

**CITY OF ESCONDIDO  
MINUTES OF THE MEETING OF THE  
THE INDEPENDENT  
DISTRICTING COMMISSION**

**September 19, 2013**

The meeting of the Independent Districting Commission was called to order at 6:00 p.m. by Vice-chairman Valdez in the City Council Chambers, 201 North Broadway, Escondido, California.

**Commissioners Present:** Commissioner Carey, Commissioner Cruz, Commissioner Ramirez, Commissioner Flores, Vice-Chairperson Valdez, and Commissioner Anderson.

**Commissioners Absent:** Chairperson Nuesca.

**Staff Present:** Diane Halverson, City Clerk; Allegra Frost, Deputy City Attorney; and Ty Paulson, Minutes Clerk.

**ORAL COMMUNICATIONS**

**MINUTES:**

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to approve the minutes of the September 5, 2013, meeting as amended. Motion carried. Ayes: Anderson, Carey, Cruz, Valdez, and Ramirez. Noes: None. Abstained: Flores. (5-0-1)

**4. Public Hearing Planning**

The Commission reviewed the public hearing schedule.

The Commission discussed the public hearing time for the meeting scheduled for October 12 at 9:00 a.m. The Commission elected to retain the 9:00 a.m. time for the October 12 public hearing.

Commissioner Anderson requested information regarding the upcoming meeting schedule.

City Clerk Halverson provided the following meeting schedule: 1) October 3, 6:00 p.m. (public meeting) Council Chambers; 2) October 10, 6:00 p.m. (public hearing) Bear Valley Middle School; 3) October 12, 9:00 a.m. (public hearing) Hidden Valley Middle School; 4) October 17, 6:00 p.m. (public hearing) Church of Resurrection; 5) October 19, 9:00 a.m. (public hearing) Mission Middle School; 6)

October 24, 6:00 p.m. (public hearing) Felicita Elementary School; 7) October 27, 3:00 p.m. (public hearing) Council Chambers; 8) October 27, 6:00 p.m. (line drawing meeting) Council Chambers; 9); October 29, 6:00 p.m. (line drawing meeting) Council Chambers; 10) November 21, 6:00 p.m. (post-preliminary map hearing) Hidden Valley Middle School; 11) November 23, 9:00 a.m. (post-preliminary map hearing) Mission Middle School; and 12) November 24, 3:00 p.m. (post-preliminary map hearing) California Center for the Arts; and 13) November 24, 6:00 p.m. (post-preliminary map meeting) Council Chambers.

Commissioner Cruz asked how long the rooms were reserved for. City Clerk Halverson noted that the rooms were reserved for 3 hours.

**Ana Henderson, Q2 Data & Research, LLC, (Telephonically Appearing)** referenced the documents in the staff report and asked if the Commission had any questions.

Commissioner Anderson asked if the subject information would be available on the website and available for distribution at the meetings.

Commissioner Ramirez suggested that Q2's PowerPoint be provided in Spanish on the website.

Commissioner Carey suggested documents that the Commission felt were important should be forwarded to the City Clerk and translated into the required languages.

**ACTION:**

Moved by Commissioner Anderson, seconded by Commissioner Carey, to direct staff that any items approved by the Commission be made available at the meetings in the required languages. Motion carried unanimously.

Commissioner Ramirez suggested establishing a deadline when items from the public could be submitted. Ms. Henderson concurred.

Discussion ensued regarding appropriate submittal deadline dates. The deadline for public submittals was October 31<sup>st</sup>.

Discussion ensued regarding using the City's water bill as a source for outreach.

**ITEMS FOR TRANSLATION & PUBLICATION:**

**Community of Interest**

**ACTION:**

Moved by Commissioner Flores, seconded by Commissioner Anderson, to approve Pages 1-3 (Community of Interest) as outlined in the staff report for translation and publication. Motion carried unanimously.

Commissioner Anderson suggested deleting the word "trigger" and replacing it with "milestone" on the Timeline page.

**Timeline**

**ACTION:**

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to approve the Timeline page as outlined in the staff report for translation and publication. The motion included deleting the word "trigger" and replacing it with "milestone" on the Timeline page. Motion carried unanimously.

**Google Maps**

**ACTION:**

Moved by Commissioner Flores, seconded by Commissioner Ramirez, to approve the Google Maps page as outlined in the staff report for translation and publication. Motion carried. Ayes: Flores, Carey, Cruz, Valdez, and Ramirez. Noes: Anderson. (5-1)

**Demographic Profile**

**ACTION:**

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to approve the demographic page as outlined in the staff report for translation and publication. The motion included adding any updated information. Motion carried unanimously.

Commissioner Carey expressed concern with the demographic data being from 2007 to 2011.

**PowerPoint Presentation**

Commissioner Anderson suggested adding the deadline date for receiving input to the last page of the PowerPoint presentation.

Commissioner Flores suggested adding any pertinent information to the PowerPoint presentation.

**ACTION:**

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to approve the PowerPoint presentation as outlined in the staff report for translation and publication. The motion included adding the deadline date for public submittals. Motion carried unanimously.

**Escondido City Council Districting FAQs**

Commissioner Anderson suggested moving the last paragraph of the first page to the next page. He also suggested adding the deadline to Page 2.

Discussion ensued regarding inserting the biographies of the individual commissioners.

**ACTION:**

Moved by Commissioner Carey, seconded by Commissioner Flores, to approve the FAQs page as outlined in the staff report for translation and publication. The motion included allowing any updated information to be included. Motion carried unanimously.

Ms. Henderson asked if the City Clerk could print out all of the Community of Interest handouts for the public hearings. City Clerk Halverson replied in the affirmative. Ms. Henderson asked if the maps were provided at this meeting. Ms. Halverson replied in the affirmative, noting they had printed them on oversized whiteboards that could be drawn on with erasable markers.

Ms. Henderson asked direction if the Commission was in favor of identifying a majority/minority district. The Commission concurred.

Commissioner Anderson felt it would be beneficial to review the majority/minority district during the line drawing process.

Commissioner Flores asked if Ms. MacDonald could be present at the October 3 meeting. Ms. Henderson replied in the negative. Commissioner Flores felt it would be beneficial for a representative of Q2 to be present.

**5. PUBLIC MEETING PLANNING**

**Pat Mues, Escondido,** suggested the Commission hold another meeting before October 3.

Ms. Henderson suggested the following protocol for the public hearings: 1) Q2 provides presentation; 2) allow time for public to review maps and fill out Community of Interest or any other data; and 3) call meeting to order and allow public testimony (3-minute time limit per person).

Discussion ensued regarding holding another public meeting before October 3.

**America Barcelo, Escondido, Enlace**, suggested that the Commission ensure that the City use the media outlets to publicize the meetings, noting she was not aware of this meeting.

Commissioner Ramirez noted that one of the reasons for holding the meetings every two weeks was to provide time to adequately publicize the meetings.

Commissioner Anderson requested that Q2 provide the needed information at the October 3 meeting.

## **6. Community Outreach**

**Pat Mues, Escondido**, read her letter dated September 19, 2013 into the record and suggested that it be distributed to the schools as a handout for parents. Commissioner Anderson suggested that the letter be included in the water bill.

Discussion ensued regarding methods for distributing flyers and information.

Commissioner Flores asked Ms. Henderson if her firm designed flyers. Ms. Henderson replied in the affirmative. Commissioner Flores asked City Clerk Halverson if the City could print out the flyers. City Clerk Halverson replied in the affirmative.

**Consuelo Martinez, Escondido, ACLU**, provided a PowerPoint presentation regarding districting Escondido (Available at the City Clerk's Office). She stated that the Commission could use her presentation, if needed. She noted that they would be holding a Community forum on September 24, at 6:00 p.m. in the Escondido Public Library.

Commissioner Anderson referenced some minor revision to Ms. Martinez' presentation.

Ms. Martinez asked if the Commission had the final say on the district maps. Attorney Frost noted that she could send the wording from the Consent Decree to Ms. Martinez. She also noted that City Council was the body to adopt the maps.

Rich Buquet, Manager of Neighborhood Services, provided a PowerPoint presentation regarding neighborhood services (Available at City Clerk's Office).

Commissioner Carey questioned what the best method was for outreach for Commissioners to be invited to various organizations leveraging Q2.

Commissioner Valdez suggested adding strategies for outreach as a future agenda item.

Commissioner Cruz and Attorney Frost discussed the dos and don'ts for community outreach by the Commission.

Commissioner Anderson felt the Commission was actively pursuing community outreach and would continue doing so.

Commissioner Flores volunteered to speak to any of the neighborhood groups discussed by Mr. Buquet.

Commissioner Ramirez noted that he had talked to the Church of Resurrection.

## **7. Use of Technology**

**Lori Thompson, Advancement Project**, provided a PowerPoint on the ReDraw software (PowerPoint available at City Clerk's Office).

Commissioner Flores asked Ms. Thompson if her company had worked with Q2 in the past. Ms. Thompson replied in the affirmative.

Commissioner Anderson and Ms. Thompson discussed the process for the community to work with the subject software.

Commissioner Ramirez asked Ms. Thompson what the typical participation rate was with the community. Ms. Thompson noted that it depended on the ground support. She also stated that they provided staff support during the meetings.

Commissioner Anderson asked what the cost was for the software. Ms. Thompson noted that the software and support cost \$10,000.

Commissioner Anderson expressed concern with the cost and how the software would be used.

Commissioner Flores asked for Ms. Henderson's input regarding purchasing the software. Ms. Henderson noted the Commission would be holding a good amount of hearings and meetings in order to receive public input, which was key when drawing map lines. She stated that it boiled down to what the software would be used for, whether drawing community of interest areas or drawing districts.

Commissioner Flores suggested holding off on purchasing the software until further

information was obtained.

Commissioner Anderson felt that community input was the best way to create districts.

## **8. Follow-up Discussion of Attorney's Office Role**

Commissioner Flores noted he had checked with the San Diego City Attorney's Office regarding hiring one of their attorneys who was familiar with districts to represent the Commission. He stated that due to some current issues, they were unavailable but did provide an alternative recommendation. He then asked if the Commission was in favor of pursuing outside counsel.

Attorney McCain noted that the Commission was nearing the end of its public meetings, noting that the City Attorney's Office was not intending on sitting in on the public hearings unless the Commission desired differently. She stated that the City Attorney's Office had direct authority to provide legal services to the City, noting this was a City Commission. She also indicated that she had spoken with Jan Goldsmith who indicated that they would not be able to provide legal services to the Commission.

Commissioner Flores expressed concern with the potential for the Commission needing their own representation if the City Council did not adopt the Commission recommendation. He noted that the Consent Decree did not specify whether or not the Commission could retain its own counsel.

Commissioner Valdez felt it was key to have representation that was impartial.

Commissioner Anderson questioned whether retaining outside counsel was warranted, noting one could be retained if any issues arose. He stated that as an independent commission decisions would be made independently.

Commissioner Valdez felt relations had improved but noted he still felt alienated.

Commissioner Flores referenced the memorandum dated August 8 from City Attorney Epp whereby he stated that the Commission was not really that independent but was independently selected. Commissioner Flores expressed his view that this and other items in the memo were inaccurate and did not pertain to the Commission. He also indicated that he had spoken with other attorneys who felt it was unusual to have the defendant's attorney sitting as a result of a consent decree. He expressed his view that this created an appearance of a conflict of interest and sent the wrong message to the Latino community that the deputy attorney of the person who drafted the Escondido Rental Ban Ordinance and failed to stop the unlawful driver's license checkpoint program was sitting with the Commission.

Commissioner Anderson felt some of the items being cited by Commissioner Flores were not on the agenda.

Attorney McCain noted that a court was overseeing the entire process if any conflict of interest occurred.

Commissioner Carey noted that the Commission was close to the hearing process, noting his view that if an issue arose where outside counsel was needed then it could be addressed at that time.


**9. Commissioner Requested Agenda Items**  
**a. Individual City of Escondido Email Accounts**

Commissioner Flores asked if it was possible to set up individual email accounts through the City. City Clerk Halverson replied in the negative. She then referenced the methods for contacting the Commission.

**10. Future Agenda Items**

Items 3-7 were to be reagendaized along with a discussion about unique characteristics about districts including the Voting Right's Act.

**Adjournment:** Vice-chairman Valdez adjourned the meeting at 9:11 p.m. The next meeting was set for October 3, 2013 at 6:00 p.m.

  
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Chairman Nuesca

  
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Ty Paulson, Minutes Clerk