



Redistricting Commission

Record of Action | Virtual Meeting (Zoom Webinar)
Thursday, September 16, 2021 | 3:00 p.m.

This meeting aired live on the City's Zoom Webinar platform.

Commissioners Present

Fred Kosmo
Roy MacPhail
Kenneth Malbrough
Mitz Lee
Justine Nielsen
Monica Hernandez
Thomas Hebrank

City Staff Present

Jennifer Berry, Deputy City Attorney
Kathy Steinman, Deputy City Attorney
Lora Fleming, Redistricting Commission Chief of Staff

Commissioner Roll Call

- Redistricting Commission Chair Hebrank called the meeting to order at 3:00 p.m. and the roll was called to confirm Commission member attendance.
 - **Present:** Fred Kosmo, Roy MacPhail, Kenneth Malbrough, Mitz Lee, Justine Nielsen, Monica Hernandez, Thomas Hebrank;
 - **Not Present:** Val Hoy, Alan Nevin;

Non-Agenda Public Comment

- Over 60 written comments were submitted prior to the meeting and were posted on the website and distributed to the Commissioners.
- There were no speakers during Non-Agenda Public Comment.

Item 1- Chair's Report

- Discussed the next phase after the 9 District-specific special meetings. Envisioning holding 2-3 special in-person meetings at City Hall. At the first meeting, HaystaqDNA would be in attendance and the Commission would have a discussion district by district in terms of public input received. Based on those meeting discussions, the Commission would ask HaystaqDNA to

draft 2-3 preliminary maps. The Commission and public would review the draft maps and narrow it down to a single map. The Commission would then vote on a preliminary map that would be submitted to the City Clerk. At that point, the Commission would hold an additional 5 special meetings for additional public input before voting on a final map.

- Four speakers provided public comment for Item 1:

Name:	Organization:	District or Community	Non Agenda or Agenda Item	Comments Summary:
Jamie Emerson			Item 1	Concerned meeting is only in person because people like her could not go because they cannot be vaccinated for medical reasons. Wants to be allowed to participate in this process, recommends having a hybrid meeting.
Francine Maxwell			Item 1	Also requests a hybrid meeting, gives everyone an opportunity to participate, especially communities that are wifi deficient.
John Stump			Item 1	In favor of hybrid meeting to let everyone participate safely.
Deborah Knight			Item 1	Wanted to clarify schedule of meetings in coming weeks and months.

Item 2- Commissioner Comment

- Commissioner MacPhail discussed the legal presentations about the rules and legal precedence involved in redistricting. One of the legal presentations touched on the issue of population size of districts and the permissible deviation from the ideal size of a district. The Gaffney v. Cummings case discusses deviation and the 10% maximum rule. Commissioner MacPhail asked the City Attorney’s Office to clarify whether the 10% maximum deviation refers to the total citywide deviation or to the deviation of a single Council district from the ideal size.
- Deputy City Attorney Kathy Steinman stated that in the Gaffney v. Cummings case, the court opinion uses the term “total deviation” and does not discuss the deviation per district. The 10% rule refers to total deviation across all the districts. It is not acceptable for a single Council district to have a deviation of 10% on its own.

Item 3- Chief of Staff Comment

- Lora Fleming first provided an update on in-person meetings. As it currently stands, the earliest that the City Council will be resuming in-person meetings in October.
- Final, fully formatted census data will be released on Monday, September 20 which should coincide with the Commission’s map drawing software that will be discussed during agenda item 7.
- Since last month’s meeting, the Commission has completed another 4 special district meetings. That increases the total special district meetings to 7 with the final 2 taking place on Sept. 23 for District 5 and September 28 for District 3. These have been well attended and the Commission appreciates all the community feedback.
- Lastly, Lora Fleming met again with the other Redistricting Commission chief of staffs and executive directors of Los Angeles, Long Beach, Escondido, Chula Vista and the County of San Diego. They discussed the constraints of district specific meetings and turn out. They will meet again next week to discuss the full release of the census data.
- One speaker provided public comment for Item 3:

Name:	Organization:	District or Community	Non Agenda or Agenda Item	Comments Summary:
Jamie Emerson			Item 3	Was wondering whether the Commission was contemplating moving the final map deadline from Dec. 15 to Jan. 15 because of how late the census data was released. Referenced the County of San Diego's Redistricting Commission meetings where the issue was discussed.

Item 4- City Attorney's Office Comment

- No comments.

Item 5- Approve Record of Action for August 19, 2021 Meeting

- **ACTION:** Commissioner MacPhail made a motion to approve the Record of Action for August 19, 2021. The motion was seconded by Commissioner Lee and approved 7-0 by the Commission members by a roll call vote.
 - **Yea:** Fred Kosmo, Roy MacPhail, Kenneth Malbrough, Mitz Lee, Justine Nielsen, Monica Hernandez, Thomas Hebrank;
 - **Nay:** (None);
 - **Recused:** (None);
 - **Not Present:** Commissioner Val Hoy, Commissioner Alan Nevin.

Item 6- Approve Record of Action for the Special District Meetings of August 17, August 24, September 1 and September 8, 2021.

- **ACTION:** Vice Chair Malbrough made a motion to approve the Records of Action of August 17, August 24, September 1 and September 8, 2021. The motion was seconded by Commissioner Lee and approved 7-0 by the Commission members by a roll call vote.
 - **Yea:** Fred Kosmo, Roy MacPhail, Kenneth Malbrough, Mitz Lee, Justine Nielsen, Monica Hernandez, Thomas Hebrank;
 - **Nay:** (None);
 - **Recused:** (None);
 - **Not Present:** Commissioner Val Hoy, Commissioner Alan Nevin.

Item 7- Roll Out and Tutorial on the Districtr Mapping Software

- Commissioner MacPhail provided a brief update on Districtr and when the public could expect to have the site live.
- Andrew Drechsler, President of HaystaqDNA, provided an overview and tutorial of how to use Districtr. He highlighted the various mapping features and provided a demonstration of how to draw districts using the software.
- Three speakers provided public comment for Item 7:

Name:	Organization:	District or Community	Non Agenda or Agenda Item	Comments Summary:
John Stump			Item 7	How will LGBT communities of interest going to be handled? Will there be high school attendance areas? Has concerns about a basemap artifact of east San Diego. Please remove that artifact from the base map. How are you going to show natural boundaries? Continues to advocate for the use of water sheds. Is there going to be a topographical feature?
Lisa Ross		District 1	Item 7	Communities of interests can be defined in all different ways. Connected open space, protected preserves, canyons and coastlines are important. Will the software allow the flexibility to weigh in on all sorts of communities of interests.
Ruth DeSantis			Item 7	Today is the holiest day of the new year for the Jewish community and in bad taste to have meeting today.

Item 8- Update from Legal Counsel RFP Subcommittee

- Subcommittee member Kosmo reported that the Legal Counsel RFP closed on September 7. The Purchasing and Contracting Department processed the bids and evaluated the proposals for responsive to the RFP. Purchasing & Contracting then met with the subcommittee this week to go over the evaluation process. The subcommittee will meet again next week to discuss the proposals and to begin scoring them. Once those scores have been submitted, the subcommittee will schedule interviews with the top three candidates. After the interview presentations are scored, the law firm with the highest score will be selected, followed by a 10-day protest period. The successful law firm will then be presented to the full Commission for approval.
- Two speakers provided public comment for Item 8:

Name:	Organization:	District or Community	Non Agenda or Agenda Item	Comments Summary:
John Stump			Item 8	Wants the report to include the participation of women, minorities, and the disabled in the proposal.
Francine Maxwell			Item 8	In 2017, the City Council approved a list of outside attorneys. Concerned with outreach. Not seeing ads about redistricting process.

Item 9- Adjournment

- Chair Hebrank adjourned the meeting at 4:00 p.m. until the next regularly meeting at 3:00 p.m. on October 21, 2021. The next special district meeting is on Thursday, September 23 at 5:30 p.m. and will focus on Council District 5.