City of Escondido
Independent Districting Commission

Monday, August 5, 2013
201 North Broadway
Escondido, CA 92025
Mitchell Room

5:00 p.m.

AGENDA

The Brown Act provides an opportunity for members of the public to directly address the legislative body on any item of interest to the public before or during the Commission’s consideration of the item. If you wish to speak regarding an agenda item, please fill out a speaker’s slip and give it to the Minutes Clerk who will forward it to the Chair. If you wish to speak concerning an item not on the agenda, you may do so under Oral Communications.

The City of Escondido recognizes its obligation to provide equal access to services to those qualified individuals with disabilities. If you need special assistance to participate in this meeting, please contact our ADA Coordinator at 839-4641. Notification 24 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

1. Roll Call

2. Oral Communications

“Under State law, all items under Oral Communications can have no action and will be referred to the staff for administrative action or scheduled on a subsequent agenda.”

This is the opportunity for members of the public to address the commission on any item of business within the jurisdiction of the commission.

3. Approval of Minutes: July 29, 2013 Meeting

4. Retention of Expert Consultant

Presentation of Staff Report providing information regarding staff’s research of and contact with potential expert consultants. (Staff Report presented by City Attorney’s Office: Allegra Frost). Possible presentation(s) by expert consultant(s) or presentation by staff of information submitted by expert consultant(s). Possible presentations or information from Lapkoff and Gobalet Demographic Research, National Demographics Corporation, Q2 Data and Research, and Redistricting Partners. Discussion of expert consultants. Possible action.
5. **Commission Calendar and Timeline**

Presentation of Staff Report regarding the purpose, requirements, calendar and timeline of the Districting Commission. Discussion and planning of upcoming meetings and public hearings, including logistics, dates, times and locations. The Commission may direct staff to research and/or reserve possible locations for future meetings.

Staff recommends that the Commission members 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. Possible action. (Staff Report presented by Allegra Frost on behalf of the City Clerk’s Office).

6. **Commissioner Requested Agenda Items**

   a. **Conduct and Procedures of Commission Meetings**

      Commissioner Flores and Commissioner Carey each emailed staff in advance of the meeting to request this item be placed on the agenda. Discussion and planning of conduct, procedures, and format for Commission meetings and hearings.

   b. **Duties/Role of Chairperson and Vice-Chairperson**

      Commissioner Flores emailed staff in advance of the meeting to request this item be placed on the agenda. Discussion and planning of duties and role of Chairperson and Vice-Chairperson.

   c. **Agenda Development and Staff Recommendations**

      Commissioner Carey emailed staff in advance of the meeting to request this item be placed on the agenda. Recommendations from staff on agenda development.

   d. **Publishing of Notices**

      Commissioner Cruz emailed staff in advance of the meeting to request this item be placed on the agenda. Discussion and planning of publishing hearing notices, including discussion of newspapers.

7. **Future Agenda Items**

   The purpose of this item is to identify issues presently known to staff or which members of the Commission wish to place on an upcoming Commission agenda. Commission comment on these future agenda items is limited by California Government Code Section 54954.2 to clarifying questions, brief announcements, or requests for factual information in connection with an item when it is discussed.

8. **Adjournment**

**AVAILABILITY OF SUPPLEMENTAL MATERIALS AFTER AGENDA POSTING:** Any supplemental writings or documents provided to the Districting Commission regarding any item on this agenda will be made available for public inspection in the City Clerk’s Office located at 201 N. Broadway during normal business hours, or in the meeting room while the meeting is in session.
APPROVAL
OF
MINUTES
CITY OF ESCONDIDO
MINUTES OF THE MEETING OF THE
THE INDEPENDENT
DISTRICTING COMMISSION

July 29, 2013

The meeting of the Independent Districting Commission was called to order at 4:30 p.m. by Diane Halverson in the Mitchell Room, 201 North Broadway, Escondido, California.

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

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

2. Oath of Office

City Clerk Halverson administered the oath to Jack Anderson, Andrew Carey, Doris Cruz, William Flores, Dana Nuesca, Robert Ramirez, and John Valdez.

Election of Chair and Vice-chair

ACTION:

Moved by Commissioner Anderson, seconded by Commissioner Ramirez, to nominate Commissioner Nuesca to Chairman. Motion carried unanimously.

ACTION:

Moved by Chairman Nuesca, seconded by Commissioner Anderson, to nominate Commissioner Valdez to Vice-chairman. Motion carried unanimously.

Oral Communications:

Commissioner Anderson suggested following City Council protocol for allowing three minutes for oral communications. Commissioner Flores suggested allowing for flexibility to reduce the time limit at the discretion of the Chairman.

Oral Communications was set at three (3) minutes or less dependent on the amount of speakers.
Robroy Fawcette, Escondido, offered his services as the expert consultant at no charge to the City. He referenced his qualifications, noting he was an attorney, worked as a census enumerator, had degrees in engineering and physics, and was well versed in statistics. He stated that the expert consultant should provide for open government. He indicated that he concurred with the statement in the public mapping project that the drawing of the electoral district was among the least transparent process in a democratic government. He also concurred with the statement that all too often redistricting authorities retain their power by obstructing public participation. He noted that the data from National Demographics Corporation was proprietary whereas his data would be non-proprietary with all of the data being available. He then referenced a letter he had submitted to the Commission regarding his recommendations for the school districts, noting his differed from National Demographics. In conclusion, he asked that the Commission consider his proposal to act as the Commission’s expert consultant.

5. Ralph M. Brown Act and Conflicts of Interest

Attorney Frost provided an overview of the Brown Act and the Conflicts of Interest and asked if the Commission had any questions. No questions were asked.

6. Overview of the Districting Process

City Clerk Halverson and Attorney Frost provided an overview of the following for the Districting process: 1) Commission requirements, 2) budget, 3) retaining of an expert consultant, 4) districting plan requirements, 5) conduct of the Commission, 6) pre-map hearings, 7) noticing process, 8) process for preliminary districting plan, 8) hearings for the preliminary plan, 9) recommended districting plan, and 10) the City Council vote on the redistricting plan.

Commissioner Anderson asked if the proposed budget provided for more hearings than specified. Attorney Frost noted that the provision in the Consent Decree for the budget.

7. Retention of Expert Consultant

Attorney Frost referenced the staff report and noted staff recommended that the Commission retain National Demographics Corporation as the expert consulting firm.

Commissioner Flores expressed his concern with making a decision at this meeting, feeling more time was needed to make a sound decision. He also felt the Commission should have more than one consulting firm to select from.

Commissioner Anderson suggested hearing from Mr. Johnson before taking any action whether or not to retain National Demographics Corporation.
Doug Johnson, President of National Demographics Corporation, provided an overview of his company and noted that they had completed over 150 redistricting projects with none of their jurisdictions being challenged in court. He stated that they had drafted and/or reviewed independent commission language for California’s Proposition 11 and 20, drafted Modesto's and Pasadena’s Unified charter language, and acted as consultants for the City of San Diego. He referenced a list of their clients. He then referenced the data that would need to be reviewed during the redistricting process, noting they already had statewide databases to pull information from. He indicated that they had templates for outreach programs, noting this was very important during the districting process. Mr. Johnson noted that they used an online software (Caliper), which was included in their budget with the cost being approximately $9,500 versus what the City of San Diego used that cost approximately $50,000. He then referenced a tentative schedule and elaborated that redistricting was always difficult, noting transparency and public engagement was vital.

Commissioner Anderson and Mr. Johnson discussed how the Caliper software worked.

Vice-chairman Valdez and Mr. Johnson discussed how National Demographics Corporation would provide support to the Commission.

Vice-chairman Valdez and Mr. Johnson discussed the reason for the varying data regarding the Latino population.

Commissioner Anderson and Mr. Johnson discussed the timing process for the districting process for the School Districts.

Commissioner Anderson asked if the City had considered other consulting firms. City Attorney Epp noted that the City had looked at various firms and found National Demographics Corporation to be the best choice.

Commissioner Carey felt the Commission should have been provided a narrative explaining that other consulting firms were considered.

Commissioner Flores felt it would benefit the Commission to hear from other firms, noting his view that the Commission had the time. Commissioner Anderson felt that timing was limited.

Commissioner Flores and Vice-chairman Valdez felt further information was needed before making a determination.

Commissioner Anderson suggested looking at the next item (Commissioner Calendar) before taking action on this item. Chairman Nuesca concurred.

8. Commissioner Calendar
City Clerk Halverson referenced the staff report and noted staff recommended the Commission review the below timeline for processing the Districting Plan; discuss with and provide direction to staff for establishing dates, times and location for the six (6) public hearings.

**Timeline for Processing District Plan**

No later than 60 days after appointment (Monday, Sept. 16)
- Budget adopted and submitted (September 11 Council Meeting)
  - Documents turned into City Clerk by Tuesday, August 27
  - Agenda posted Thursday, September 5
  - Includes payment for Expert Consultant

No later than 150 days after the members are appointed (Sunday, Dec. 15)
- Six (6) Public Hearings have been held in diverse locations
  - Notices published in English, Spanish, Vietnamese, Filipino and Chinese
  - Three week lead time for translation and publication in newspaper
- Preliminary districting plan prepared
- Preliminary plan with report filed with City Clerk; Plan made available to public

30 days after filing the plan with Clerk
- Three (3) Public Hearings held and conducted in English and Spanish
- Notices published in English and Spanish
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No later than 40 days after filing the plan with Clerk
- Commission approves plan by majority vote
- Recommended Plan submitted to the City Council
  - Two week lead time for agenda review and posting requirement

No later than 40 days after submission of Recommended Plan to Council
- Council Holds at least one (1) Public Hearing
  - Three week lead time for publication in newspaper and agenda posting
- Council Approves/Disapproves Recommended Plan

If Council disapproves, within 40 days of submission of Council’s reasons for disapproval
- Commission submits same or altered Recommended District Plan to Council

**June 20, 2014**
- All GIS maps, shapefiles and Election Consolidation resolutions submitted to ROV (last available Council Meeting: June 18, 2014)
Commissioner Anderson and staff discussed the timeline for the City's election process.

Discussion ensued regarding potential meeting dates.

The Commission determined to schedule the next regular meeting for August 5th at 5:00 p.m. Staff was to provide a physical calendar. A public hearing calendar would be established next week along with possible meeting locations.

Commissioner Flores asked if public hearings could be held in a church. Attorney Frost noted she would look into this.

**Continued Discussion on Retention of Expert Consultant**

Commissioner Carey asked if staff could try and contact another consulting company who would be available for the August 5th meeting. Attorney Frost noted that staff would try and find other possible consultants.

Commissioner Flores suggested allowing two weeks for a consultant to come before the Commission.

Commissioner Anderson expresses his concern with any delays in the process, noting National Demographics Corporation came highly recommended. Commissioner Flores concurred but felt all possibilities should be considered. He then asked City Attorney Epp if they could elaborate on the consultants considered. City Attorney Epp noted that there were very few to choose from whom staff would recommend. Mr. Johnson noted that he would provide names of potential firms, noting that they were asked to come to this meeting on very short notice.

**ACTION:**

Moved by Commissioner Valdez, seconded by Commissioner Flores, to direct staff to contact the District Attorneys Office to attempt to arrange to have another consultant provide a proposal at the August 5th or August 12th meeting with the understanding that said firm would need to meet the timeline in the consent decree. Ayes: Carey, Cruz, Flores, Ramirez, and Valdez. Noes: Anderson. (5-1)

**Commission Budget**

City Clerk Halverson referenced the staff report and noted staff recommended the Commission review the following budget estimates for processing the Districting Plan; and discuss with and provide direction to staff for adoption of a budget: 1) Estimate for translation services: $5,000; included translation of six
(6) public hearing notices into four (4) languages (Spanish, Mandarin, Vietnamese and Tagalog) and three (3) public hearing notices into one (1) language (Spanish). 2) Estimate for publication of public hearing notices in the local newspaper: $6,000 included publishing six (6) public hearing notices into two (2) languages (English and Spanish). 3) Estimate for providing interpretation services: $11,000; included interpretation services in four (4) languages (Spanish, Mandarin, Vietnamese and Tagalog) during the pre-map public hearing and services in Spanish for three (3) preliminary plan hearings. 4) Estimate for expert consultant: $75,000; consultant should be familiar with the requirements of the CVRA and FVRA, census data and its use in redistricting, public engagement in redistricting, and with drawing voting districts, and 5) Estimate for office supplies, support staff services, printing and meeting expenses: $10,000.

Discussion ensued regarding potential posting publication venues.

The Commission asked staff to find out what the three prominent languages were in Escondido.

ACTION:

Moved by Commissioner Anderson, seconded by Commissioner Carey, to approve staff’s recommendation. The motion included revising the total budget to $110,000 Motion carried unanimously.

Future Agenda Items

Potential future agenda items from Commissioners would be forwarded to the City Clerk and Attorney Frost.

Adjournment: Chairman Nuesca adjourned the meeting at 6:30 p.m.

Chairman Nuesca Ty Paulson, Minutes Clerk
TO: Independent Districting Commission Members

FROM: Allegra Frost, Deputy City Attorney

SUBJECT: Retention of Expert Consultant

RECOMMENDATION:

It is recommended that the Districting Commission retain Douglas Johnson of National Demographics Corporation as an expert consultant.

BACKGROUND:

The Consent Decree requires the Commission, once constituted, to retain an expert consultant familiar with the requirements of the California Voting Rights Act and Federal Voting Rights Act, census data and its use in redistricting, public engagement in redistricting, and with drawing voting districts. (Consent Decree p. 11, IX.C).

A budget of $110,000, including $75,000 for expert consulting services, was adopted by the Commission on July 29, 2013. The budget will be submitted to the City Council before the Commission's September 16th deadline.

PREVIOUS ACTION:

On July 29, 2013, the Commission received a Staff Report recommending the Commission retain Douglas Johnson of National Demographics Corporation as an expert consultant. The President of National Demographics Corporation (NDC), Douglas Johnson, attended the meeting and presented detailed information regarding his experience with districting and the consulting services provided by NDC.

Some Commissioners requested additional information about other expert consultants before making a final decision about retention of the consultant. The Commission voted to schedule a meeting for August 5, 2013 to hear from a second expert consultant who meets the description contained in the Consent Decree and who is available to attend the Commission's meetings and hearings. Commissioner Flores requested information about the consulting firm that assisted the California Citizen's Redistricting Commission with statewide redistricting.

Q2 Data and Research provided consulting services to the California Citizen's Redistricting Commission in 2011 and to the City of San Diego's Redistricting Commission in 2001. According to
the company's website, Q2 Data and Research is a small business located in northern California (Oakland) with a team including political scientists, attorneys, and data specialists. The company's website also states that Q2 specializes in commission and task force-led redistrictings that are transparent and maximize public access. Staff spoke with Q2 owner, Karin Mac Donald on July 30, 2013 and provided information about the districting process, including the hearings and timeline, and explained the Commission’s request for information about expert consultants, including Q2 Data and Research. Karin Mac Donald stated that the company is primarily research focused, but occasionally takes on projects. She also referred to prior work as a consultant during the San Diego City Council redistricting. Q2 Data and Research was invited to attend the August 5, 2013 Commission meeting and to provide the Commission with information about Q2’s consulting services. Staff emailed the Consent Decree to Karin Mac Donald for the company’s consideration. Karin Mac Donald stated that she would see if someone from Q2 can attend the meeting on August 5th. As of the writing of this Staff Report, staff has not received confirmation that Q2 will attend the meeting. Also, staff has not obtained a cost estimate from Q2, as of the writing of this Staff Report.

Staff also researched and contacted consulting firm Lapkoff and Gobalet Demographic Research Inc., which is also located in northern California (Saratoga and Berkeley). The company has an employee who provides consulting services to Southern California and the East Coast. According to the company’s website, the company provides redistricting services, which include the following: assistance with development of a plan for the redistricting process; determining how the jurisdiction’s population has changed since 2000 and assessing whether the current election district plan meets one person, one vote, Voting Rights Act, and other requirements; providing a written report; development of plans that best meet legal requirements; attending meetings with staff/board/citizens’ committee; assistance with public outreach, including materials for the public and the jurisdiction’s website; and documenting the adopted plan, including block equivalency file and maps and providing information that the Registrar of Voters needs to implement plan. Staff spoke with Shelley Lapkoff by telephone on July 30, 2013. Shelley Lapkoff stated that the company would consider submitting information to the Commission or attending the Commission’s meeting. As of the writing of this Staff Report, staff has not received information from Lapkoff and Gobalet and has not received confirmation of whether the company will attend the meeting on August 5th. Also, staff has not obtained a cost estimate from Lapkoff and Gobalet, as of the writing of this Staff Report.

Staff also researched and contacted Redistricting Partners, which is based out of Sacramento and owned by Democratic political consultant Paul Mitchell. Staff left a voicemail for Redistricting Partners on July 30, 2013. The company’s website states that Redistricting Partners is currently contracted with several statewide groups and is helping them navigate legislative and congressional redistricting. The company has worked with over 20 local agencies such as cities, community colleges and special districts as they conducted their redistricting. Past governmental clients listed on the company’s website are the City of Elk Grove, City of Santa Monica, Santa Cruz County Office of Education, Alameda County Office of Education, Salinas Valley Memorial Healthcare Center, and Three Valleys Municipal Water District. As of the writing of this Staff Report, staff has not received a response from Redistricting Partners. Also, staff has not obtained a cost estimate from Redistricting Partners, as of the writing of this Staff Report.
Another option the Commission may wish to consider is retaining a professor from a university who has studied redistricting. However, it is unlikely that a professor would have public outreach materials, mapping software and population data that an established full-time consulting firm would have available.

In conclusion, staff continues to recommend the Commission retain Doug Johnson of National Demographics Corporation, based on the corporation’s extensive experience with districting and redistricting local governments and with the demographics of Escondido. National Demographics Corporation was also recommended by staff at the City of San Diego who assisted the San Diego Redistricting Commission in 2010. National Demographics Corporation provides consulting services on a full-time basis and is located relatively close to Escondido. Staff believes the immediate availability of Mr. Johnson will enable the Commission to commence its work promptly, which is imperative in light of the schedule provided by the Consent Decree.

Respectfully submitted,

[Signature]

Allegra Frost
Deputy City Attorney
INDEPENDENT DISTRICTING COMMISSION

Agenda Item No.: 5
Date: August 5, 2013

TO: Independent Districting Commission Members

FROM: Diane Halverson, City Clerk

SUBJECT: Commission Calendar

RECOMMENDATION:

It is recommended that the Commission members review the following timeline 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.

Timeline for Processing District Plan

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  • Budget adopted and submitted (September 11 Council Meeting)
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30 days after filing the plan with Clerk
  • Three (3) Public Hearings held and conducted in English and Spanish
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  • Commission approves plan by majority vote
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- Council Approves/Disapproves Recommended Plan
If Council disapproves, within 40 days of submission of Council’s reasons for disapproval
- Commission submits same or altered Recommended District Plan to Council

June 20, 2014
- All GIS maps, shapefiles and Election Consolidation resolutions submitted to ROV (last available Council Meeting: June 18, 2014)

July 14 – August 8
- Nomination period for candidates to file paperwork to run for City Council

BACKGROUND:

On Thursday, July 18, 2013 the Selection Panel appointed seven (7) members to the Independent Districting Commission. Per the Consent Decree, a minimum of six (6) public hearings are to be held in geographically diverse locations throughout Escondido no later than 150 days after the Commission’s members are appointed (December 15, 2013).

Respectfully submitted,

Diane Halverson
City Clerk
January

February

March

April

May

June

July

August

September

October

November

December

Notes:

July 18 – Members Appointed

Sept. 16 – 60 days after Appt.

Budget Adopted

Dec. 15 - 150 days after Appt.

6 Public Hearings

Preliminary Plan with Report

Filed with Clerk

www.calendarlabs.com