  technology alone, data management technology instead  
24                  of just technology. So we're just trying to be more  
25                  specific. I assume that there's no objections to that.

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1           The second set of changes are in the  
2 introduction, pages five through seven, ensuring the  
3 right to vote for all, and what we did there is basically  
4 shortened the discussion, and I thank Commissioner  
5 Heriot and her staff for working with me and my staff  
6 to try to come up with a shorter historically accurate,  
7 technically accurate paragraph. And so you should all  
8 have that.

9           But basically, what we're doing is we're  
10 striking the first paragraph that was there. We're  
11 starting the second paragraph, we're eliminating,  
12 since that time.

13           We start with, the struggle to expand the  
14 right. The second sentence, we're adding a sentence,  
15 following the Civil War, the United States passed the  
16 Reconstruction Amendment to the Constitution including  
17 the 15th Amendment, which -- and this is a change from  
18 what we circulated -- instead of, which ended  
19 limitations, it says, which prohibited limitations on,  
20 instead of male, we strike that and just say, on  
21 suffrage based on race, color, or previous condition  
22 of servitude.

23           We strike, for example, and then we strike  
24 the sentence beginning with the Indian Citizenship Act  
25 and then we're striking the third paragraph following

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1 the Civil War.

2 And in the bullets, we're also striking the  
3 related footnotes. And then in the bullets, in the  
4 second bullet that starts, authorizes federal  
5 registration of voters where local registrars we're  
6 substituting, for fail to open, we're substituting,  
7 denied the right to vote on account of race or color  
8 and we're striking voter registration to African  
9 Americans.

10 CHAIRMAN CASTRO: Commissioner Kladney,  
11 are you okay with those changes to your motion?

12 COMMISSIONER KLADNEY: Yes, I am. I'll  
13 accept.

14 CHAIRMAN CASTRO: Okay. So we have a  
15 motion and a second for the report as outlined in these  
16 amendments here.

17 Any discussion? Hearing none, I will take  
18 a roll call vote. Part A, the national voter  
19 registration act report. Commissioner Kirsanow, how  
20 do you vote?

21 COMMISSIONER KIRSANOW: Yes.

22 CHAIRMAN CASTRO: Commissioner Heriot,  
23 how do you vote?

24 COMMISSIONER HERIOT: I vote, yes, on the  
25 ground of we really need to get a report out.

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1 CHAIRMAN CASTRO: Commissioner Narasaki,  
2 how do you vote?

3 COMMISSIONER NARASAKI: I vote yes.

4 CHAIRMAN CASTRO: Commissioner Kladney,  
5 how do you vote?

6 COMMISSIONER KLADNEY: Yes.

7 CHAIRMAN CASTRO: Madame Vice Chair, how  
8 do you vote?

9 VICE CHAIR TIMMONS-GOODSON: Recuse.

10 CHAIRMAN CASTRO: Oh, really? Okay.  
11 Commissioner Achtenberg, how do you vote?

12 COMMISSIONER ACHTENBERG: Yes.

13 CHAIRMAN CASTRO: Commissioner Yaki, are  
14 you on the phone? Oh, okay. And I vote yes. So the  
15 motion passes. One, two, three, four, five, six yeses  
16 and one recusal. Okay.

17 Now we go to part B, which are the findings  
18 and recommendations. Do we have a motion on that,  
19 subject to the change that was outlined by Commissioner  
20 Narasaki a minute ago on the findings and recs? Is  
21 there a motion?

22 COMMISSIONER KLADNEY: I'll move to  
23 accept part B of the report.

24 CHAIRMAN CASTRO: Okay.

25 COMMISSIONER ACHTENBERG: I'll second.

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1 CHAIRMAN CASTRO: Any discussion?  
2 Hearing none, I'll take a roll call vote. Commissioner  
3 Kirsanow, how do you vote?

4 COMMISSIONER KIRSANOW: No.

5 CHAIRMAN CASTRO: Commissioner Heriot,  
6 how do you vote?

7 COMMISSIONER HERIOT: No.

8 CHAIRMAN CASTRO: I thought we were going  
9 to continue all these yeses today. Commissioner  
10 Narasaki, how do you vote?

11 COMMISSIONER NARASAKI: A disappointed  
12 yes.

13 CHAIRMAN CASTRO: Commissioner Kladney,  
14 how do you vote?

15 COMMISSIONER KLADNEY: Yes.

16 CHAIRMAN CASTRO: Commissioner  
17 Achtenberg, how do you vote?

18 COMMISSIONER ACHTENBERG: Yes.

19 CHAIRMAN CASTRO: Commissioner Yaki, are  
20 you on the phone? No? Madame Vice Chair, how do you  
21 vote?

22 VICE CHAIR TIMMONS-GOODSON: Recuse.

23 CHAIRMAN CASTRO: And I vote yes. That's  
24 one, two, three, four yeses, two noes and a recusal.  
25 So the motion passes, is that right? Yes. Okay. So

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1 part B and part A have just passed. Do we need to set  
2 a time to put in commissioner's statements?

3 COMMISSIONER HERIOT: Yes.

4 CHAIRMAN CASTRO: So what is the schedule  
5 for that? Is there a proposed schedule?

6 GENERAL COUNSEL RUDOLPH: I believe it's  
7 30 days from today for statements, and then 30 days  
8 after that for rebuttal.

9 CHAIRMAN CASTRO: Okay. Everybody clear  
10 on that? Good? All right.

11 **II. MANAGEMENT AND OPERATIONS**

12 **DISCUSSION AND VOTE ON FOLLOW-UP**

13 **LETTERS ON ISSUE OF DENIAL OF BIRTH CERTIFICATES**

14 **TO U.S. CITIZEN CHILDREN IN TEXAS**

15 Then we'll move on to the next item, is a  
16 discussion and vote on a follow-up letter on the issue  
17 of Texas denying birth certificates to U.S. citizen  
18 children of undocumented aliens.

19 Sorry for having distributed that so late,  
20 but in essence, it's a follow-up on the letter that we  
21 sent in July, actually sent two letters in July, one  
22 to Texas asking them to cease and desist their failure  
23 to issue these birth certificates and begin to issue  
24 them.

25 And then we also asked the Department of

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1 Justice to conduct an investigation. We've not  
2 received a response to either of those letters, but in  
3 the interim, private parties have commenced litigation  
4 in Texas.

5 And because there are some federal issues  
6 that are involved with that, this letter requests that  
7 to the extent possible, the justice department  
8 intervene in that case, or mediate that case and we're  
9 making that request to DOJ. So that's the tone of the  
10 -- the summary of the letter. I'll make a motion I  
11 guess. Does anyone second that?

12 COMMISSIONER ACHTENBERG: Second.

13 CHAIRMAN CASTRO: Okay. Any discussion?  
14 Hearing none, then I will take a roll call vote.  
15 Commissioner Kirsanow, how do you vote?

16 COMMISSIONER KIRSANOW: No.

17 CHAIRMAN CASTRO: Commissioner Heriot,  
18 how do you vote?

19 COMMISSIONER HERIOT: For the reasons  
20 that I voted I think on the previous stuff, no.

21 CHAIRMAN CASTRO: Yeah. Okay.  
22 Commissioner Narasaki, how do you vote?

23 COMMISSIONER NARASAKI: Yes.

24 CHAIRMAN CASTRO: Commissioner Kladney,  
25 how do you vote?

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1 COMMISSIONER KLADNEY: Yes.

2 CHAIRMAN CASTRO: Commissioner  
3 Achtenberg, how do you vote?

4 COMMISSIONER ACHTENBERG: Yes.

5 CHAIRMAN CASTRO: Commissioner Yaki, you  
6 on the phone? No? Madame Vice Chair, how do you vote?

7 VICE CHAIR TIMMONS-GOODSON: Recuse.

8 CHAIRMAN CASTRO: Okay. And I vote yes.  
9 The motion passes with one, two, three, four yeses, a  
10 recusal, and two noes. Thank you all.

11 Also just to authorize staff to put  
12 together a press release according to the -- once the  
13 letter is issued as we've done with other letters.

14 **DISCUSSION AND VOTE ON LETTERS**  
15 **TO THE U.S. DEPARTMENT OF EDUCATION**  
16 **AND THE UNIVERSITY OF CONNECTICUT**

17 Next on the agenda, there are two letters  
18 that have been circulated by Commissioners Kirsanow and  
19 Heriot. One to the U.S. Department of Education and  
20 the other to the University of Connecticut.

21 Would one of you like to take the lead on  
22 explaining that or making your motions?

23 COMMISSIONER HERIOT: We actually read in  
24 the paper the University of Connecticut has essentially  
25 dedicated a dorm to African American males, or the study



1 of African American males. Originally, they  
2 were quoted as saying that they would give preference  
3 to African American men to be members of this house at  
4 the University of Connecticut. They subsequently  
5 removed that sentence from their Web site. But,  
6 nevertheless, it's quite clear that even if they have  
7 changed their intent, the effectiveness will be to  
8 promote racial isolation on campus.

9 Frequently the argument made for racial  
10 preferences on campus is that we need to have more  
11 diversity on campus. I think this lessens the ability  
12 of students to interact with each other, and I think  
13 it's to the detriment of all.

14 I would like to see us send a letter either  
15 exactly as Pete and I have proposed, or very close to  
16 that.

17 COMMISSIONER KIRSANOW: It's true, but  
18 I'll still make a statement. It strikes me -- I respond  
19 to or make a comment similar to what Commissioner Heriot  
20 said, maybe a little stronger.

21 My view is that the initial statement was  
22 clearly at odds with Grutter v. Bollinger, and the  
23 purported educational benefits that derive from a  
24 diverse student body.

25 What educational benefits can you get from

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1 a diverse student body in which they've articulated  
2 for, and one of them was breaking down racial  
3 stereotypes and promoting cross-cultural  
4 understanding. But we're segregating individuals  
5 into one area of the campus for at least eight hours,  
6 probably, of their existence on campus per day.

7 And that's fundamentally at odds with what  
8 the compelling state interest that Grutter found in  
9 order to justify racial preferences in admissions.

10 In addition to that, it harkens back 40 or  
11 so years when we started having these segregated dorms  
12 at college campuses, mainly in response to the number  
13 of instances, incidents at my alma mater, for example,  
14 or others.

15 And I don't think there has ever been any  
16 evidence produced, any empirical evidence that those  
17 dorms produce anything other than ghettoized  
18 environments at college campuses.

19 If we're going to promote cross-cultural  
20 understanding, I think that this is just completely  
21 antithetical to that endeavor.

22 CHAIRMAN CASTRO: Is there any additional  
23 discussion? Anybody? Not, then I will call the  
24 question for a vote.

25 So we'll take both letters together then?

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1 Let's see. Commissioner Kirsanow, how do you vote?

2 COMMISSIONER KIRSANOW: Yes.

3 CHAIRMAN CASTRO: Commissioner Heriot,  
4 how do you vote?

5 COMMISSIONER HERIOT: Yes.

6 CHAIRMAN CASTRO: Commissioner Narasaki,  
7 how do you vote?

8 COMMISSIONER NARASAKI: Well, I'm  
9 sympathetic to the direction of the letter, I'm  
10 concerned about the tone and some of the substance of  
11 it, so I vote no.

12 CHAIRMAN CASTRO: Commissioner Kladney,  
13 how do you vote?

14 COMMISSIONER KLADNEY: No.

15 CHAIRMAN CASTRO: Commissioner  
16 Achtenberg, how do you vote?

17 COMMISSIONER ACHTENBERG: No.

18 CHAIRMAN CASTRO: Madame Vice Chair, how  
19 do you vote?

20 VICE CHAIR TIMMONS-GOODSON: Recuse.

21 CHAIRMAN CASTRO: And I vote no. So it's  
22 one, two yeses, four noes and a recusal, so the motion  
23 fails. Next, we move on the management operations and  
24 the staff director's report. Mr. Staff Director?

25 DIRECTOR MORALES: Thank you, Mr.

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1 Chairman. I'll just be real brief here. I just --

2 CHAIRMAN CASTRO: I'd like to, I'm sorry.  
3 There's one thing I did forget. I skipped over a very  
4 important item.

5 **DISCUSSION AND VOTE ON**  
6 **ADMINISTRATIVE INSTRUCTION**

7 Commissioner Kladney has a motion, or he  
8 has proposed an administrative instruction, which we  
9 added to the agenda today. So I'll let you speak to  
10 that, then we'll get to the staff director's report.

11 COMMISSIONER KLADNEY: Thank you, Mr.  
12 Chairman. This AI is called proposed administrative  
13 instruction 1-24, and it has to do with voting  
14 procedures for documents other than reports.

15 Basically it requests that all documents that'll  
16 be brought before a meeting be distributed a week before  
17 -- optimally be circulated a week before the Commission  
18 meeting, but no more than 48 hours, and if it's  
19 submitted less than 48 hours, if one commissioner  
20 objects, just like our --

21 COMMISSIONER NARASAKI: What do you mean,  
22 no less?

23 COMMISSIONER KLADNEY: No, less -- right.  
24 It be submitted, it be submitted to us no less than 48  
25 hours.

1                   CHAIRMAN CASTRO:   Why don't you just --  
2                   why don't you just read it what it says?

3                   COMMISSIONER KLADNEY:   Maybe I should  
4                   just read it.

5                   CHAIRMAN CASTRO:   Yes.   Sure.

6                   COMMISSIONER KLADNEY:   The purpose of  
7                   this administrative instruction is to establish voting  
8                   procedures for written documents other than reports  
9                   presented for adoption by the Commission.

10                  Section 2, Policy.   Commissioners will  
11                  have an opportunity to review any proposed document  
12                  before it is submitted for vote at the Commission  
13                  meeting.

14                  Section 3, Procedure.   Optimally, a  
15                  proposed document will be circulated to all  
16                  commissioners seven days in advance of a meeting. A  
17                  document must be presented to all commissioners at  
18                  least 48 hours before a vote is taken at a meeting to  
19                  adopt the document.

20                  Two, if a proposed document is not  
21                  presented to all commissioners at least 48 hours in  
22                  advance of the vote, a commissioner may object to voting  
23                  on the matter, and the vote may not be taken until 48  
24                  hours after all the commissioners have received the  
25                  document.

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1 CHAIRMAN CASTRO: That's your motion. Is  
2 there a second?

3 COMMISSIONER HERIOT: Second.

4 CHAIRMAN CASTRO: Any discussion? Do I  
5 see a hand over there? No? Any discussion? All  
6 right. I'll take a roll call vote. Commissioner  
7 Kirsanow, how do you vote?

8 COMMISSIONER KIRSANOW: Yes.

9 CHAIRMAN CASTRO: Commissioner Heriot,  
10 how do you vote?

11 COMMISSIONER HERIOT: Yes.

12 CHAIRMAN CASTRO: Commissioner Narasaki,  
13 how do you vote?

14 COMMISSIONER NARASAKI: Yes.

15 CHAIRMAN CASTRO: Commissioner Kladney,  
16 how do you vote?

17 COMMISSIONER KLADNEY: Yes.

18 CHAIRMAN CASTRO: Commissioner  
19 Achtenberg, how do you vote?

20 COMMISSIONER ACHTENBERG: Yes.

21 CHAIRMAN CASTRO: Madame Vice Chair, how  
22 do you vote?

23 VICE CHAIR TIMMONS-GOODSON: Yes.

24 CHAIRMAN CASTRO: I vote no. Just  
25 because --

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1 COMMISSIONER KIRSANOW: Just because you  
2 want to.

3 CHAIRMAN CASTRO: Optimal's kind of  
4 vague.

5 COMMISSIONER KIRSANOW: What happened to  
6 bipartisanship, Mr. Chairman.

7 COMMISSIONER HERIOT: I was thinking we'd  
8 get a unanimous vote today.

9 COMMISSIONER KIRSANOW: Come on, come  
10 with the winning side.

11 CHAIRMAN CASTRO: Oh, now you're going to  
12 -- no you're going to bully me into voting. Okay, so  
13 I'll vote yes so that we're unanimous. All right?  
14 Don't say I never did anything for you.

15 So it's a unanimous vote. The AI passes.  
16 So now, Mr. Staff Director, you have the floor.

17 **STAFF DIRECTOR REPORT**

18 DIRECTOR MORALES: Thank you, Mr.  
19 Chairman. As I had mentioned, I'll keep it brief. You  
20 have the staff director's monthly report. What I'd  
21 like to call out is attention to two items.

22 One is that pursuant to why, that I  
23 mentioned last month that we were putting out the  
24 vacancy announcement for communications on public  
25 engagement staff, fill that position.

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1           The vacancy announcement closes on Monday,  
2           and so we have about, I think 16 to 20 applications we're  
3           going to go through and hopefully by next April's  
4           business meeting, we'll have that position filled.

5           I just want to, you know, acknowledge  
6           Gerson Gomez's assistance in helping us get our press  
7           releases out, and our communication. We really  
8           appreciate the great job you've done. He's been an  
9           enormous benefit for all of the commission, and so I  
10          wanted to, you know, publicly acknowledge that.

11          In addition, as you're aware, last month  
12          you had requested a letter to go out regarding a  
13          priority council to all children.

14          And then the request was that each  
15          individual member of Congress get that letter, so  
16          that's 400 and, 435, but --

17          CHAIRMAN CASTRO: Plus the hundred  
18          senators?

19          DIRECTOR MORALES: Speaker, yes. Yeah.  
20          Yeah, you're right. Counting senators, 535. But  
21          speaker Boehner's position, or his congressional  
22          office hasn't been filled yet.

23          And so anyway, the line is that it took us  
24          a couple of weeks, no, it took us about a week, I'm  
25          sorry, to get it all together. But I really wanted to

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1 shout -- do a shout-out to the interns -- Joseph, Joe,  
2 Ayan, and Morgan, who stepped up and helped our staff.  
3 And our staff was Alfreda Greene and Gerson Gomez, and  
4 then the special assistants, of course, that were  
5 instrumental in getting the letter out as well, and  
6 helping us finalize it, was of course, Amy and Irena.  
7 So I just want to acknowledge all that to the  
8 commissioners, and thank them for the great job and show  
9 of good team effort, so thank you.

10 COMMISSIONER KLADNEY: And I would like to  
11 add my thanks to that. I know it was a big job, and  
12 I think it was very important. Thank you.

13 CHAIRMAN CASTRO: Thank you.

14 DIRECTOR MORALES: That's all I have.

15 CHAIRMAN CASTRO: Any questions for the  
16 staff director? Yes, Commissioner Narasaki?

### 17 **III. STATE ADVISORY COMMITTEES (SACS)**

18 COMMISSIONER NARASAKI: Not so much a  
19 question, but I just want to highlight a concern about  
20 the fact that we have an increasing number of SACs that  
21 need to be filled.

22 And I know that the staff director is  
23 working with staff to come up with a new AI process  
24 around it, and I do appreciate that, and but I just want  
25 to note that I think that this is something that we

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1 should try to focus attention on over the next two  
2 months, and try to close the gap here. Because as I  
3 read the report, out of 51 committees, 17 have expired.

4 CHAIRMAN CASTRO: It's actually not as bad  
5 as I thought. We, as you know Commissioner Narasaki,  
6 there is a proposal that's currently circulating to  
7 commissioners.

8 We would've voted on it today, but the  
9 staff director wanted, and I agreed, that we should ask  
10 commissioners, even though it was bipartisanly drafted  
11 by our delegates. We wanted to give commissioners an  
12 opportunity to review that before we voted on it. So  
13 that's the reason we're not dealing with it today.

14 DIRECTOR MORALES: And to that end, Mr.  
15 Chairman, I've had conversations with Commissioner  
16 Kladney and Commissioner Heriot, and they've provided  
17 some really helpful input.

18 We're going to, you know, drill down a  
19 little bit more on it, and I'll work with all your  
20 special assistants.

21 I've had a meeting with them about it, and  
22 we're looking to -- I think we're making some really  
23 good progress with it, and hopefully by the April  
24 business meeting I'll have more information provided  
25 to you.

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1                   And we're -- in the interim, we're going  
2                   to work on getting several of these state advisory  
3                   committees up and available for your vote next month.  
4                   So thank you.

5                   **IV.    ADJOURN MEETING**

6                   CHAIRMAN CASTRO:  Anything else?  If not,  
7                   it is now 3:22 and we are officially adjourning the  
8                   meeting.  Thank you everybody.  See you next month.

9                   (Whereupon,  the  above-entitled  matter  
10                  went off the record at 3:22 p.m.)

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