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C E R T I F I C A T E

I, SUE E. GARCIA, a Certified Court Reporter in and for the State of Washington, residing at Tacoma, authorized to administer oaths and affirmations pursuant to RCW 5.28.010, do hereby certify:

That the foregoing proceedings were taken before me on the 22nd of December, 2011, and thereafter transcribed by me by means of computer-aided transcription, that the transcript is a full, true, and complete transcript of said proceedings;

That I am not a relative, employee, attorney, or counsel of any party to this action or relative or employee of any such attorney or counsel, and I am not financially interested in the said action or the outcome thereof;

IN WITNESS WHEREOF, I have hereunto set my hand this January 3, 2012.


SUE E. GARCIA, CCR, RPR
WA Lic. No. 2781

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WASHINGTON STATE REDISTRICTING COMMISSION

PUBLIC MEETING

December 22, 2011

Cherberg Building
Olympia, Washington

Taken Before:

SUE E. GARCIA, CCR # 2781, RPR
Registered Professional Reporter
of
Capitol Pacific Reporting, Inc.

2401 Bristol Court SW, #A-104, Olympia, WA 98502
Tel (360) 352-2054 Fax (360) 705-6539
Toll Free (800) 407-0148

Tacoma (253) 564-8494	Seattle (206) 622-9919	Aberdeen (360) 532-7445	Chehalis (360) 330-0262	Bremerton (360) 373-9032
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e-mail: admin@capitolpacificreporting.com
www.capitolpacificreporting.com

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APPEARANCES

- LURA POWELL - CHAIRWOMAN
- TOM HUFF - COMMISSIONER
- TIM CEIS - COMMISSIONER
- SLADE GORTON - COMMISSIONER
- DEAN FOSTER - COMMISSIONER
- RUSTY FALLIS - ASSISTANT ATTORNEY GENERAL
- GENEVIEVE O'SULLIVAN - COMMUNICATIONS DIRECTOR

NOTE: (As read) - paraphrased quote
(Indiscernible) = words heard but not understood
(phonetic) = phonetic spelling of name

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1 BE IT REMEMBERED that on Thursday, December 22, 2011,
2 at 1:02 p.m., at 304 15th Avenue, Olympia, Washington,
3 the following proceedings were had, to wit:
4

5 * * * * *

6
7 CHAIRWOMAN POWELL: Good morning and welcome
8 to the special meeting of the Washington State
9 Redistricting Commission.

10 My name is Lura Powell, and I am the chairman of
11 the Commission. And I'd like to start out by having
12 those of us along the front dais introduce ourselves.

13 Bonnie?

14 MS. BUNNING: Good afternoon. My name is
15 Bonnie Bunning, and I'm the executive director for the
16 Redistricting Commission.

17 COMM. HUFF: Hi. I'm Tom Huff, and I was
18 appointed by the House Republican committee --
19 legislature, rather.

20 COMM. FOSTER: I'm Dean Foster. I was
21 appointed by the House Democratic caucus.

22 MS. O'SULLIVAN: Genevieve O'Sullivan,
23 communications director.

24 COMM. GORTON: Slade Gorton picked by the
25 Senate Republicans.

1 COMM. CEIS: Tim Ceis appointed by Senate
2 Democrats.

3 MR. FALLIS: Rusty Fallis, Attorney General's
4 Office, general counsel to the Commission.

5 CHAIRWOMAN POWELL: Okay. Thank you.

6 Our first item of business this morning is
7 approval for minutes. We're going to be considering
8 the minutes for December 16th. Those for
9 December 20th are not quite ready for us to review at
10 this time.

11 So can I ask if there's any additions or
12 corrections to the minutes of the 16th?

13 They were sent out yesterday, but I know you all
14 have been very busy working on maps. So if you'd like
15 to take a few extra minutes to review those, that would
16 be just fine.

17 Okay. Everyone's done?

18 Okay. Any additions or corrections anyone would
19 like to make?

20 COMM. GORTON: Move we accept them.

21 CHAIRWOMAN POWELL: Okay. We have a motion
22 for acceptance.

23 Any additional comment?

24 Then all those in favor accepting the minutes --
25 approving the minutes for December 16, 2011, please say

1 "aye."

2 COMMISSION MEMBERS: Aye.

3 CHAIRWOMAN POWELL: Opposed?

4 Thank you.

5 Okay. Our next item of business is Matters
6 Pertaining to Redistricting. So I believe we had
7 our -- our House team report the last time.

8 So those of you on the Senate team, who I believe
9 are -- you're now working on the congressional map. So
10 can you give us an update?

11 COMM. GORTON: Go ahead.

12 COMM. CEIS: We're close.

13 CHAIRWOMAN POWELL: would you like to
14 elaborate?

15 COMM. CEIS: Not much more to elaborate on
16 than that. We're close. We -- down to some fine
17 details that we have to work out, and we'll be
18 continuing to work on that.

19 COMM. GORTON: I was hoping we'd have maps
20 for you today. Obviously it was a little bit too
21 optimistic. But Tim and I met for at least a few
22 minutes just before this meeting. And I -- and we'll
23 do more talking as soon as it's over and hope that we
24 have something to report to you of tangible and
25 substantive nature tomorrow.

1 CHAIRWOMAN POWELL: Okay. Well, that's --
2 that's good news. Okay.

3 How about you all with the eastern Washington leg
4 districts?

5 COMM. FOSTER: We met after our meeting on
6 Tuesday. We met a good hunk of yesterday. And we've
7 been trading maps. And we have a meeting scheduled
8 after this meeting today.

9 And in negotiations you're either close or closer.
10 So I don't -- I can't characterize where we are because
11 when it comes together, it will come together.

12 COMM. HUFF: Well, to add to that, of course,
13 you know, to some degree some of it could be
14 significant and some of it could be very
15 nonsignificant. I guess it's all in the eye of the
16 beholder how close we really are.

17 So as Dean said, you know, it's -- it's a few
18 areas here and a few areas there, and pretty soon you
19 don't have a map, or you can have a map. And hopefully
20 we can have a map by tomorrow.

21 CHAIRWOMAN POWELL: Okay. So you think
22 there's a possibility that you might have a map for
23 tomorrow? Is that what I'm hearing?

24 COMM. HUFF: I always believe in
25 possibilities.

1 CHAIRWOMAN POWELL: Okay. But probably -- it
2 doesn't sound like it's quite as close as the
3 congressional map that the Senate team is working on.

4 COMM. HUFF: I don't know. I can't speak for
5 them.

6 COMM. FOSTER: I wouldn't hold out as much
7 hope for tomorrow as Tom does.

8 CHAIRWOMAN POWELL: Okay. But you're going
9 to be working hard today. So --

10 COMM. HUFF: That sounds significant to me.

11 COMM. FOSTER: Well, it's -- it's not a
12 joking matter. But not only are we dealing with --
13 with a lot of districts in eastern Washington, we want
14 to give care to it. When you get down to this point,
15 you get into some pretty significant or insignificant
16 details. And so when we share maps with each other,
17 then we -- we look at not only the big picture but we
18 look at small land areas that are affected. And in
19 eastern Washington we have a lot of that.

20 So it takes a while to turn around a map, and then
21 it takes a while to look at it and understand where the
22 issues are and -- and talk about those back and forth.
23 It's -- it's technical, but it's also something that
24 you have to look at each of -- each of the issues, and
25 we're doing that as well as the county auditors are

1 doing that hopefully in western Washington. So it
2 takes a while to turn these things around.

3 CHAIRWOMAN POWELL: And then just to remind
4 those of you who are either here present or viewing,
5 when the commissioners are negotiating these maps and
6 trying to come up with a -- a -- something to present,
7 there are a lot of criteria that need to be balanced,
8 not the least of which is equal populations, and then
9 you have, you know, contiguous, compact, and taking
10 account all the public comment that's involved. So it
11 is -- it is quite a complex system that -- you know,
12 that they have to master and figure out what the right
13 thing to do for the people of Washington is.

14 So I, you know, appreciate everybody's patience,
15 and I appreciate the hard work that all of you are
16 doing.

17 Tim?

18 COMM. CEIS: Well, in light of the comments
19 that we've heard here about the status of the -- of our
20 discussions and in our work groups and trying to
21 prepare the proposals for the Commission, I am
22 wondering whether or not it makes sense to hold the
23 Friday meeting and instead consider canceling that and
24 having our next meeting, our regularly scheduled
25 meeting, on Tuesday to give us additional time to

1 finish this work rather than dragging everybody down
2 here again tomorrow for another report saying we're
3 close.

4 CHAIRWOMAN POWELL: How do the rest of you
5 feel about that?

6 COMM. HUFF: well, I would just like to make
7 a comment that I think a couple of weeks ago we were
8 given -- on the 16th we were given Scenario 1,
9 Scenario 2, and Scenario 3. And I've also -- I might
10 add we had a Scenario 4; we were going to have this
11 pretty much buttoned up a few months -- or a few weeks
12 ago, and here we are now on the morning of D-Day.

13 And I -- I think it's important that we keep
14 scheduling meetings until we come to a conclusion. I
15 think the public needs to know that. And, therefore,
16 I'm not in favor of -- of delaying this meeting.

17 CHAIRWOMAN POWELL: Any other thoughts?

18 COMM. CEIS: well, I -- and I appreciate
19 that. We've set all sorts of deadlines. But D-Day is
20 January 1st; it's not tomorrow. And I would rather
21 work on this than have people just come to a session
22 for 15 minutes to hear us say we're close. If we can
23 finish this and have agreements done by our Tuesday
24 meeting, that's plenty of time to wrap up the rest of
25 the process.

1 And I'm not -- obviously I don't have the votes
2 for this. But I'm going to clearly state my case that
3 just running down here to conduct a meeting to say
4 we're close isn't really going to get us any closer.

5 COMM. HUFF: well, I -- I agree with you on
6 that point. I think like, for instance, today we're --
7 we're meeting here this morning -- or at 1:00 o'clock,
8 rather. And Dean and I, I hope, are getting together
9 after this. And hopefully we can move forward and come
10 to a conclusion. It may not happen today, but at
11 least it moves us at least an inch or so closer to
12 reality or finality, rather. So that's just my
13 opinion.

14 COMM. FOSTER: well, I don't share the same
15 problem that everybody else has. I don't get drug down
16 here since I live here.

17 But I tend to agree with Tim that even were we to
18 come to an agreement today, I'm not sure that we'd be
19 ready with maps tomorrow. And sometimes a couple --
20 couple days away from this place doesn't hurt anything.
21 So I -- I'd be willing to go along with waiting until
22 Tuesday.

23 CHAIRWOMAN POWELL: Commissioner Gorton, do
24 you have an opinion?

25 COMM. GORTON: I tend to think that the more

1 we meet, the more pressure there is on us to get
2 something done. And I don't mind coming down here
3 tomorrow. But I -- I doubt that both of us would be
4 completely finished by then.

5 CHAIRWOMAN POWELL: well, let me ask this: I
6 mean, I -- it sounded like the two of you were very
7 optimistic that you're close, and I'm wondering if --

8 COMM. CEIS: I wouldn't be -- say it's
9 optimistic. We're close. But the last issues are
10 challenging.

11 CHAIRWOMAN POWELL: Okay. I guess what my --
12 my sort of clarifying question is if you feel like
13 there might be a fairly strong possibility that you
14 could present a map 'cause what I'm thinking is, since
15 you all have the congressional, if we could get
16 something out on the table for people to begin to react
17 to, you know, the auditors to at least have that out,
18 they can start taking a look. It might be worthwhile
19 doing them.

20 I have to come -- I have the furthest to come of
21 anybody.

22 COMM. CEIS: I know. And I'm thinking about
23 you, Lura.

24 CHAIRWOMAN POWELL: I'm willing to do what
25 you all feel it is appropriate.

1 COMM. CEIS: I'm actually thinking about you
2 having to fly over here everyday.

3 CHAIRWOMAN POWELL: I appreciate that.

4 COMM. CEIS: And yeah.

5 CHAIRWOMAN POWELL: I do appreciate that.

6 COMM. CEIS: I worry about the environment,
7 your carbon footprint, and all these other things.

8 CHAIRWOMAN POWELL: Oh, so it's the carbon
9 footprint and not me.

10 COMM. CEIS: So, I mean, obviously we don't
11 have unanimity here. So I'm not -- I don't think we
12 need to belabor the point. But again, I've made my
13 points on that issue. If people prefer to meet, we'll
14 meet.

15 COMM. HUFF: Well, the old saying goes, "It
16 takes two to tango." And if you guys don't want a
17 meeting, I guess I could look at a wall and Slade could
18 look at a wall. And that doesn't get us anywhere.

19 I don't understand why we would not allow us the
20 opportunity to go ahead with further discussion and
21 meeting of the minds so we can conclude this in
22 somewhat orderly manner.

23 I mean, sure we can wait till the 1st. I agree
24 with you; that's our deadline. We've had some
25 deadlines sort of agreed upon before, at least

1 timelines, time goals that have never even got close to
2 being resolved at that time.

3 Now, you can go to Scenario 3, and that would be
4 the meeting on January 1, so everything gets done on
5 January 1. I guess you could do that. Doesn't make me
6 feel comfortable.

7 COMM. CEIS: well, I'm not suggesting that,
8 Tom. I'm suggesting we meet on Tuesday.

9 And I'm not -- also not suggesting people stop
10 work between now and then. I'm just suggesting the
11 public hearing and public meeting is probably not going
12 to further the process. That's all I'm suggesting.

13 CHAIRWOMAN POWELL: well, folks, we have a
14 bit of a deadlock here, and I can't break a tie.

15 COMM. CEIS: So it would take an affirmative
16 vote to cancel the meeting, and I'm not going to make
17 such a motion 'cause I think it is a deadlock, so
18 there's no point in doing that. We'll have the
19 meeting.

20 CHAIRWOMAN POWELL: Okay. well, work hard, I
21 guess, is all I can say. And if you can bring anything
22 or even something partial -- I -- I know you wanted to
23 sort of finish the job. And I don't know where you are
24 or whether it makes any sense to present part of your
25 work or not. But that's something you can consider.

1 COMM. CEIS: Another point, Madam Chair.

2 CHAIRWOMAN POWELL: Yes.

3 COMM. CEIS: what response have we gotten
4 from auditors to this point?

5 COMM. GORTON: Yeah.

6 COMM. CEIS: We gave them maps several days
7 ago.

8 MS. BUNNING: Yes, we have heard from
9 several.

10 COMM. CEIS: How many?

11 MS. BUNNING: Nick, can you help me out here?
12 I know we've heard from Skagit, Snohomish, Pierce --

13 MR. PHARRIS: Island.

14 MS. BUNNING: -- Island, and Benton.

15 MR. PHARRIS: I think that's it. Snohomish
16 is the new one that came in yesterday.

17 MS. BUNNING: And I heard from King County
18 day before yesterday that they would have something
19 tomorrow.

20 COMM. CEIS: Have we heard any status from
21 any other county auditors besides those?

22 MR. PHARRIS: No.

23 COMM. CEIS: No response one way or the
24 other?

25 COMM. FOSTER: Can -- can you characterize

1 the issues that they're raising?

2 MR. PHARRIS: It -- it varies. There were no
3 gaps or doubly assigned areas in the plans that came
4 out. Often it's an isolated block on, you know, the
5 wrong side of a major roadway or a district, like a
6 school-district boundary, occasionally scraps of city
7 that were left in a -- in a different district.

8 And then a few of the comments are of the nature
9 of, "If you follow this creek, it will cut through
10 several parcels, and that would be a headache for us.
11 So would you use this nearby road instead." That's
12 mostly what we've been getting.

13 COMM. CEIS: Nothing dealing with any major
14 population shifts?

15 MR. PHARRIS: No. I think the largest -- the
16 largest block that was suggested as a change is the
17 distance between the current city limits of Puyallup
18 and its urban growth area, which has about 80 people.

19 CHAIRWOMAN POWELL: Any other questions or
20 comments?

21 Okay. I think we're ready to go into the
22 public-comment period. Do we have anyone who wishes to
23 make public comment?

24 Okay. We do have a couple that have written in on
25 the webcast. The first is from Amanda Taub,

1 A-m-a-n-d-a last name T-a-u-b. And her comment is:

2 "How about a meeting on Monday instead of Tuesday
3 if the Commission is not ready to present their plans
4 tomorrow?"

5 I know I for one have got company that's going to
6 be still at my house on Monday. So it would be really
7 difficult for me. But I appreciate your suggestion.

8 And then another comment from Sue Lani Madsen.
9 That's S-u-e next name L-a-n-i and last name
10 M-a-d-s-e-n.

11 (As read) "I'm sure you would have heard from
12 eastern Washington county auditors if you had perhaps
13 finished a map" -- "a map for eastern Washington."

14 And I think that that is -- that is true.
15 We're -- the maps so far have actually been on western
16 Washington legislative districts. And so we've been
17 hopeful we'll be receiving more information from them
18 and look forward to getting that feedback.

19 Okay. The first person who wishes to speak today
20 is Mary Johnson-Hall to be followed by David Valiant.
21 So could the two of you please come forward.

22 COMM. FOSTER: Maybe they're together.

23 CHAIRWOMAN POWELL: Are you two together?

24 MR. VALIANT: Yeah. I didn't sign up to
25 speak.

1 CHAIRWOMAN POWELL: Oh, well, you checked
2 that box. That's okay. You don't have to speak.

3 COMM. CEIS: You of all people should have
4 known better.

5 CHAIRWOMAN POWELL: So, Ms. Hall, if you
6 could just spell your name for the record, please.

7 MS. JOHNSON-HALL: Sure. It's M-a-r-y
8 J-o-h-n-s-o-n dash H-a-l-l.

9 So I'd like to -- thanks -- thanks again for the
10 opportunity to look at the plans that you're
11 presenting. I -- my name's Mary Johnson-Hall. I'm the
12 elections supervisor in Pierce County.

13 And you did a great job from the last. I know we
14 gave you a lot of issues the last go around. And I
15 want to say thank you. You really did a lot of cleanup
16 work. So this time around there are some real minor
17 issues. But there's one major issue that I really want
18 to bring to your attention.

19 When we were looking around in the Edgewood-Milton
20 area, we actually found what we're fairly certain is an
21 error in the census data. And the code that the census
22 data shows the block boundary following is actually a
23 city limit. However, if we overlay the Pierce County
24 data, it's actually cutting off quite a large section,
25 almost a quarter section, of Milton. So I don't think

1 it's your intent, but the way that line falls, it's
2 actually splitting the City of Milton into two
3 legislative districts.

4 we looked at could we correct that based on a
5 legal description following the intent of that code.
6 However, the way you present the legal description to
7 the Legislature is by block. So we would sort of
8 pretty much be bound to draw the legislative district
9 and split Milton into two legislative districts, and I
10 really don't believe that's your intent.

11 I don't know what kind of legal flexibility you
12 have in splitting census geography, but that would be
13 one solution, if you could just split that tract block
14 to truly follow what the census says it should follow.

15 I spoke with GIS department, and we did send our
16 cities and towns to the Census Bureau. So why they
17 didn't use what we sent them, we really don't know.
18 And I -- in talking with Dave, I believe the state also
19 sent cities and towns, and that error was not there.
20 So I'm not sure how the census came up with where that
21 boundary is, but it's incorrect. So I just wanted to
22 call that to your attention.

23 COMM. FOSTER: Is the population in this area
24 you're talking about the residence of two houses -- the
25 residence of two houses?

1 MS. JOHNSON-HALL: Two houses and a church.

2 COMM. HUFF: And a church. Thank you.

3 CHAIRWOMAN POWELL: Thank you very much.

4 COMM. GORTON: Thank you very much.

5 CHAIRWOMAN POWELL: Yeah. Thank you.

6 Appreciate it.

7 That was the only person who signed up to speak.

8 Does anybody else wish to speak? John Milem?

9 MR. MILEM: (Indiscernible.)

10 CHAIRWOMAN POWELL: Please spell your name
11 for the record.

12 MR. MILEM: Afternoon. I'm John Milem,
13 J-o-h-n M-i-l-e-m. I live in Vancouver.

14 I will take responsibility for that check by
15 David's name. I did the check. And obviously my
16 vision's not very good, and I just checked the wrong
17 box. So --

18 CHAIRWOMAN POWELL: No wonder he was looking
19 perplexed.

20 MR. MILEM: My apologies all around.

21 what I wanted to say to you today is that Bonnie
22 and Nick and I did have a meeting and discussed the
23 issues around Attachment A and the comments that I made
24 about that. And that the outcome of that meeting from
25 my side is that I'm withdrawing the objections that I

1 had to Attachment A.

2 My solution is not perfect either, but the -- for
3 me the important piece is that this is kind of the last
4 line of defense. And hopefully we're not going to need
5 it. And the fact that you've already produced -- what?
6 I don't know -- 37, 38 districts out of the 59 that you
7 have to produce means that there is opportunity for
8 checking. And then, of course, there will be
9 opportunity for legislative amendment. And if there --
10 so -- so all we're dealing with here and the stuff
11 that's left after that.

12 This Commission's in better shape than either --
13 other two -- either of the other two was with respect
14 to the timeliness of allowing checking to occur. So I
15 just don't think there are any issues there.

16 I told Bonnie on -- the other day, whatever date
17 that was, that -- Tuesday, I guess, that as far as I
18 was concerned, that I was prepared to endorse
19 Attachment A and encourage you to go ahead and adopt
20 it.

21 Thank you.

22 CHAIRWOMAN POWELL: Thank you.

23 MR. MILEM: Sure.

24 CHAIRWOMAN POWELL: Does anyone else wish to
25 speak?

1 COMM. HUFF: Madam Chair?

2 CHAIRWOMAN POWELL: Sir.

3 COMM. HUFF: I'd like to ask for a recess for
4 a minute.

5 CHAIRWOMAN POWELL: We're recessed, and we'll
6 convene -- for how long, do you think?

7 COMM. HUFF: Five minutes.

8 CHAIRWOMAN POWELL: We'll convene in five
9 minutes.

10 (Recess.)

11

12 CHAIRWOMAN POWELL: Okay. We are ready to
13 reconvene the special meeting of the Redistricting
14 Commission.

15 Are there any comments that anyone wishes to make?

16 COMM. HUFF: I asked for a recess, and I have
17 nothing else to add to the conversation.

18 CHAIRWOMAN POWELL: Anyone else?

19 Okay. Let's see. We do have one more comment
20 from someone who's -- I only have a first name. So
21 let's see. Oh, I have -- I'm hitting the wrong one.
22 Sorry. The person's name is Guy. It's G-u-y.

23 (As read) "First, thanks to the Commission for all
24 their hard work. I'd like to say that it's all" --
25 "that if it's all possible to get those maps out

1 tomorrow, Monday, or Tuesday rather than the 1st it
2 would sure be appreciated. Given that the legislature
3 has 30 days to monkey with the maps after you submit
4 them, even a couple days would be helpful. Getting
5 that" -- "helpful in" -- "getting that 30-day review by
6 the legislature done ASAP would help a lot of
7 candidates and prospective candidates."

8 COMM. FOSTER: I would just like to say
9 something here.

10 CHAIRWOMAN POWELL: Sure.

11 COMM. FOSTER: He used the word "legislature
12 monkey with the maps." We -- we often read in the
13 newspapers a variety of times that the Legislature
14 would approve these maps.

15 Just to remind everybody, the Legislature by a
16 two-thirds vote has 30 days in which they can amend up
17 to 2 percent of any district. So -- and their failure
18 to act would put our work effectively into law. So
19 even -- even were they to act, it would be minor
20 changes. And I just -- people keep writing that they
21 have 30 days to approve this, and it wouldn't be that
22 way.

23 CHAIRWOMAN POWELL: And even those small
24 changes that Commissioner Foster just mentioned of
25 2 percent of the population of any one district, that

1 then has to be passed by two-thirds majority of both
2 houses, which means that it's -- it's pretty minor --
3 pretty minor stuff, like error correction or
4 something that -- that they can do. I mean, the work
5 this Commission does is pretty close to the way it will
6 end up in the long run.

7 The person did send his full name in. It's again
8 Guy, G-u-y, last name is Palumbo, P-a-l-u-m-b-o, from
9 Snohomish.

10 Our next comment is from J. Paul Wagemann. That's
11 J., first -- first initial J., and then -- and then
12 middle name Paul, P-a-u-l, and then Wagemann,
13 W-a-g-e-m-a-n-n. And he's from Lakewood. He says:

14 "I am concerned about the public's opportunity to
15 comment as the draft maps are delayed before the final
16 date of January 1, 2012. Thank you for your hard work
17 and Merry Christmas."

18 And then there's an additional comment from Sue
19 Lani Madsen, S-u-e L-a-n-i M-a-d-s-e-n:

20 "Second the sentiments expressed by Guy and Paul,
21 including the Merry Christmas and thanks for your hard
22 work."

23 Okay. So that's the last of the comments that we
24 do have during this session. So I declare this meeting
25 adjourned, and we will see you all at 10:30 a.m.

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tomorrow morning.

(Proceedings concluded at 1:31 p.m.)