

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

August 5, 2013

The meeting of the Independent Districting Commission was called to order at 5:00 p.m. by Chairman Nuesca in the Mitchell Room, 201 North Broadway, Escondido, California.

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

Staff Present: Allegra Frost, Deputy City Attorney; Jeffrey Epp, City Attorney; Megan Grimm, Executive Office Coordinator; and Ty Paulson, Minutes Clerk.

ORAL COMMUNICATIONS

Rick Moore, Escondido, expressed his view that the intent of the Brown Act was not followed at the last meeting with regard to the action for chair and vice-chairperson, feeling it happened too quickly and was not transparent. He advised the commissioners to carefully consider each action item before taking a vote.

Cesar Serrano, Escondido, suggested that the request for proposal for the expert consultant include a portion whereby the public would be provided access to mapping tools so they could provide input. He stated that the City of San Diego provided these tools. He then asked if the Commission considered this when passing the budget.

Connie Chan, San Francisco, Attorney with Altshuler Berzon, noted she along with her colleagues represented the plaintiffs in the underlying legal action that resulted in the consent decree, which provided for the redistricting process. She stated that they continued to represent the plaintiff with regard to ensuring proper enforcement of the terms of consent decree was being followed. She indicated that they were available for any questions the Commission might have, including a presentation on the constitutional statutory requirements that apply to the redistricting process. Ms. Chan then encouraged the Commission to seek independent outside counsel, if so desired.

Yazmin Perez, Escondido, asked who the staff was for the Commission and who would be training and advising this Commission.

Estela Chamu, Escondido, (interpreted by Cesar Serrano). Ms. Chamu asked whether the City had plans to train the Districting Commission on the laws that apply to the redistricting process. The Commission should demand independent training from someone who had the legal experience so as to ensure the Commission received balanced information so that the Latino and other communities could support the process.

Luz Olivares, Escondido, asked that these meetings be publicized better so the entire community was aware of the meetings. She suggested having translators at the meetings. She also felt the meetings should be later in the evening so as to accommodate the public.

Luz, Villafana, Escondido, asked that these meetings be publicized better so the entire community was aware of the meetings. She suggested having professional translators at the meetings. She felt the meetings should be later in the evening so as to accommodate the public. She also felt the Commission needed to be trained about the needs for the entire community.

Delores McQuiston, Escondido, referenced Page 5 of the minutes regarding the vote for Item 8 and noted that Chairman Nuesca voted no on this item, which was not reflected in the minutes.

MINUTES:

Commissioner Carey suggested considering Item 6 before any action was taken on this agenda. He felt this would help facilitate the items better and provide a clearer understanding of the protocol for this and future meetings. Commissioner Flores and Vice-chairperson Valdez concurred.

Commissioner Anderson noted that typically minutes were acted upon at the beginning of the meeting to reflect the actions at the prior meeting.

ACTION:

Moved by Commissioner Carey, seconded by Commissioner Flores, to take Item 6 out of order. Motion carried unanimously.

6. Commissioner Requested Agenda Items

A. Conduct and Procedures of Commission Meetings

Commissioner Flores recommended that the meetings be conducted in accordance with Roberts Rules of Parliamentary Procedure.

ACTION:

Moved by Commissioner Flores, seconded by Commissioner Anderson, that the District Commission act in accordance with Roberts Rules of Order for Parliamentary Procedure. Motion carried unanimously.

Commissioner Ramirez provided a cheat sheet for Roberts Rules of Procedure to the Commission and staff.

Vice-chairman Valdez noted that the Commission would be doing their best to represent all of the citizens of Escondido.

B. Duties/Role of Chairperson and Vice-Chairperson

Commissioner Flores felt it would be beneficial to have clear directives and policies in terms of the role for the Chairperson and Vice-chairperson. He felt the role of the chair would be to keep the Commission on track, act as the facilitator, ensure that the meetings ran smoothly, and to ensure the commissioners were aware of the issues before taking action. He also suggested that the Vice-chairperson act as Chairperson in the absence of the Chairperson. Commissioner Valdez concurred.

Commissioner Anderson asked if Item C would relate to the duties of the chair, noting he saw the Chairperson conducting the meetings in fashion with Roberts Rules of Order. He also asked if the Chairperson would work with staff regarding the agenda.

Discussion ensued regarding the Chairperson's role with regard to the agenda.

Commissioner Flores expressed concern with the City Attorney and Deputy City Attorney sitting at the staff table. He felt this gave the appearance of the Commission not being independent.

Commissioner Anderson noted that the City Attorney representing the City as the defendant had the responsibility to ensure that the consent decree was met to the fullest extent of its definition just as the plaintiff's counsel was present to do the same.

Attorney Epp noted that the City Attorney's Office had no role and would not provide advise on Voting Rights Act matters. He stated that they were present to provide advice on open meeting laws, conflict of interest issues, and the Brown Act. He also stated that they typically sat near the City Clerk for most of the City's meetings in order to provide advice on procedural matters.

Commissioner Flores asked Attorney Epp how he would feel about sitting in the audience. Attorney Epp noted that he could check with the City Council on this issue. He stated that if the Commission did not want the City Attorney's Office at the meetings, then they would have to coordinate how to provide advice to the City Clerk.

Commissioner Flores asked if any legal questions could be forwarded to the City Attorney's Office through the City Clerk as well as to plaintiff's counsel. Attorney Epp replied in the affirmative. He also noted that there should be no issues as long as everyone was treated like the public.

Commissioner Flores felt the Commission had the authority to hire its own outside counsel. He then asked plaintiff's attorney if they could remark regarding the ability of the Commission to retain its own attorney. Attorney Epp cautioned Commissioner Flores that this was not on the agenda.

Commissioner Flores noted that he was mainly concerned with the Commission appearing to be something less than independent.

Commissioner Flores asked Attorney Epp to agendaize a future agenda item to outline the role of the City Attorney's Office.

Commissioner Anderson felt the chair or vice-chair should work with City Clerk to be familiar with the agendas. Chairman Nuesca felt the entire agenda should be provided to the Commission versus only being provided to her.

Commissioner Carey noted that he requested this agenda item feeling the Commission should be given options with regard to the consultants, publications, and other items. He felt the Commission needed to work closely with staff. He expressed concern with the recommendation to spend \$11,000 on translations with the Union Tribune, feeling this was an inappropriate use of taxpayer dollars.

D. Publishing of Notices

Commissioner Cruz felt all avenues should be explored for publication, noting her view that the Union Tribune might not be the best source. Vice-chairman Valdez asked who could provide information about publicizing meetings. Attorney Frost noted that this was done by the City Clerk.

Commissioner Anderson suggested using community organizations like the YMCA, Boys and Girls Club, and churches for publicizing meetings.

Discussion ensued regarding how meetings were being currently posted. Additional discussion ensued regarding potential media outlets for publicizing.

ACTION:

Moved by Commissioner Cruz, seconded by Commissioner Anderson, to broadcast public service announcements in Spanish on Uni Radio, and to publicize the regular meetings with either La Prensa or Latino publications. Motion carried unanimously.

MINUTES:

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to approve the minutes of the July 29, 2013, meeting. Motion carried unanimously.

4. Retention of Expert Consultant

Attorney Frost referenced the staff report and requested input from the Commission.

Vice-chairman Valdez thanked staff for a job well done.

Commissioner Flores noted that he looked forward to hearing Q2's presentation at the next meeting. Vice-chairman Valdez felt it would benefit the Commission to look at other consulting firms in order to have something to compare with.

Commissioner Anderson asked to receive a client list from Q2. He also encouraged the Commission to be ready to take an action at the next meeting regarding which consultant to retain.

Chairman Nuesca referenced a letter from Robroy Fawcett. Commissioner Flores felt Mr. Fawcett should be required to meet the qualifications in the consent decree.

Commissioner Anderson felt the email from Mr. Fawcett should be entered into the public record. He also felt Mr. Fawcett needed to be held to the same requirements as the other candidates.

Douglas Johnson, President of National Demographics Corporation, provided a list of sample clients to the Commission. He stated the two redistricting commissions in California had their City Attorney sit at the staff table with outside being behind them, noting that outside counsel cost in excess of \$400 per hour.

Commissioner Anderson and Mr. Johnson discussed the process for San Diego's 2002 and 2011 districting.

Don Greene, Escondido, stated the hiring of the expert consultant was the most important job of the Commission. He asked that the Commission not consider Robroy Fawcett as a possible candidate.

ACTION:

Moved by Commissioner Anderson, seconded by Commissioner Cruz, to table Item 4 to the next meeting. Motion carried unanimously.

5. Commissioner Calendar and Timeline

Attorney Frost referenced the staff report and noted staff recommended that the Commission review the timeline and calendar for processing the Districting Plan; discuss with and provide direction to staff for establishing dates, times and locations for the six (6) required public hearings.

Cesar Serrano, Escondido, asked how the August 12th meeting was derived. He also asked that the meetings be held later in evening and that a translator be provided.

Douglas Johnson, President of National Demographics Corporation, recommended that the Commission discuss but not consider dates at this meeting until the consultant was retained.

Commissioner Anderson responded to Mr. Serrano's question, noting that the August 12th meeting was selected at the last meeting based on being able to consider more consultants. He then concurred with Mr. Johnson's comments regarding waiting to set a calendar until a consultant was selected. He also suggested the Commission consider possible locations and timing for meetings.

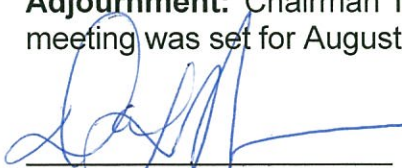
Commissioner Flores suggested separating discussion items from action items. Attorney Epp noted that items could be classified as "Discussion and Possible Action" in order to allow for the maximum flexibility.

The consensus of the Commission was to table this item to the next meeting.

7. Future Agenda Items

Future agenda items included: 1) Consider possible locations and timing for meetings, 2) Seating arrangements for City Attorney; 3) Retention of expert consultant, 4) Best avenues for publicizing meetings, and 5) the Commissioner calendar and timeline.

Adjournment: Chairman Nuesca adjourned the meeting at 6:30 p.m. The next meeting was set for August 12, 2013 at 6:00 p.m.


Chairman Nuesca


Ty Paulson, Minutes Clerk