

## U.S. COMMISSION ON CIVIL RIGHTS

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BUSINESS MEETING **EDITED**

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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.

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1 CHAIRMAN CASTRO: Is there a second?

2 VICE CHAIR TIMMONS-GOODSON: Second.

3 CHAIRMAN CASTRO: Any discussion? None.

4 I think we do this by voice vote. All those in favor,  
5 say aye.

6 (Chorus of aye.)

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

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

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

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

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

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

23 First of all, I'd like to say, you know,  
24 when we've, when this first got initially proposed,  
25 I think we got a little bit ahead of ourselves about

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1 holding this town hall in Uniontown, Alabama.

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

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

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

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

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

25 So let me just say, additionally, our

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1 State Advisory Committee in Illinois held a meeting  
2 on environmental justice. The State Advisory  
3 Committee in North Carolina's going to do the same.

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

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

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

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

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

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

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

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

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

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

25                   So we don't know. We're in the process

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1 of assessing it. We're in process of communicating  
2 with the committee and with our staff here, and so  
3 that's the unanticipated cost. I'm sorry. I  
4 misunderstood you.

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

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

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

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

23 COMMISSIONER HERIOT: Here's another  
24 problem with that. I may not be able to go at the

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1 same time that Commissioner Yaki does. Would it be  
2 possible for us to go separately?

3 CHAIRMAN CASTRO: I don't know.

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

11 GENERAL COUNSEL RUDOLPH: Thank you.  
12 First, I just want to clarify one thing about the  
13 report and what the report is focusing on. The report  
14 is focusing on EPA.

15 That is what the concept paper has  
16 instructed us to look at, which is the EPA's -- we're  
17 doing a statutory enforcement report about the EPA.

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

24 Second, with regard to the commissioners

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1 traveling sort of for the Commission down, the  
2 regulation does speak to when commissioners are  
3 conducting business, the regulation on 702.52 states  
4 that commissioners shall not jointly conduct or  
5 dispose of agency business, other than in accordance  
6 with this subpart.

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

14 However, if we're talking about  
15 proceeding under the regulation as a meeting, then  
16 all of the other things sort of come into play in  
17 terms of transcription, in terms of all of these, all  
18 of the things that are required for our meetings that  
19 are set out in the regulations.

20 COMMISSIONER HERIOT: Okay. What if,  
21 what if a subcommittee is appointed, and the  
22 subcommittee is, you know, bipartisan or whatever,  
23 and part of that is simply going to the landfill and  
24 getting the tour. Not a meeting, but just

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1 getting the tour. Much like we did for the detention  
2 centers. You know, obviously when we visited the  
3 immigration detention centers, we did not post in the  
4 Federal Register that we were doing that.

5 It's just a fact finding mission. It's  
6 not a meeting. Nobody's invited. It's basically  
7 the detention center visit all over again, except for  
8 we end up going on different days. Does that work?

9 GENERAL COUNSEL RUDOLPH: I think that,  
10 in that case, you know, this sort of idea of a site  
11 visit, that yes, you could, you could vote to do that.  
12 That would not necessarily be, you know, conducting  
13 or disposing of the Agency business in the manner  
14 that you're, that you're referring to.

15 CHAIRMAN CASTRO: Ask her. Go ahead,  
16 Commissioner. You had a question? The microphone  
17 there, Commissioner.

18 COMMISSIONER ACHTENBERG: Why can't you  
19 go on the same day?

20 COMMISSIONER HERIOT: I'd be happy to  
21 tell you that confidentially.

22 COMMISSIONER ACHTENBERG: Oh, okay. Did  
23 we set the date?

24 COMMISSIONER KLADNEY: If I can, Mr.

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1 Chairman.

2 CHAIRMAN CASTRO: Yes, sir.

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

5 CHAIRMAN CASTRO: Vote for what?

6 COMMISSIONER KLADNEY: Even going.

7 CHAIRMAN CASTRO: Oh, the bigger --

8 COMMISSIONER KLADNEY: To Uniontown.

9 CHAIRMAN CASTRO: Yes.

10 COMMISSIONER KLADNEY: And it was really  
11 interesting, because getting a tour of the landfill  
12 now is really meaningless in the sense, just in the  
13 sense that they're not accepting coal ash now.

14 And the coal ash that they have accepted,  
15 they have put in the ground, they have covered up,  
16 which is what a landfill is supposed to do, and  
17 planted grass on top.

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

22 You're not going to see an operation  
23 where coal ash is being brought in on rail cars, being  
24 trucked to the landfill and dumped in, the operation

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1       itself.

2                   There is no coal ash operation there now.  
3       So I don't know what the benefit of that is. I  
4       thought that we accepted quite a bit of testimony  
5       from them, which -- where they spoke about observing  
6       all the regulations in the state of Alabama, and that  
7       kind of thing.

8                   What was interesting is I spoke with the  
9       gentleman who was president after we broke that  
10      session, and he -- I asked him, I said -- because the  
11      question I asked was about the wells, monitoring the  
12      wells.

13                  And I said, so how many wells do you  
14      monitor? And he says, two. He says, that's the  
15      state requirement. And we drill our own wells, and  
16      we monitor them.

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

22                  I know that at the time we voted on this,  
23      there seemed to be, the people had something to say,  
24      and I thought that lady who was our witness here was

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1 an excellent witness for the community.

2 So I am of the opinion that we shouldn't  
3 go, and if the landfill wanted to submit photographs,  
4 they can submit photographs, which would be just as  
5 good as going there, and it would be, actually,  
6 photographs that their PR department can put together  
7 and give to us.

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

10 COMMISSIONER HERIOT: My understanding  
11 is, if I'm remembering correctly, that there was  
12 testimony that coal ash is still blowing around.

13 And that is something that can be seen  
14 when one goes there. Is there coal dust blowing  
15 around or is there not? It may not be perfect, but  
16 it makes a lot more sense than simply accepting that  
17 testimony.

18 COMMISSIONER KLADNEY: Karen?

19 CHAIRMAN CASTRO: Commissioner Narasaki?

20 COMMISSIONER NARASAKI: So I had also  
21 somewhat reluctantly voted for it at our last meeting,  
22 more because I felt that we had set an expectation  
23 for the community who wanted to have an opportunity  
24 for members of the community to talk to the

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1           commission.                           The original point, I  
2           thought, of going to Uniontown was the town hall, and  
3           not so much to see the site itself, for the reasons  
4           that Commissioner Kladney laid out.

5                       So I was supportive of the thought of  
6           having a subcommittee go down, because I feel we did  
7           create this expectation, and would want the community  
8           to be able to feel respected and heard.

9                       But if I understand the General Counsel  
10          correctly, if all you can do is go take a tour of the  
11          facility, and not actually talk to the other members  
12          of the community who clearly have a different view  
13          than the people who operate the landfill, then I feel  
14          that's actually worse than, you know, because then  
15          it's a very one-sided visit.

16                      Am I understanding you correctly that  
17          they would not be able to meet with other members of  
18          the community because we need to have a court reporter  
19          there?

20                      GENERAL    COUNSEL    RUDOLPH:       That's  
21          correct, Commissioner Narasaki.  What I'm saying is  
22          that, pursuant to our regulations, for the  
23          subcommittee to go down and hold the town hall, they  
24          would need to comply with all of what's in our

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1 regulation for a business meeting, including the  
2 requirement of a court reporter.

3 COMMISSIONER HERIOT: What if it were not  
4 a town hall, but simply speaking to people in the  
5 committee informally?

6 You know, walking into a store and  
7 saying, hey, what do you think about this? You know,  
8 what do our rules do for that?

9 Because in a sense, you know, even  
10 visiting the site, you're collecting facts. You're  
11 not inviting facts from everybody, you're collecting  
12 facts. Is it prohibited to collect facts outside of  
13 a town hall?

14 I mean, for instance, for the briefing  
15 today, if I were to telephone, you know, my friend  
16 who's a judge in a municipal court, not that I have  
17 such a friend, but if I did, and say, we had a bunch  
18 of witnesses who testified blah, blah, blah, blah,  
19 blah.

20 And, you know, what do you think? You  
21 know, what's the procedure at your court? We don't  
22 have a rule that says we can't collect facts  
23 informally, do we?

24 GENERAL COUNSEL RUDOLPH: I'm sorry, you

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1 mean in terms of collecting facts informally, then  
2 bringing it back to everyone? Or are you talking  
3 about having that person submit to the public comment  
4 process?

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

11 Or can I come back and during the meeting  
12 where we're discussing the draft of the report, say,  
13 well, you know, Judge so and so, who has some  
14 knowledge of this issue, told me blah, blah, blah,  
15 blah, blah.

16 GENERAL COUNSEL RUDOLPH: Well, I think  
17 that in terms of information collecting, you're free  
18 to collect information and bring it back to the rest  
19 of the Commission.

20 Whether that can be cited to, or how we,  
21 you know, how we -- what we do with that information  
22 in terms of how we use it in the report, is something  
23 that is also up to all of you.

24 COMMISSIONER HERIOT: Well, but we don't

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1 have any rule that facts that are collected have to  
2 be on the record. I mean, this isn't a court.

3 You know, we're more like a legislature  
4 in that respect, and so, you know, members of  
5 legislatures contribute legislative facts, as they  
6 call them, all the time.

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

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

16 CHAIRMAN CASTRO: Can I say something?  
17 I, without opining on whether we're legislative or  
18 executive, I mean, I don't --

19 COMMISSIONER HERIOT: Legislative or  
20 judicial for the purposes of fact finding. I'm not  
21 talking about the issue that --

22 CHAIRMAN CASTRO: Okay, well, I'm not  
23 suggesting, without opining on the legislative issue,  
24 how's that?

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

8           And we did speak to folks there. We  
9           spoke to people from ICE and from GO and the  
10          detainees. We spoke to some folks from the nonprofit  
11          world, and we brought that data back, and some of it  
12          made it into the report.

13          Granted it was, you know, under a  
14          different -- I think, well you weren't, not general  
15          counsel at the time.

16          COMMISSIONER KLADNEY: No, I don't think  
17          anybody was --

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

21          GENERAL COUNSEL RUDOLPH: What I want to  
22          be clear about and what I think I was being asked  
23          was, to the extent that there is some sort of public  
24          town hall, then that would require that what is set

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1 out under our regulations in terms of documentation  
2 of that gathering with -- as it's set out in our  
3 regulations.

4 CHAIRMAN CASTRO: Okay.

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

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

20 So I think they are a little bit  
21 different. And I hope that that answers that  
22 question.

23 CHAIRMAN CASTRO: Okay.

24 COMMISSIONER HERIOT: I'm happy.

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

5 COMMISSIONER KLADNEY: I made the motion.

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

8 COMMISSIONER HERIOT: What was the  
9 motion?

10 CHAIRMAN CASTRO: Would you repeat it  
11 please?

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

16 CHAIRMAN CASTRO: Was there a second?

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

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

22 CHAIRMAN CASTRO: Pardon me?

23 COMMISSIONER NARASAKI: So I assume  
24 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,  
3 how do you vote?

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

6 CHAIRMAN CASTRO: Yes.

7 COMMISSIONER ACHTENBERG: Does this  
8 imply 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  
14 the town hall.

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

17 CHAIRMAN CASTRO: What we voted to do  
18 last 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

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1 Uniontown is a different --

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

5 COMMISSIONER ACHTENBERG: Thank you.

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

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

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

13 CHAIRMAN CASTRO: Right. Right. Okay?

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

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

19 COMMISSIONER KLADNEY: Commissioner  
20 Kirsanow is not voting.

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

23 COMMISSIONER HERIOT: I guess, I vote no.

24 CHAIRMAN CASTRO: Okay. Commissioner

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1 Narasaki, how do you vote?

2 COMMISSIONER NARASAKI: Yes.

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

5 COMMISSIONER KLADNEY: Yes.

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

8 COMMISSIONER ACHTENBERG: Yes.

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

12 VICE CHAIR TIMMONS-GOODSON: Yes.

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

16 **DISCUSSION AND VOTE ON APPOINTING A**

17 **SUBCOMMITTEE TO GO TO UNIONTOWN**

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

24 So we would not necessarily do so if we

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1       could be convinced that that's a bad idea.  But I  
2       just move that we appoint that subcommittee and allow  
3       that subcommittee to go to Uniontown.

4                   CHAIRMAN CASTRO:  Is there a second?

5                   VICE CHAIR TIMMONS-GOODSON:  I have --

6                   CHAIRMAN CASTRO:  Go ahead, do you have  
7       a question?

8                   VICE CHAIR TIMMONS-GOODSON:  I had a  
9       question.

10                  CHAIRMAN CASTRO:  Go ahead.

11                  VICE CHAIR TIMMONS-GOODSON:  And so --

12                  CHAIRMAN CASTRO:  Turn your mic on.

13                  VICE CHAIR TIMMONS-GOODSON:  Thank you.  
14       So is the subcommittee limited to what you just said,  
15       which is going and inspecting the --

16                  COMMISSIONER HERIOT:  I think we would  
17       not want to hold the town hall under those  
18       circumstances.

19                  CHAIRMAN CASTRO:  But you will want to  
20       talk to people informally.

21                  COMMISSIONER HERIOT:  I mean, I wouldn't  
22       anticipate anything that would be formal other than  
23       speaking to people who might happen to be standing in  
24       front of us.

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

5 COMMISSIONER HERIOT: I don't think I  
6 need to say anything that I hadn't already said.

7 CHAIRMAN CASTRO: Right. Okay.

8 COMMISSIONER NARASAKI: Wait, wait. No,  
9 no.

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

12 COMMISSIONER NARASAKI: No, I turned my  
13 thing on. I thought you smiled back.

14 CHAIRMAN CASTRO: I did because you  
15 smiled at me. I try to be polite.

16 COMMISSIONER NARASAKI: We're smiling at  
17 each other. Yes, I would like to speak. Thank you,  
18 Mr. Chairman.

19 CHAIRMAN CASTRO: Go ahead.

20 COMMISSIONER NARASAKI: So Mr. Chairman,  
21 you were talking about the example of the detention  
22 center and there at the detention center, in addition  
23 to talking to the DHS and ICE officials, we also got  
24 to talk to the detainees. So I felt that that was

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1 a, you know, we were able to get a well-rounded  
2 viewpoint, shall we say. A diverse viewpoint.

3 I'm concerned about sending people down  
4 just to talk to the company who already testified. I  
5 just don't know, I feel like that does not seem fair  
6 to the community members who are there, and who will  
7 already be disappointed that we canceled the town  
8 hall.

9 I'm concerned about the community  
10 feeling, I think, disrespected and unheard. So I'm  
11 a little concerned about not being able to work out  
12 a visit because that enables the subcommittee to talk  
13 to more than the company.

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

20 COMMISSIONER HERIOT: Well, let's see.  
21 We could have a motion that says that we will do this,  
22 but only if we can work out, to the satisfaction of  
23 the general counsel, the chairman and the  
24 subcommittee members that we will be able to talk in

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1 some way to -- I don't know if we're getting too  
2 complicated here.

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

7 COMMISSIONER HERIOT: Okay. The motion  
8 would be, we appoint a subcommittee. The  
9 subcommittee goes down and takes a tour.

10 The subcommittee also, in conjunction  
11 with the general counsel, do you want it to be the  
12 staff director, or you, Marty, or what?

13 CHAIRMAN CASTRO: The general counsel's  
14 fine. I think if you do that before you go down  
15 there, right?

16 COMMISSIONER HERIOT: Okay. We won't do  
17 it unless we're sure that the general counsel thinks  
18 that we can talk to people down there in a way that  
19 doesn't trigger expensive procedure, but doesn't  
20 leave us in the situation -- CHAIRMAN CASTRO:  
21 Yes.

22 COMMISSIONER HERIOT: That we are only  
23 doing the tour --

24 CHAIRMAN CASTRO: Right.

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1 COMMISSIONER HERIOT: -- and not speaking  
2 to nobody.

3 CHAIRMAN CASTRO: Right. Okay.

4 COMMISSIONER NARASAKI: I appreciate  
5 that.

6 CHAIRMAN CASTRO: I accept that change.  
7 I second that change. So any other questions or  
8 discussion?

9 COMMISSIONER ACHTENBERG: Yes, I'm going  
10 to --

11 CHAIRMAN CASTRO: Yes, Commissioner  
12 Achtenberg?

13 COMMISSIONER ACHTENBERG: Yes, I'm going  
14 to vote against the motion. I think it seems to me  
15 to be the worst of all possible worlds that we've now  
16 created.

17 I was in favor, originally, of going down  
18 there in full force, doing it right, you know, both  
19 visiting the site and having a community meeting. If  
20 we're not going to do that, then it seems to me we  
21 are canceling -- so the community's going to be  
22 disappointed.

23 We don't have enough, I mean, you'll take  
24 a tour of the site, and some form of fact finding,

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1 I'm hearing our general counsel say, actually can't  
2 take place, although some anecdotal kind of inquiry  
3 of community members perhaps could take place.

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

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

11 CHAIRMAN CASTRO: Any other comments  
12 before I call it for vote? Commissioner Kladney?

13 COMMISSIONER KLADNEY: Mr. Chairman, I  
14 believe firmly that the landfill is no longer  
15 accepting coal ash, and there -- no one ever, I don't  
16 believe anybody testified there's coal ash still  
17 flying around down there.

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

21 During our briefing, I had said something  
22 that I had not been able to read their general  
23 counsel's statement because it had arrived the night  
24 before.

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1                   They had tweeted out, well, Commissioner  
2                   Kladney, you should read it, which I thought was fine,  
3                   but then they attached a photograph of the landfill  
4                   during that, which was what a landfill should look  
5                   like with grasslands that was completed.

6                   That they weren't accepting any more coal ash.  
7                   And I believe they testified to that during the  
8                   hearing too.

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

12                  CHAIRMAN CASTRO:     Okay.     Any other  
13                  comments? I'll take a roll call vote. Commissioner  
14                  Heriot, how do you vote?

15                  COMMISSIONER HERIOT:   I vote yes.

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

18                  COMMISSIONER NARASAKI:   I vote yes.

19                  CHAIRMAN CASTRO:   Commissioner Kladney,  
20                  you vote no?

21                  COMMISSIONER KLADNEY:   Yes, sir.

22                  CHAIRMAN        CASTRO:                Commissioner  
23                  Achtenberg?

24                  COMMISSIONER ACHTENBERG:   No.

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1 CHAIRMAN CASTRO: Commissioner Yaki, are  
2 you on the phone? All right. Madame Vice Chair, how  
3 do you vote?

4 VICE CHAIR TIMMONS-GOODSON: No.

5 CHAIRMAN CASTRO: And I vote yes, so we  
6 have one, two, three yeses, and three noes. So I  
7 guess the motion fails. Let me make sure I got that  
8 right. Yes. Three yeses and three noes. All right.  
9 So the motion failed. Okay. We'll move onto the  
10 next item then.

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

12 **REGISTRATION ACT REPORT AND**

13 **FINDINGS AND RECOMMENDATIONS**

14 The discussion and vote on the NVRA  
15 report, and as well as findings and recs. We'll take  
16 these as separate, part A and part B, part A being  
17 the report.

18 Hopefully folks have had a chance to  
19 review this for the umpteenth time. Do I have a  
20 motion?

21 COMMISSIONER NARASAKI: To move the  
22 acceptance of the report?

23 CHAIRMAN CASTRO: Report. Yes. Just  
24 the report for the moment.

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1 COMMISSIONER KLADNEY: I so move.

2 CHAIRMAN CASTRO: Is there a second?

3 COMMISSIONER NARASAKI: I second subject  
4 to some changes.

5 CHAIRMAN CASTRO: Okay. What are those  
6 changes?

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

10 One is a fairly minor change that's in  
11 the findings on pages two and three, and also get  
12 repeated on 47, and it's talking about the integrating  
13 voting -- voter registration procedures. And instead  
14 of using the word technology on its own, we would  
15 say, we would change it to integrated computerized  
16 processes. And then in the second bullet,  
17 instead of technology alone, data management  
18 technology instead of just technology. So we're just  
19 trying to be more specific. I assume that there's no  
20 objections to that.

21 The second set of changes are in the  
22 introduction, pages five through seven, ensuring the  
23 right to vote for all, and what we did there is  
24 basically shortened the discussion, and I thank

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1 Commissioner Heriot and her staff for working with me  
2 and my staff to try to come up with a shorter  
3 historically accurate, technically accurate  
4 paragraph. And so you should all have that.

5 But basically, what we're doing is we're  
6 striking the first paragraph that was there. We're  
7 starting the second paragraph, we're eliminating,  
8 since that time.

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

19 We strike, for example, and then we  
20 strike the sentence beginning with the Indian  
21 Citizenship Act and then we're striking the third  
22 paragraph following the Civil War.

23 And in the bullets, we're also striking  
24 the related footnotes. And then in the bullets, in

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1 the second bullet that starts, authorizes federal  
2 registration of voters where local registrars we're  
3 substituting, for fail to open, we're substituting,  
4 denied the right to vote on account of race or color  
5 and we're striking voter registration to African  
6 Americans.

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

9 COMMISSIONER KLADNEY: Yes, I am. I'll  
10 accept.

11 CHAIRMAN CASTRO: Okay. So we have a  
12 motion and a second for the report as outlined in  
13 these amendments here.

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

18 COMMISSIONER KIRSANOW: Yes.

19 CHAIRMAN CASTRO: Commissioner Heriot,  
20 how do you vote?

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

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

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1 COMMISSIONER NARASAKI: I vote yes.

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

4 COMMISSIONER KLADNEY: Yes.

5 CHAIRMAN CASTRO: Madame Vice Chair, how  
6 do you vote?

7 VICE CHAIR TIMMONS-GOODSON: Recuse.

8 CHAIRMAN CASTRO: Oh, really? Okay.  
9 Commissioner Achtenberg, how do you vote?

10 COMMISSIONER ACHTENBERG: Yes.

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

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

20 COMMISSIONER KLADNEY: I'll move to  
21 accept part B of the report.

22 CHAIRMAN CASTRO: Okay.

23 COMMISSIONER ACHTENBERG: I'll second.

24 CHAIRMAN CASTRO: Any discussion?

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1 Hearing none, I'll take a roll call vote.

2 Commissioner Kirsanow, how do you vote?

3 COMMISSIONER KIRSANOW: No.

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

6 COMMISSIONER HERIOT: No.

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

10 COMMISSIONER NARASAKI: A disappointed  
11 yes.

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

14 COMMISSIONER KLADNEY: Yes.

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

17 COMMISSIONER ACHTENBERG: Yes.

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

21 VICE CHAIR TIMMONS-GOODSON: Recuse.

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

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1 So part B and part A have just passed. Do we need  
2 to set 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  
16 a discussion and vote on a follow-up letter on the  
17 issue of Texas denying birth certificates to U.S.  
18 citizen children of undocumented aliens.

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

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

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

13           COMMISSIONER ACHTENBERG: Second.

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

17           COMMISSIONER KIRSANOW: No.

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

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

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

24           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, you  
8 on the phone? No? Madame Vice Chair, how do you  
9 vote?

10 VICE CHAIR TIMMONS-GOODSON: Recuse.

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

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

17 **DISCUSSION AND VOTE ON LETTERS**  
18 **TO THE U.S. DEPARTMENT OF EDUCATION**  
19 **AND THE UNIVERSITY OF CONNECTICUT**

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

24 Would one of you like to take the lead on

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1 explaining that or making your motions?

2 COMMISSIONER HERIOT: We actually read  
3 in the paper the University of Connecticut has  
4 essentially dedicated a dorm to African American  
5 males, or the study of African American males.

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

14 Frequently the argument made for racial  
15 preferences on campus is that we need to have more  
16 diversity on campus. I think this lessens the  
17 ability of students to interact with each other, and  
18 I think it's to the detriment of all.

19 I would like to see us send a letter  
20 either exactly as Pete and I have proposed, or very  
21 close to that.

22 COMMISSIONER KIRSANOW: It's true, but  
23 I'll still make a statement. It strikes me -- I  
24 respond to or make a comment similar to what

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1 Commissioner Heriot said, maybe a little stronger.

2 My view is that the initial statement was  
3 clearly at odds with Grutter v. Bollinger, and the  
4 purported educational benefits that derive from a  
5 diverse student body.

6 What educational benefits can you get  
7 from a diverse student body in which they've  
8 articulated for, and one of them was breaking down  
9 racial stereotypes and promoting cross-cultural  
10 understanding. But we're segregating individuals  
11 into one area of the campus for at least eight hours,  
12 probably, of their existence on campus per day.

13 And that's fundamentally at odds with  
14 what the compelling state interest that Grutter found  
15 in order to justify racial preferences in admissions.

16 In addition to that, it harkens back 40  
17 or so years when we started having these segregated  
18 dorms at college campuses, mainly in response to the  
19 number of instances, incidents at my alma mater, for  
20 example, or others.

21 And I don't think there has ever been any  
22 evidence produced, any empirical evidence that those  
23 dorms produce anything other than ghettoized  
24 environments at college campuses.

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1                   If we're going to promote cross-cultural  
2 understanding, I think that this is just completely  
3 antithetical to that endeavor.

4                   CHAIRMAN CASTRO: Is there any additional  
5 discussion? Anybody? Not, then I will call the  
6 question for a vote.

7                   So we'll take both letters together then?  
8 Let's see. Commissioner Kirsanow, how do you vote?

9                   COMMISSIONER KIRSANOW: Yes.

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

12                  COMMISSIONER HERIOT: Yes.

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

15                  COMMISSIONER NARASAKI: Well, I'm  
16 sympathetic to the direction of the letter, I'm  
17 concerned about the tone and some of the substance of  
18 it, so I vote no.

19                  CHAIRMAN CASTRO: Commissioner Kladney,  
20 how do you vote?

21                  COMMISSIONER KLADNEY: No.

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

24                  COMMISSIONER ACHTENBERG: No.

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1 CHAIRMAN CASTRO: Madame Vice Chair, how  
2 do you vote?

3 VICE CHAIR TIMMONS-GOODSON: Recuse.

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

8 DIRECTOR MORALES: Thank you, Mr.  
9 Chairman. I'll just be real brief here. I just --

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

13 **DISCUSSION AND VOTE ON**

14 **ADMINISTRATIVE INSTRUCTION**

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

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

23 Basically it requests that all documents  
24 that'll be brought before a meeting be distributed a

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1 week before -- optimally be circulated a week before  
2 the Commission meeting, but no more than 48 hours,  
3 and if it's submitted less than 48 hours, if one  
4 commissioner objects, just like our --

5 COMMISSIONER NARASAKI: What do you mean,  
6 no less?

7 COMMISSIONER KLADNEY: No, less -- right.  
8 It be submitted, it be submitted to us no less than  
9 48 hours.

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

12 COMMISSIONER KLADNEY: Maybe I should  
13 just read it.

14 CHAIRMAN CASTRO: Yes. Sure.

15 COMMISSIONER KLADNEY: The purpose of  
16 this administrative instruction is to establish  
17 voting procedures for written documents other than  
18 reports presented for adoption by the Commission.

19 Section 2, Policy. Commissioners will  
20 have an opportunity to review any proposed document  
21 before it is submitted for vote at the Commission  
22 meeting.

23 Section 3, Procedure. Optimally, a  
24 proposed document will be circulated to all

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1 commissioners seven days in advance of a meeting. A  
2 document must be presented to all commissioners at  
3 least 48 hours before a vote is taken at a meeting to  
4 adopt the document.

5 Two, if a proposed document is not  
6 presented to all commissioners at least 48 hours in  
7 advance of the vote, a commissioner may object to  
8 voting on the matter, and the vote may not be taken  
9 until 48 hours after all the commissioners have  
10 received the document.

11 CHAIRMAN CASTRO: That's your motion.  
12 Is there a second?

13 COMMISSIONER HERIOT: Second.

14 CHAIRMAN CASTRO: Any discussion? Do I  
15 see a hand over there? No? Any discussion? All  
16 right. I'll take a roll call vote. Commissioner  
17 Kirsanow, how do you vote?

18 COMMISSIONER KIRSANOW: Yes.

19 CHAIRMAN CASTRO: Commissioner Heriot,  
20 how do you vote?

21 COMMISSIONER HERIOT: Yes.

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

24 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: Madame Vice Chair, how  
8 do you vote?

9 VICE CHAIR TIMMONS-GOODSON: Yes.

10 CHAIRMAN CASTRO: I vote no. Just  
11 because --

12 COMMISSIONER KIRSANOW: Just because you  
13 want to.

14 CHAIRMAN CASTRO: Optimal's kind of  
15 vague.

16 COMMISSIONER KIRSANOW: What happened to  
17 bipartisanship, Mr. Chairman.

18 COMMISSIONER HERIOT: I was thinking we'd  
19 get a unanimous vote today.

20 COMMISSIONER KIRSANOW: Come on, come  
21 with the winning side.

22 CHAIRMAN CASTRO: Oh, now you're going  
23 to -- no you're going to bully me into voting. Okay,  
24 so I'll vote yes so that we're unanimous. All right?

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1 Don't say I never did anything for you.

2 So it's a unanimous vote. The AI passes.

3 So now, Mr. Staff Director, you have the floor.

4 **STAFF DIRECTOR REPORT**

5 DIRECTOR MORALES: Thank you, Mr.

6 Chairman. As I had mentioned, I'll keep it brief.

7 You have the staff director's monthly report. What

8 I'd like to call out is attention to two items.

9 One is that pursuant to why, that I  
10 mentioned last month that we were putting out the  
11 vacancy announcement for communications on public  
12 engagement staff, fill that position.

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

18 I just want to, you know, acknowledge  
19 Gerson Gomez's assistance in helping us get our press  
20 releases out, and our communication. We really  
21 appreciate the great job you've done. He's been an  
22 enormous benefit for all of the commission, and so I  
23 wanted to, you know, publicly acknowledge that.

24 In addition, as you're aware, last month

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1 you had requested a letter to go out regarding a  
2 priority council to all children.

3 And then the request was that each  
4 individual member of Congress get that letter, so  
5 that's 400 and, 435, but --

6 CHAIRMAN CASTRO: Plus the hundred  
7 senators?

8 DIRECTOR MORALES: Speaker, yes. Yeah.  
9 Yeah, you're right. Counting senators, 535. But  
10 speaker Boehner's position, or his congressional  
11 office hasn't been filled yet.

12 And so anyway, the line is that it took  
13 us a couple of weeks, no, it took us about a week,  
14 I'm sorry, to get it all together. But I really  
15 wanted to shout -- do a shout-out to the interns --  
16 Joseph, Joe, Ayan, and Morgan, who stepped up and  
17 helped our staff. And our staff was Alfreda Greene  
18 and Gerson Gomez, and then the special assistants, of  
19 course, that were instrumental in getting the letter  
20 out as well, and helping us finalize it, was of  
21 course, Amy and Irena. So I just want to acknowledge  
22 all that to the commissioners, and thank them for the  
23 great job and show of good team effort, so thank you.

24 COMMISSIONER KLADNEY: And I would like

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1 to add my thanks to that. I know it was a big job,  
2 and I think it was very important. Thank you.

3 CHAIRMAN CASTRO: Thank you.

4 DIRECTOR MORALES: That's all I have.

5 CHAIRMAN CASTRO: Any questions for the  
6 staff director? Yes, Commissioner Narasaki?

7 **III. STATE ADVISORY COMMITTEES (SACS)**

8 COMMISSIONER NARASAKI: Not so much a  
9 question, but I just want to highlight a concern about  
10 the fact that we have an increasing number of SACS  
11 that need to be filled.

12 And I know that the staff director is  
13 working with staff to come up with a new AI process  
14 around it, and I do appreciate that, and but I just  
15 want to note that I think that this is something that  
16 we should try to focus attention on over the next two  
17 months, and try to close the gap here. Because as I  
18 read the report, out of 51 committees, 17 have  
19 expired.

20 CHAIRMAN CASTRO: It's actually not as  
21 bad as I thought. We, as you know Commissioner  
22 Narasaki, there is a proposal that's currently  
23 circulating to commissioners.

24 We would've voted on it today, but the

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1 staff director wanted, and I agreed, that we should  
2 ask commissioners, even though it was bipartisanly  
3 drafted by our delegates. We wanted to give  
4 commissioners an opportunity to review that before we  
5 voted on it. So that's the reason we're not dealing  
6 with it today.

7 DIRECTOR MORALES: And to that end, Mr.  
8 Chairman, I've had conversations with Commissioner  
9 Kladney and Commissioner Heriot, and they've provided  
10 some really helpful input.

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

14 I've had a meeting with them about it,  
15 and we're looking to -- I think we're making some  
16 really good progress with it, and hopefully by the  
17 April business meeting I'll have more information  
18 provided to you.

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

23 **IV. ADJOURN MEETING**

24 CHAIRMAN CASTRO: Anything else? If

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1 not, it is now 3:22 and we are officially adjourning  
2 the meeting. Thank you everybody. See you next  
3 month.

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