

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

August 22, 2013

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

Commissioners Present: Commissioner Carey, Commissioner Cruz (Arrived late), Commissioner Flores, Chairperson Nuesca, Commissioner Ramirez, Vice-Chairperson Valdez, and Commissioner Anderson, (Arrived late)

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

ORAL COMMUNICATIONS

Robroy Fawcett, Escondido, noted that he was involved, as a citizen, in the districting for Escondido's school districts. He stated that National Demographics Corporation (NDC) was involved in this process. He then referenced the map for the school districts and a handout he had provided to City Council in November outlining how to increase the size of the districts to encompass four districts.

MINUTES:

Moved by Commissioner Flores, seconded by Commissioner Carey, to approve the minutes of the August 12, 2013, meeting. Motion carried unanimously. (Commissioner Anderson was absent from the vote)

Public Meeting Schedule and Locations

Chairman Nuesca noted that the City had agreed to record meetings in the City Council Chambers.

Commissioner Ramirez felt that City Council Chambers were the best place to hold the public meetings.

Commissioner Flores suggested tentatively scheduling meetings every other Thursday.

The public meetings were scheduled tentatively for every other Thursday from September 5, at 6:00 p.m. through December.

Public Hearing Schedule and Locations

City Clerk Halverson noted that Chairman Nuesca had suggested holding the six public hearings at the middle schools. The superintendent indicated that the schools were spread throughout the City with the School District's boardroom on Aldergrove Avenue being available for the sixth meeting. She stated that the room reservation process took two weeks with a fee of \$55 an hour for the room rental and \$18 an hour for custodial fees. She also indicated that the multi-purpose rooms had microphones.

Commissioner Flores asked how many individuals the rooms would accommodate. City Clerk Halverson noted the room would accommodate between 200 to 400 individuals. She also noted that as of today it would take two weeks before the school sites could be finalized, one week for translation services and the ten-day noticing period required for public hearings.

Commissioner Flores suggested tabling any hearing dates until the expert consultant was hired.

Commissioner Flores suggested receiving input from the consultant.

Commissioner Ramirez suggested considering churches for meeting sites. Chairman Nuesca asked Commissioner Ramirez to provide any information to the City Clerk.

Pat Mues, Escondido, felt it would have been beneficial to hold the first public hearing in City Council Chambers where they could be recorded and televised so as to educate the public regarding the process.

Karin MacDonald, Escondido, suggested holding meetings on weekdays and weekends as well as clustering the meetings within a set period of time. She also felt the meeting places should have Internet access, tables, and be ADA compliant.

Commissioner Carey suggested considering using the banquet rooms at the California Center for the Arts for meetings. He also was in favor of clustering the meeting dates together. Chairman Nuesca asked Commissioner Carey to send information on the banquet rooms at the California Center for the Arts to the City Clerk.

Chairman Nuesca was in favor of clustering meetings together.

ACTION:

Moved by Commissioner Carey, seconded by Commissioner Flores, to meet on the following dates: October 10, 6:00 p.m., October 12, 9:00 a.m., October 17, 6:00 p.m., October 19, 9:00 a.m., October 24, 6:00 p.m., and October 27, 3:00 p.m. Motion carried unanimously. (Commissioner Anderson was absent from the vote)

6. Role of City Attorney's Office

Commissioner Flores referenced a memo from the City Attorney's Office dated August 8, 2013, and asked Attorney Frost to comment on the memo. Attorney Frost noted that the memo summarized the plan going forward.

Commissioner Flores expressed his concern with Paragraph 1 indicating that the City Attorney's Office sat as staff on a number of commissions. Commissioner Flores noted that none of the subject commissions were formed as a result of a settlement from a suit or court order. He disagreed with Mr. Epp's interpretation of the term "independent". He felt that the Court's intent was that the Commission operates independently. He noted that the City Attorney was an at-will attorney and was employed by the City Council, noting that the City Council indicated that they were going to fight the concept of district elections. He felt this lead to an appearance of a conflict of interest. He recommended the Commission consider outside legal representation, noting this was no reflection on Attorney Frost. He suggested asking the City of San Diego if one of their attorneys would be available. Commissioner Valdez concurred.

Attorney Frost explained that the memo indicated that the City Attorney's Office could play a more or less active role. She also stated that nothing in the Commission's budget provided for outside counsel.

Commissioner Flores felt the message that needed to be sent to the community was that the Commission was truly independent.

Commissioner Valdez stated that his hope was that they could work with the City to find common ground, noting his view that they did suffer with the City's anti-Latino policies.

Chairman Nuesca asked Commissioner Flores if his concern was the presence of the City Attorney with the Commission. Commissioner Flores replied in the affirmative, noting his view that it gave an appearance of the Commission not being independent.

Chairman Nuesca questioned whether an attorney was needed at the meetings.

Commissioner Flores stated that the school board never had an attorney at the meetings when he was on the board.

Jennifer McCain, Assistant City Attorney, noted that one of the roles of the City Attorney's Office was to provide support to the City Clerk on public noticing, parliamentary procedures, and City contracting, which the Commission was not allowed to enter into. She stated that the intent was only to help with the process. She stated that there was no mention in the consent decree that the Commission could obtain their own counsel. She noted that there was no issue with the Commissioners consulting with and receiving input from outside entities.

Commissioner Flores asked Attorney McCain if the City Attorney could perform its same function from the audience. Attorney McCain replied in the affirmative but noted that one of the functions was to be a resource to the City Clerk and Minutes Clerk with regard to procedural and parliamentary questions during meetings.

Commissioner Flores expressed his view that the appearance of staff only recommending one expert consultant at both meetings was problematic. Attorney McCain noted her understanding was that staff made a recommendation that would help get the process going.

Attorney Frost noted that the first recommendation was only meant to be helpful to the Commission.

ACTION:

Moved by Commissioner Flores, seconded by Commissioner Valdez, that the Commission explore other options for legal representation sitting on the dais with the Commission and report back to the Commission by next meeting. The motion included that the City Attorney's Office remain as the Commission's legal representation until the Commission decided differently. Motion carried unanimously. (Commissioner Anderson was absent from the vote)

7. Social Media

Attorney Frost noted that the main issue with using social media was potential Brown Act violations.

Chairman Nuesca felt the Facebook Page should be informational only with meeting times and dates.

City Clerk Halverson noted that the City had a Facebook Page whereby meeting times and dates could be placed.

Commissioner Carey recommended using Escondido2014.com as a possible avenue for getting the word out.

Pat Mues, Escondido, Escondido2014.com, noted that she had created an Independent Districting Commission page, noting that she could put items from the Commission on this page. She also suggested using Escondido's Future's website.

8. Parliamentarian

Robert Fuhrmann, Escondido, recommended the Commission not have a parliamentarian on staff. He felt the Commission's attention should be focused on the subject at hand. He stated that he would be happy to provide parliamentary advice after the meetings.

9. Commissioner Requested Agenda Items

a. Expert Consultant

Chairman Nuesca and Karin MacDonald with Q2 discussed the type of data that would be used for the districting process.

Discussion ensued regarding a clarification of Google API for viewing possible district lines.

Ms. MacDonald noted that typically conceptual line drawing occurred after all of the data was received, noting that everyone would be able to watch and participate in this process. She suggested that the Commission consider that the last week of October be used for line drawing.

Discussion ensued between Chairman Nuesca, Ms. MacDonald, and Attorney Frost regarding a clarification of the required meetings.

Chairman Nuesca asked if conceptual line drawing could occur before the six public hearings were held. Attorney Frost replied in the affirmative.

Ms. MacDonald noted that her main concern would be if the City Council did not approve the map, noting the budget might not accommodate this.

Commissioner Anderson entered the meeting at this time.

Chairman Nuesca asked if audio conferencing was available in the City Council Chambers. City Clerk Halverson replied in the affirmative.

Ms. MacDonald noted that two line drawing meetings would be required, suggesting having the preliminary lines done by the end of October or beginning

of November and then having the preliminary input meetings in November. She suggested holding a workshop or establishing a subcommittee to work with her on some preliminary issues, noting there were some time constraints. Commissioner Anderson was opposed to creating a subcommittee, feeling full disclosure was needed.

Commissioner Flores asked if the next meeting should be dedicated to a workshop. The consensus of the Commission was to hold a workshop at the next meeting.

Attorney Frost asked Ms. MacDonald if she was able to break down the five criteria in the consent decree to the Commission Ms. MacDonald replied in the affirmative.

FUTURE AGENDA ITEMS:

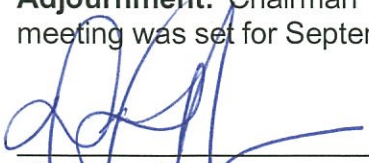
Future agenda items included holding a workshop and finalizing potential meeting places.

Commissioner Flores noted he would report back on progress of acquiring outside counsel. He also asked for a report regarding setting up interpreters for other languages. City Clerk Halverson noted that the consent decree outlined that interpreters would be available at public hearings. She stated that cost and services for all of the languages had already been provided the Commission.

Commissioner Carey stated that his understanding was that Spanish interpreters would be made available at the public meetings. City Clerk Halverson noted she would work on having a certified Spanish interpreter at the next meeting.

Commissioner Flores questioned whether certified interpreters were required for public meetings. Commissioner Anderson felt credibility was lent to a certified interpreter. City Clerk Halverson noted she would look into whether a certified interpreter was required.

Adjournment: Chairman Nuesca adjourned the meeting at 9:06 p.m. The next meeting was set for September 5, 2013 at 6:00 p.m.


Chairman Nuesca


Ty Paulson, Minutes Clerk