

**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 consent decree had no provision for a 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 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. (Schedule attached)

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) languages (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