

2022

BART Redistricting: Public
Meeting 3/10/2022



GEOinovo Solutions Inc.

BART Redistricting

3/10/2022

TABLE OF CONTENTS

1. Meeting Documents.....	1
2. Meeting Notes / Questions	1
2.1. From the Public	1
2.2. From the Board of Directors	3

1. MEETING DOCUMENTS

Documents presented by Alex Sainz and Jesus Garcia:

- Plan E2

2. MEETING NOTES / QUESTIONS

The following presents summaries of the questions and comments raised during the meeting. These are not transcriptions; the wording has been changed in some cases. For exact wording, please see the meeting recording. Questions or comments that do not have a name attached to them are bolded in their entirety.

2.1. FROM THE PUBLIC

Director Saltzman: First I want to thank Alex and Jesus for all of your work on this. I know it has been a tremendous amount of work. We will get to director comments soon but first I want to go to public comment.

Chris: Thank you, President Saltzman, Members of the Board, my name is Chris Peoples. I grew up in San Francisco and was politically active there until I moved to the East Bay in 1975. I have participated in every statewide redistricting since 1970. In those days, the Republicans had the Rose Institute and we had Fill Burton's brain. I have participated in every East Bay redistricting since 1980. I participated in a number of special district redistrictings since the 1980 redistricting and I was the lead director on the AC Transit redistricting in 2000 and 2010. I have never been on any of the pleadings in any of the lawsuits having to do with redistricting. I want to make a comment of your treatment of East Oakland. East Oakland is a clear community of interest with great historical roots and many cultural institutions such as churches and other institutions. It traditionally aligned with downtown Oakland. The people there deal with the Oakland City Hall, they deal with the commercial and business districts in downtown Oakland. By contrast, traditionally, and of course that's changed a great deal, San Leandro and Hayward were sundowner towns. Towns where African Americans were not admitted after dark. I really think you need to bring East Oakland back together and your current lines in the inner East Bay on the West side of the hills are actually very good. They may need to get tweaked a bit to make sure the numbers are right. I think you need to go back to the drawing board, start with the inner East Bay as it is today and make the changes you need to make in East Contra Costa and in San Francisco to get those lines properly tweaked. You really need to keep East Oakland together and it needs to be oriented towards downtown Oakland not toward the suburban areas of San Leandro and Hayward. Thank you very much for your consideration.

David Pilpel: Good morning, it's David Pilpel. I'm sorry I had other calls on my time that made the completion of my map in the last few weeks impossible but that's okay, I am still interested in this topic, and I have provided comments in writing regarding the final report. I hope that there will be a final report that documents the work we have done here. I want to thank you all for considering my input in the process. I felt very heard. I felt like the comments and suggestions I made did find their way into the process and influenced what's before you today. I

do however agree with John Spangler's comment earlier about outreach in the future. Hopefully, all of us are around 9 or 10 years from now and the process can be different. If the Board chooses to pick a map today, I would pick E2. I think it incorporates the comments all of you made and makes sense. It's compact, it's contiguous, it's not perfect, no map is perfect, but I think it really works best for the District for the next 10 years. I just wanted to conclude and say I really appreciated the work of the consultant team, what they've done publicly, behind the scenes, the time they spent with me, and the District Secretary's Office, General Council, Rod Lee, I really think this was a process that didn't get a whole lot of public input but the public input was considered and it was a good process. I, again, support E2. Thank you for listening.

Aleta Dupree: This is Aleta Dupree. Thank you, Director Saltzman. I will speak in a very general sense. I don't know if I have standing but I'm going to speak any way. I think it's reasonable, what we have, given my limited knowledge of redistricting. I ask as you consider this, think of yourselves as part of a whole because I don't want redistricting to be divisive and when I see the new map, I get to see whose district I'm in and in the places that I stay when I come to visit you all in the Bay Area. I generally stay around the Oakland/Emeryville line and various places along that area and that was District 7 for the longest time. I maintain to you even as one who is not in the Bay Area at all times, who does represent BART in that district does matter to me. Since I don't know who that's going to be certainly all of you have a part to play. I ask that your advocacy not stop at the line because even though you are divided into districts or wards, if you will. None of you is an island. I can see the tension in this but really this should be about building community not about dividing community. I travel the whole system and one part of the system effects all the rest, so I look forward to you bringing this matter to a vote today. I hope you will cast a vote and approval today. I want us to get along to the business of running and maintaining this railroad that aspires to be great and legendary. Mostly keep this in mind when you cast your vote that BART isn't a system of nine individual islands, it isn't just a system about local voters, but it is the people's system. Thank you.

Doug Blacksher: Good morning, BART Board and specifically Director John McPartland. My name is Doug Blacksher, lifetime member of the NAACP, alternate delegate for Pamala Price Civil Rights Attorney running for District Attorney for Alameda County, AV18 Black Business Round Table Host, and a Community Policing Advisory Board Member. A key protection of the 1965 Voting Rights Act is a permanent nationwide prohibition on voting practices that discriminate on the basis of race, color, or membership in a language minority group. Section II covers and includes districting plans. BART's Plans A, D, E, and E2 all fail to protect Oakland Black Voter Block in current District 4 and dilute minority voter strength with area populations. East Oakland, predominately Black neighborhoods near coliseum are divided from Oakland's downtown in each of these plans. BART Plan B and C provide a remedy. They demonstrate that Oakland can be divided between the flat lands and hills rather than drawing a line between East Oakland minority neighborhoods. Furthermore, these flat land neighborhoods also contain the most transit dependent populations in Oakland. Another important community of interest worth protecting in Oakland, those that were hired for this redistricting process, they do not live in Oakland, they're not concerned with the politics of Oakland, and the community togetherness of

concerns that address the problems here in Oakland and in the Black and Brown Communities. I humbly ask that scratch A, D, E, and E2 and go with Plan B and C. Have a nice day. Thank you.

Director Saltzman: It's been suggested by some members of the public that we start over or take more time on this. April, Alex, or Jesus can you explain why we need to vote today. My understanding is that we do need to vote today on one of the maps so can you explain why and what happens if we don't.

Alex Response: We started this process in late November / early December, so we have had quite a robust debate with 10 versions of the BART map up until this time, but we really are coming up against some hard deadlines at the county and state level. If we were to go back and scrap the map we have done so far, we cannot guarantee that new line would be drawn, and we would still be able to meet those state deadlines. At this point we totally recognize that no map is perfect that's kind of the nature of redistricting but in order to ensure that GEOinovo, the District Secretary's Office in coordination with all of the county and state level agencies can meet these deadlines, we are going to need to take some action on the redistricting maps today.

Director Saltzman: What happens if we don't meet those deadlines? I understand that the repercussions are quite harsh.

Alex Response: That's a good follow up question. Most of the information we have seen has been specific to counties and cities but in general, it is likely that the BART Board would lose control in deciding these lines. If the deadlines are not met there's a chance this could be decided by the state. I think that the BART Board and the community would much rather have a say in what their lines are going to be rather than having that decided by some outside entity.

2.2. FROM THE BOARD OF DIRECTORS

Director Saltzman: I am now going to go to Director comments. I just wanted to ask all directors to hold off on motions for now. I think we all have input on the various maps, and I'd like to hear from everybody before anybody makes a motion. Hold on motions for now. We'll go through every director who wants to speak and then we will go through directors again to have further discussion or get to a motion.

Director Rayburn: I would like to start by asking what the deadline is, April or Alex if you know the exact date?

April Quintanilla: The state deadline to adopt maps is April 17th.

Director Rayburn: Thank you. Today is March 10th.

Alex Response: As an additional detail. April 17th does fall on a Sunday this year so the actual deadline would be April 15th to get all that stuff in on time.

Director Rayburn: Thank you. I appreciate much of the work GEOinovo has done. I really enjoyed looking at those population within a half mile of our BART stations. It's very interesting for future transit oriented development. I'm fighting for Oakland today. A radical redraw of District 4 in Oakland is entirely unnecessary given the current small population variance in the

district. In Oakland, the new plan E2 resembles the dismissed Plan A. Plan E2 goes a step further by diluting Oakland's Black and Brown voices who have pleaded with us to be united and empowered. It is unacceptable to turn our backs on the minority communities in Oakland's flat lands who are dependent on BART. If E2 is adopted these voices will be drowned out by the surrounding San Francisco interests and politically powerful hill areas. Plan E2 shifts most of Oakland to District 7. To the public this is neither fair, beneficial, nor warranted. There is no compelling reason to move over 216,00 out of District 4. Now, I want to appeal to my colleagues on the Board, all seven of you live in your newly drawn districts of plan E2 so you might feel comfortable approving a plan. Given your awareness of the issues with District 7, I urge you not to validate Plan E2. To knowingly adopt a plan that clearly favors the San Francisco based District seat, would violate the California Constitution protections against favoring any political candidate or incumbent. It would also undercut our credibility with the public. Furthermore, Plan E2 is unfair to Oakland and Alameda voters who would inherit a new director yet not be given an opportunity to vote this year, they would have to wait until 2024. Plan D represents a partial remedy that keeps most of Oakland and all of Alameda in the East Bay and in District 4. However, Plan D still has major voting rights act issues by dividing Oakland's Black voting block and diluting minority voting strength by including the hills in District 7. A better voting rights act remedy is to adopt just the Oakland boundaries between Districts 3, 4, and 7 from Plan B or preferably Plan C which was a little more refined. I recognize that plan C had other issues. It is then possible to adjust the remaining plan B lines to reflect the latest community of interest boundaries between District 8 and District 9, city boundaries between District 1 and District 2, and keep El Cerrito and Castro Valley whole. I believe these are very possible re-draws. I urge that we direct the consultants to immediately begin these changes. The clock is ticking. Redistricting is about protecting communities and not about protecting incumbents. In full disclosure, my wife Pat and I live and vote in downtown Oakland, and we will be challenged to relocate before filing for re-election this summer if District 4 is shifted South to Hayward in Plan E2. Thank you.

Director Allen: Thank you President Saltzman. I am very deeply considering the comments of Director Rayburn just now. Particularly if there is a belief that there are constitutional issues. I have up to this point stayed out of the conversation as to how to redraw Districts 3, 4, and 7 because I felt that those directors in those districts really had the vested interest and the knowledge to how to best protect the voters of those districts. Director Rayburn raises some issues that I'd like to know if they have been raised with our legal counsel previously. Director Rayburn, do you know?

Director Rayburn: I have not spoken to Matt Burroughs/BART legal counsel regarding our redistricting.

Director Allen: I guess because I started engaging in this process very early on and while I'm listening to members of the public come forward and say that we should scrap it and start over, unfortunately, I do agree with President Saltzman that we cannot do that at this time. This has been a process on-going for many months. We're really not at a point where somebody can just all of a sudden pay attention and walk in and say, "I don't like the final maps you've put before

us.” That also is not fair. I do wonder, Director Rayburn, did you have an opportunity to meet with the consultants, voice these concerns, and draw something based off of one of the other plans you mentioned, Plan B, I think is the one you mentioned?

Director Rayburn: The concerns I have raised today have been raised repeatedly and I believe they have been conflated because I started raising concerns back when Plan A was on the table and it had the same issues that plan D, E, and E2 all share. These issues have been raised by many speakers and it has been commented several times. We had very little public input yet the public input we have had has come largely from Oakland residents and Alameda residents. I don’t feel that their comments, their interests in general have been catered to in this process. Again, I respectfully ask that we consider going back and adopting some lines that were already drawn and making it all fit together. I believe a low population variation can be achieved by doing as suggested by several speakers here today.

Director Allen: Thank you Director Rayburn. I guess I would ask the consultants why the proposed plan before us E2, why we began with Plan E for those adjustments? Was there some determining factor that made plan E the better starting point than Plan D?

Alex Response: Based on our notes and reviewing the recording of the last Board meeting, there was at least some level of support from 8 out of 9 board members to at least make some tweaks to Plan E. Maybe not saying they would vote for Plan E but at least some level of support. Given that level of overwhelming support that was the path we decided to take based directly off of Director input.

Director Allen: Maybe I was the one out of the nine, but I know my input was to discuss D or E and I thought that some of the suburban Directors had said D or E could be a starting point. I think we still probably have at least one more meeting that a final vote could be taken, it sounds like under the timeline.

Director Saltzman: Can we get that confirmed because my understanding that there is still a lot of work to be done before it actually gets to the county so that is not my understanding from talking to staff before this meeting. I want to make sure on that.

Director Allen: I’m willing to go one more meeting and allow Director Rayburn and the community members that are raising these issues to [make changes]. Really what it takes, and I had to do this, is to set aside several blocks of time to get on the phone in a zoom meeting with the consultants and talk about what changes you’re looking for to put a map forward. Maybe we have one more meeting to do this and maybe we don’t. If we do have one more meeting, I’m willing to let this go one more and to give Director Rayburn an opportunity to work through his changes. Thanks.

Jesus Response: I’d like to address the issue of a VRA (Voting Rights Act District), from the beginning it has been our attempt to create a Voting Rights Act District. Just to remind the directors a Voting Rights Act District, and I think one of the commentators talked about Section II of the Federal Voting Rights Act, a Voting Rights Act District comes to mean when there is a population of 50% or more of a protected class such as Latino, African American, Asian, Native

American, and minority language groups. As you have seen from all of the plans, we were able to create several districts that are 50% or more. In all of our Districts, the only District we could create 50% or more was, I believe, in District 6 under the Asian population. The second criteria, I believe what's called the Citizen Voting Age Population (CVAP). For VRA to become effective you have to have both. You have to have first a population that is 50% or more of a protected class which in this case is the Asian population in District 6. However, try as we might, we were not able to create 50% or more CVAP in District 6, 48.6% was as close as we could get. What I'm telling you is, BART cannot create a VRA district and be within a reasonable variation. The next step is to begin to look at what are called coalition districts. As you have seen in plan E2, we have created one district that is 87% plus a protected class African American, Latino, Asian, and others. Right now, the District 7 is at 61%. In fact, we have two very strong districts and of course we have District 6, and we have, I believe, District 8 in San Francisco. We have created a scenario where the data supports candidates of choice, the community can elect. Try as we might we could not create a VRA. In reference to San Leandro and the communities there, as Alex has shown, and you have the ability to see from our interactive webmap, you pull up the ethnic population data, the San Francisco Bay Area just like California and the rest of the United States is changing in its diversity. If you bring up the African American, the Latino, and the Asian populations you will see the underlying data that tells you that these areas are evolving. Yes, San Leandro and other areas might have been sundowner towns in the past that is not the case anymore. The population of the Bay Area and East Bay Area is becoming increasingly diverse of all the wonderful people from around the world that are coming there. These are the facts that are in the census. Just a little bit about what we have been doing, GEOinovo and myself, we have done numerous other occasions where we had to tell [people] that they are going to get a VRA for the very first time. We tried as much as we could here to create a VRA. It was not possible. The data did not support it, so we have created these two districts plus incorporating all of the comments from all of the directors. I'd also like to give a shout out to David; he was a great asset in guiding us through more of the nuances. There is a lot of other stuff you haven't seen that we incorporated into the creation of these lines. I would be very happy to discuss all of that other stuff that we haven't brought forth because we don't want to muddle folks, but we are definitely available to talk. Plan E2 incorporates as much of all of the other comments, fulfills the best practices, and the like. Those are my comments at this time.

Director Saltzman: I think we really need to get clear on whether we have time to table this until the next meeting.

Alex Response: Director Saltzman, just to be clear, if we do take this to another meeting in two weeks, we cannot make any guarantee that the appropriate data will be provided to the counties and state level agencies in time to meet these deadlines. We really are up against the clock here. We've created 10 maps throughout this process but at this point I think we just running really short on time.

Director Saltzman: Given that I think it would be irresponsible of us as a Board to not decide on a map today. As hard as that might be and we likely won't get unanimous agreement. I would like to hear from other Board members who haven't spoken here today.

Director Li: First, thank you so much for this presentation here today. I just want to go back to something President Saltzman said earlier which is that after this process is over, we will definitely look into detailing our redistricting process and really make sure to keep records for future redistricting efforts, talk about things we learned, timeline of things, so we can leave something for our future board folks. I also really want to thank everyone that has been attending our public meetings. I think David Pilpel, I think you described it well, there hasn't been an overwhelming robust process with everyone involved. I think the quality of engagement, the emails to the board we are getting, people are really looking into the nuances of the lines. The people who are calling in, I really, really thank you all for showing up to these meetings the District Secretary's office has been putting on. I really appreciate the input particularly around the East Bay communities. Generally, where I am right now, I'm open to plans E and E2. I want to share some thoughts specifically about the San Francisco piece. On plans D and E, they are identical in San Francisco. I'm just going to repeat some comments from the past. I think these two options ensure the district remains AAPI plurality and in particular keeps Chinatown whole. I actually think Plans D and E have a more inclusive Chinatown than what the district looks like today. I'm also in support of seeing the Sunset made whole with all of the inner Sunset now in District 8. I also support keeping the Bay View whole and part of District 7 which had been split up in some earlier drafts such as in plans A, B, and C, there are some versions where Bay View was split along the 3rd street line. This isn't a deciding factor for me, but I am excited to see Glen Park to be considered a shared station between Districts 8 and 9. I know that many San Franciscan Westiders are familiar with and use Glen Park station. I like a lot of those things I am seeing in plans D and E. Looking into E2, GEOinovo, Thank you so much for putting together E2 that really tries to incorporate as much [feedback] as possible. The basic change between plan D and E vs. E2 in San Francisco is that E2 follows more of the current boundaries and makes some slighter changes. I think it's fine. I'm open to it for San Francisco. I really do want to continue hearing more from others about the impacts E2 has in the East Bay. I think to respond to Director Rayburn, your comments, I'm very compelled by your comments. But also, in hearing from Jesus and Alex, maybe this is a bad summary, so Jesus and Alex feel free to correct me on this, but when hearing from you the Bay area is ultimately too diverse to have a VRA district. We are so diverse, and we have so many protected classes, so many communities of color, I'll just say it in accessible terms here, we're a melting pot and because of that having a VRA district is not possible. Further, if I am cutting through what I am hearing from our consultants is that Director Rayburn, I'm not sure if there is a truly viable version of what you are asking for. I know that is tough and we are here making some really, really difficult decisions and we are drawing new lines. I agree no incumbent has a right to one district, none of us do. This is about what makes the best district and what makes the best district as a whole. What makes the best BART District and lines for the residents, the constituents, and the voters. Jesus/Alex am I understanding that right that we are basically too diverse to have a VRA district.

Alex Response: That is correct Director Li.

Director Li: I don't know if you can speak a little bit to the viability. What I'm hearing from you, Director Rayburn, is wanting to keep the City of Oakland boundaries so that all of East Oakland, all the way to the City line is kept with more of the parts of downtown Oakland and

also separate from Oakland Hills. Jesus and Alex, it seems really hard to have viable maps for all nine districts doing that.

Jesus Response: First of all, the City of Oakland is too large as a population, we cannot follow a line that follows the City of Oakland. If you recall from our Plan A, that was our attempt to maintain the status quo to some degree while at the same time trying to create a large ethnic population. In that case again the only opportunity was among the Latino population from Richmond coming down to Oakland. That has evolved into what we have now so in this case again that is what has occurred. Again, I have to emphasize, we have an 85% protected class that is an urban core district, separate from the hills, and separate from Alameda County. That district provides an opportunity for a person of color to get elected there. We have tried extensively, I can't tell you how much, to try to create a VRA district. Folks it was not possible with the data as it currently exists. If it was going to be a VRA district, it would have been an Asian VRA district that right now is held by director Ames. There is no possible way to create a Black VRA district and there is no possible way to create a Latino VRA district. Folks, I am telling you, it is not possible to create a VRA district. What we have here I believe is a good option that is inclusive. We have listened to all of you, taken all of your comments and tried to incorporate them. We don't know where you live, by the way, we put that right out at the beginning, we don't know where you live, and that was not a consideration. Since you adopted the Fair Maps Act as one of your criteria, I think that makes it even doubly difficult for us to consider that. For all intents and purposes this is the best we could do. As Alex mentioned earlier, we have created only two or three majority white districts. Can you elaborate on that Alex?

Alex Response: Only one white majority and only two CVAP majority, which is an improvement over the current districts and the previous ones that were presented during this process.

Director Li: I'll just end my comments here. I think based on what I'm hearing from the consultants, I think we need to make a decision today. I don't think waiting will get us to a new unicorn map that we can all agree on even if we tried to push it out to a special meeting. I don't think it's enough time, and I truly don't think that unicorn map exists. I think at the end of the day seeing the changes, I'm still preferring plans E or E2 both for San Francisco. From what I am hearing in the East Bay, but I'll really listen to everyone's comments here and then we'll hopefully move to a motion.

Director Ames: Thank you. Wow, I think this is kind of another turn of events. I thought we were leaning towards E until now with Director Rayburn's comments. I do appreciate Director Allen's comments on how we got to incorporate our comments as we evolved along these different maps. It sounds like Director Rayburn you voiced these concerns and then I guess the map lines weren't drawn. Now that we see the lines, I can kind of see your concern. When I see District 4 go all the way down to Hayward, I think well that's a lengthy distance. Frankly, I think to myself in my district, District 6, there's a big Latino/Hispanic community in Newark, Union City, and Hayward. They are kind of spread out in pockets and so I'm a little conflicted. I am willing to look at another map. Maybe we have a special meeting in one week and that's it. I think I'm fine with E and E2. I'm just saying that I was waiting for input from basically the

Oakland area that had the issues and we heard it again today, even from the NAACP, so I'm open to another meeting to tweak Oakland a little bit more. I'm not the expert in Oakland. I just know my District well, and I have a lot of Hispanic communities in my district. It may not be what we are looking for with this effort to make it a VRA of course that's not going to happen. Jesus, I don't know if you have any comments on this, I really appreciate your expertise in this and what you tried to do. I have Hispanic communities in District 6 but then you are saying they aren't going to have that minority voice and that's why they got shifted. The Hispanic groups got shifted into District 4 to get that voice.

Jesus Response: Yes, and again what's occurring in San Leandro and my compadre lives there so I love San Leandro, I go there all of the time, it's a lovely community. The population is evolved. The whole from Oakland all the way down to East Oakland and down into Hayward, the demography of that area is changing. It is not the BART of 20 years ago or 30 years ago when I was first roaming around there as a high school kid. Director Ames, there is a significant Latino population at the Northern end of your district. However, it overlaps, the population from the North creates that corridor and again I can't emphasize that it is a very compact area. The population of that community is dense, and it is increasingly Latino, African American, and other populations. To shift to bring more Latinos out of your district would mean you would overlap into the hills into District 5 and start heading out to the East side or North. That would be a domino effect that would impact all of the surrounding districts around you and again as I emphasize right now the district there is 87% people of color. I think Alex mentioned that district is 25% CVAP, now as a general rule, the African American community has a higher percentage of CVAP, because a lot of the Latino population may not be U.S. Citizens or they have younger families and there are lots of children, so the African American community in that District will have a greater input into the election of the candidate there. We can take it one step further and start looking at voter statistics and data, but I think that's not a part of what we are doing here. We have to create districts and the district we have there is a core district. As you have seen there, Director Ames, that area has not changed at all in literally any of the plans. This is the reality of the population of the BART East Bay area.

Director Ames: I see the problem geographically and I know why you did it with District 4. I'm open for one more week, one more map, to consider Director Rayburn's issues. My district is fine, so I'm speaking maybe out of turn. I am willing to hear more comments from the Board of Directors. Thank you.

Director Foley: I want to thank GEOinovo and the District Secretary's Office, and most importantly the public for participating. I know redrawing BART voting lines isn't the most exciting meeting to attend so I am very thankful for the feedback that we did get and for those folks that had been engaged and really trying to guide us to the right decision. I honestly hear Mr. Blacksher's and Director Rayburn's concerns but to be honest they seem to be at odds with what we are hearing from GEOinovo and the census data about the changing demographics of the Bay Area. I don't know if there is a solution to be had that can meet everyone's needs. As much as I would like to do that, I don't know if that's possible. I'm supportive of E or E2. The reason why is that they meet the needs of what District 2 looks like. It also meets the needs of the

City of Clayton, the City of Martinez, and I think Contra Costa county. I think for me E or E2 are good choices and it sounds as though they might be good choices for the San Francisco County as well. It's really Alameda where we are having this challenge. I agree, I don't think we have time for another meeting. I do think as elected leaders it's our decision to make and we have to decide. You know what, we've done this a few times, we've added extra meetings, it's not perfect but let's adopt that map that makes the most sense. Thank you, Madam President.

Director McPartland: In listening to my colleagues, I went back and reviewed the maps in relation to District 4 going all the way down into South Hayward and I was surprised to see that. I recognize and emphasize with the concerns of Director Rayburn, however, the biggest consensus I see with the other directors that gets the best with the districts and hurts as fewest people as possible seems to be E2. I can end up going with a B or E2 or a couple of others, but I think the E2 is the common denominator that I hear the most from the other directors.

Director Saltzman: I have some comments and then I will go for a second round of comments or motions. Thanks everyone for your input today. Again, I really think it's important that we vote today so we don't give up our rights. That would be horrific. Who knows what the state would come up with? They could pick any of the plans without hearing any of the input or create their own plan, so I don't think that's an option to wait further. Just to remind us, we were scheduled to vote on February 24th. I was so uncomfortable with that because we hadn't had enough discussion, so I scheduled the special meeting the week before which we had and had robust discussion. After that meeting, I decided we couldn't vote on February 24th, so I asked April to go and dig and make sure we had enough time, she did, and that's how we got this meeting today. We have pushed it and pushed it to the limits to try and get more input and to try to come together. We're not there yet in terms of everyone being together but we have had a robust process and a lot of time to provide input on the maps and how we wanted to see changes. We've spent a lot of this meeting talking about Oakland, and I just wanted to spend some time talking about other places. I think why we are not hearing from folks in Contra Costa, we were at the beginning of the process, is that they are largely happy with the districts being put forward for Contra Costa. I can tell you that in West Contra Costa County folks are thrilled that they are all going to be together instead of split into pieces. West Contra Costa County is as much of a place as Oakland is a place. It's made up of several cities but really, they are interdependent. I cross into Richmond all of the time without even thinking about it because it's right next to El Cerrito. People don't think about City lines the way we think about them because it's just not how they live their lives to go do their grocery shopping or take their kids to school or even after school activities, we're all interconnected in the nearby cities. I think what these maps D, E, and E2 for Contra Costa do are amazing, particularly for West Contra Costa which has historically been divided. As to the comments about San Leandro and Hayward, I for the past nine years have represented most of San Leandro, so I have gotten to know the city quite well and I really love it. I'm actually sad that I will no longer be representing it, but I knew almost nothing about San Leandro before I ran for the BART board and my perspective would have been really different before I got to know it. It's an incredibly diverse city and becoming more and more diverse by the day. It's becoming more and more progressive. The policies seem to have a lot in common with Oakland. It used to be quite conservative and it's true it used to be very racist, but

that's not the San Leandro today and that's happened in Hayward as well. It's significant that both San Leandro and Hayward have majority people of color City Councils, which is not something that the BART Board can say. I think there's a lot more in common with San Leandro, East Oakland, and Hayward than was the case 20 years ago when that discussion might have looked very different about what they have in common. I don't think it's out of the question to combine them into the same district and right now District 4 has part of San Leandro anyway, so it is already in there today. There are always going to be tradeoffs with making some districts more compact and some less. Historically, in the East Bay, District 4 is the most compact and, my District, District 3 and District 7 are the least compact. These plans make 7 and 3 more compact so then 4 has to get a little less compact. It is still quite compact in comparison to what I have been representing all the way from El Cerrito and San Leandro up to the La Marinda Area, so we just have to think about the tradeoffs. I think it is unfortunate that we have been focusing on one city. I care deeply about Oakland. I lived there for 15 years, I thought I'd still be living there today, and if I hadn't gotten priced out of the parts of my BART district that were part of Oakland, I'd probably still be living there, so I care a lot about it but I think we have to think about the three counties, all of the cities, and all of the communities, and we have to make some tradeoffs even if that's difficult. I also want to remind us that the first set of comments that we got about plans A, B, and C were demands that we not split Oakland up into a bunch of districts when one of the plans split it into 4 districts. I think our consultants heard those comments and responded with a district that only has Oakland in two districts which is amazing. I would not have even thought that was possible. That is in Plan E, I believe. I think we have been responsive to Oakland, but the requests keep changing from Oakland. I think the focus for a long time was keeping it into just a couple of districts, which was done, then there were new issues, but I do think we have been listening to the folks of Oakland and have been very responsive. Those are my comments. I will open it up for a second round of comments or if anybody would like to make a motion.

Director Rayburn: I just want to reiterate that it is possible to redraw the lines. You start with the existing boundaries which are largely reflected in B or C and work in the other lines that have already been worked through with each of the directors but not with me. The percentages of which Jesus refers to show potential unity between Hispanic and Black voters between East Oakland and down to South Hayward but as well percentages for District 7 show that we have achieved some kind of potential prospect for minority voting groups to band together. The reality is that if you live in Brookville Village or Columbia Gardens or Sobrante Park or East Oakland name a church, a high school, a club in Hayward, it's going to be impossible. Yet I can guarantee everyone in Brookfield Village probably can identify what their high schools are throughout the City of Oakland. There is definitely a community of interest in Oakland, it matters, historically the hill areas have been the king makers in Oakland. It concerns me greatly that the hill areas and Piedmont will have the opportunity to have undue influence on the new District 7. That is something I don't want to leave behind. I want to see Oakland, Oakland's Black and Brown voices be united and be able to rise up. Thank you.

Director Dufty: I wonder if Alex or Jesus could talk a little bit about the Latino voting population in District 9 and the changes that took place with E2.

Jesus Response: We have not been asked to look at voter data. However, voter data is a variable that is available at the state website that we are utilizing, and I can return with data tables should you wish. I can tell you right now, as I mentioned earlier, in the districts we provided, particularly the urban core district, 87% people of color, the voter statistics will again probably indicate that people of color will have to have a significant voice in that district. The state has data on voter registration and voting for Latinos and Asians, it does not have data for African American voters as a data item. That is a very difficult statistic to acquire, and I know we definitely do not have time to get into that. It will mean, for example for me to acquire all of the voting data for every county that we have and process it, it would take a least a week or more for African American voting communities. I can provide you Latino and Asian registration in voting. Again, our effort from the beginning was to try to create districts of coalitions. Our best attempt at the beginning was map A but we moved on from map A when we heard all of the considerations of all of the other board members present. We can go around with data all day long, I love it, that's what I've done for a living for 30 years. At some point, I believe we have to look at what is possible, and it's increasingly more difficult to come up with some voter statistics. You'll need a hire voting consulting firm that does that for a living, and we can talk after this if any one is interested. That is a very difficult task, and it diverts from our goal of looking at population and looking at CVAP as the base data that is being utilized nationwide.

Director Dufty: I really appreciate, Jesus, what you have shared with us about the coalition districts that are part of the later plans. I do think that's a good stab and I am inclined to support E2 or E. I also agree with what Director Foley said, I don't think it's possible to achieve what we have been asked to achieve here. I don't think we have the tools to do that and that makes me move towards E2 and E as plans that do reflect a lot of input from the board. I really appreciate the time that was taken to develop E2. Thank you.

Director Li: First, I follow Director Dufty that I am open to plans E and E2. Just so we can move forward, and I am totally open to a substitute motion here, I would like to move plan E2 for approval. There are three comments I want to make here...

Director Saltzman: Before your comments can we see if there's a second?

Director Dufty: I second.

Director Li: As unfortunately the only person of color remaining on this Board right now, I want to talk a quick minute about undue influence. First, BART has historically struggled to have people of color elected to this board and serve and represent BART riders on this Board. Our current status is no different. I am literally the first Asian woman to ever serve on this board of any district, even the plurality district that Director Ames serves in, and I think I am perhaps the second Asian to ever serve on this board. Second, the truth is that the cost of living has displaced the Black population out of San Francisco. In the 1980's it was 13% to 15% Black population and today it's like 3 or 4 percent perhaps. In some places Black folks are even getting displaced out of Oakland and fully out of the Bay. We know this, we have 2021 data showing this, Director Ames, I hear you talking about mega commutes all of the time, we all see this happening. Third, just look at my district currently, one might say that the Marina or Pack

Heights, where I think the voting population might have a plurality or maybe a majority of those neighborhoods actually have graduate degrees which is insane to me as someone who does not have a graduate degree. One might say that the Marina or Pack Heights might have undue influence over the rest of District 8. We already see how that is changing and ultimately, we are going to have tradeoffs. I know that they are really, really tough but I want to be clear when talking about the changes in the demographics and what we are seeing across the Bay and what we are really talking about when we are saying the representation of this BART Board. Again, I've moved E2, thank you Director Dufty for your second, I am open to talking about E as well.

Director Saltzman: Any comments on the motion? Or any further questions? If not, we will move to the vote so let's go to the vote. The motion is to adopt E2 as the new districts.

April Quintanilla: Yes, the motion would be to adopt E2 as the redistricting plan and it will be added to the redistricting resolutions in the packet. Beginning Roll:

Director Ames: Yes

Director Dufty: Yes

Director Foley: Ai

Vice President Li: Yes

Director McPartland: Ai

Director Rayburn: Ney

Director Allen: Yes

President Saltzman: Yes

April Quintanilla: Thank you. Motion carries with Director Rayburn voting no.

Director Saltzman: Thank you.