

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

October 3, 2013

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

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

Staff Present: Diane Halverson, City Clerk; Allegra Frost, Deputy City Attorney; Eva Heter, Assistant City Clerk; and Livier Valenzuela, Interpretation Services.

Oral Communications: - No public comments to consider.

Minutes: September 19, 2013 Meeting

Moved by Vice-Chairperson Valdez, seconded by Commissioner Ramirez, to approve the minutes of the September 19, 2013, meeting. Motion carried unanimously.

Commissioner Requested Agenda Items

a. Introduction of Leslie Devaney, Attorney at Law

Leslie Devaney, Attorney at Law gave an introduction of herself; briefly reviewing what she understood regarding the consent decree. She reviewed her qualifications, fees, and welcomed questions or comments.

Commissioner Anderson questioned if Attorney Devaney would require a retainer or fee.

Leslie Devaney, Attorney at Law stated that a fee would only be required in the event that she was needed.

Commissioner Anderson stated that the Independent Districting Commission had a restricted timeline which may require immediate assistance.

Leslie Devaney, Attorney at Law stated that she was very familiar with meeting the immediate needs of her clients; she reviewed her staff, and their abilities to deal with emergency situations.

Commissioner Flores questioned Attorney Devaney's experience working with legal ethics commissions.

Leslie Devaney, Attorney at Law reviewed her experience working with, and developing various ethics commissions.

Chairperson Nuesca questioned if between the years of 2009 and 2012, Attorney Devaney was retained by the City of Escondido.

Leslie Devaney, Attorney at Law indicated that she was retained as Special Council on call.

Commissioner Flores questioned if there would be any conflict with working with the City of Escondido on behalf of the Commission.

Leslie Devaney, Attorney at Law stated that there would be no conflicts.

Commissioner Flores stated that he was in favor of retaining Leslie Devaney as legal representation.

Chairperson Nuesca called for a motion.

ACTION:

Moved by Commissioner Anderson, seconded by Commissioner Carey to approve retaining Attorney Devaney's Firm for legal counsel, as needed in the future, to be acted upon at a future meeting.

Vice-Chairperson Valdez thanked Commissioner Flores for his effort in locating Leslie Devaney, Attorney at Law.

Commissioner Flores discussed the need to have a clearer motion; he requested to amend the motion. Amending the motion: Should the need arise that counsel is needed, the Commission would retain Attorney Devaney by a majority vote of the Commission that independent counsel is needed.

Leslie Devaney, Attorney at Law stated that the Commission would make the decision to retain her services in order to enter into a contract, at a future date and determined by the Commission.

Commissioner Ramirez questioned the ability of the Commission to enter into a contract.

Commissioner Anderson stated that he believed that Commission was able to enter into a contract; due to the fact that the Commission entered into a contract with Q2.

Allegra Frost, Deputy City Attorney stated that the contract was with the City, contracting with Q2 on the Commission's behalf.

Commissioner Anderson clarified that the circumstances in the case of contracting with Attorney Devaney would be the same.

Allegra Frost, Deputy City Attorney confirmed that the circumstances for contracting with Attorney Devaney would be the same.

Amended Motion: Moved by Commissioner Anderson, seconded by Commissioner Carey to approve entering into a contract with Attorney Devaney for legal counsel, and would retain Devaney's Firm in the event that legal counsel was needed in the future, to be executed at a future meeting by a majority vote, at no cost until services are needed. Motion carried unanimously.

Public Meeting and Hearing Planning

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) reviewed the Escondido Districting Public Input Hearing Planning Set sheets (On File in the Clerk's Office).

Commissioner Carey questioned if the City had been given enough time to complete their assigned task.

Diane Halverson, City Clerk stated that the assigned tasks had already been completed. She reviewed her assisting staff, and stated that the only variation from the plan would be the use of speaker slips, that would then be numbered, for those members of the public who would wish to speak.

Vice-Chairperson Valdez questioned if the speaker slips were in Spanish.

Diane Halverson, City Clerk stated that the speaker slips were not printed in Spanish; however, staff would be available to assist public when completing the form.

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) continued to review the Escondido Districting Public Input Hearing Planning Set sheets. She also questioned the approval of minutes at the public hearings.

Diane Halverson, City Clerk stated that minutes would not be on the hearing agenda for approval. Timing of the meetings and the completion of minutes was an essential

question, and she was not certain that minutes for the previous hearings would be available at each hearing for approval.

Chairperson Nuesca questioned the time the Commissioners should arrive.

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) stated that Commissioners were welcome to arrive at any time.

Diane Halverson, City Clerk stated that her team would be onsite an hour prior to the meeting, setting up and providing assistance to the public.

Commissioner Anderson questioned oral communications being on the agenda.

Diane Halverson, City Clerk stated that oral communications was required to be on the Agenda for the public meeting.

Commissioner Flores suggested that oral communications be moved to the end of the meeting, after the public hearing, in order to differentiate between the two sections.

Allegra Frost, Deputy City Attorney stated that staff would consider the option, create a draft agenda, and provide a revised agenda to the Commissioners for review.

Commissioner Carey suggested that the Commission provide a little direction to the public as to what they can expect from the outline of the meeting; explaining the difference between the public hearing section, and the oral communications section.

Diane Halverson, City Clerk questioned if the Commission wanted the agenda translated into Spanish.

Commissioners were unanimously in favor of the agendas being translated into Spanish.

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) clarified that the Public would need to speak during the public hearing, and/or submit their comments in writing in order for their concerns to be entered into the record.

Commissioner Carey requested that the "public" be defined. He stated that he felt that "public" should be defined as those living in Escondido; stating that those were the individuals that the Commission was intended to serve.

Allegra Frost, Deputy City Attorney clarified that the public hearing must be open to all members of the public, with no exclusions from giving public testimony.

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) reminded the Commission that all testimony should be valued.

Diane Halverson, City Clerk stated that all written oral communications, and or documents should be given to her for preservation. She reviewed the overall plan for the meetings, and the progress made on the City's assigned tasks.

Community Outreach

Ana Henderson, Q2 Data & Research, LLC (Telephonically Appearing) reviewed the community outreach flyer (On file in the Clerk's Office).

Diane Halverson, City Clerk stated that no direction was given regarding the flyer; she requested direction from the Commission on how to handle the flyer.

Chairperson Nuesca called for a motion.

ACTION:

Moved by Commissioner Flores, seconded by Commissioner Anderson to direct the City Clerk to make an appropriate number of flyers so that school children at the particular venue can take the flyers home.

Diane Halverson, City Clerk stated that she would have to contact the schools and research the school district policy for distribution of the flyer. She also reviewed that she had organized with the school district for robotic-calls to go out to all parents of the attending children, and that the site marquee would include an electronic message about the upcoming public hearings.

Amended Motion: Moved by Commissioner Flores, seconded by Chairperson Nuesca to direct the City Clerk to make 5000 flyers for all future meetings, both in English and Spanish (front-to-back), so that school children at the particular venue can take the flyers home, and distributed at various Community facilities. Motion carried unanimously.

Consuelo Martinez, Escondido, ACLU, shared materials being utilized by the ACLU for Community Outreach.

Pat Mues, Escondido, stated that for Community Outreach various resources can be used; such as, school Facebook pages, passing out flyers and making announcements at various athletic events, social media sites, as well as local grocery stores, and laundry mats. She suggested that the Commission pay someone to assist.

Chairperson Nuesca stated that in order to reach neighbors within her area she had posted the flyer on a Free Website: nextdoor.com.

Commissioner Ramirez stated that he participated in a radio interview to get the word out about the public hearings.

Commissioner Carey suggested that the Commissioners distribute the flyers in their own neighborhoods individually.

Vice Chairperson Valdez stated that he felt the radio interviews were very valuable in getting the word out to the public.

Commissioner Ramirez requested that the flyers be provided to various churches in the area.

Vice-Chairperson Valdez suggested that flyers be provided to the Center for the Arts as well.

Use of Technology – No comments to consider.

Future Agenda Items

Chairperson Nuesca requested a review of the Commission's budget at the next business meeting.

Commissioner Carey requested that Items 4, 5, and 6 be repeated for the next agenda.

Commissioner Anderson requested a status report on the Commission's budget.

Chairperson Nuesca requested a discussion item pertaining to the Federal Voting Rights Act on the next agenda, preferably at the beginning of the meeting.

Vice-Chairperson Valdez stated that he would like a report identifying who had been contacted, and what kind of outreach had been done where the media was concerned.

Diane Halverson, City Clerk stated that all the public hearing notices were translated into the various languages and published in the appropriate newspapers.

Adjournment –Chairperson Nuesca adjourned the meeting at 7:43 p.m. The next hearing was set for October 10, 2013 at 6:00 p.m.



Chairperson Nuesca



Eva Heter, Assistant City Clerk