

MINUTES
FOR THE 2010 REDISTRICTING COMMISSION
OF THE CITY OF SAN DIEGO
THURSDAY, MARCH 17, 2011
IN THE COMMITTEE ROOM – 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chair Dalal at 4:00 p.m. 20 persons were observed to be in attendance. The meeting was adjourned by Chair Dalal at 5:56 p.m. to the next scheduled meeting of the Redistricting Commission on Thursday, April 7, 2011, at 4:00 p.m. in Council Chambers.

ATTENDANCE DURING THE MEETING:

(C) Chair Anisha Dalal
(VC) Vice Chair Carlos Marquez
(M) Ani Mdivani-Morrow
(M) Frederick Kosmo
(M) Theresa Quiroz
(M) David Potter

ROLL CALL:

Chair Anisha Dalal called the roll:

(C) Chair Anisha Dalal - present
(VC) Vice Chair Carlos Marquez - present
(M) Ani Mdivani-Morrow - present
(M) Frederick Kosmo - present
(M) Theresa Quiroz - present
(M) David Potter - present
(M) Arthur Nishioka - not present

NON-AGENDA PUBLIC COMMENT:

This portion of the agenda provides an opportunity for members of the public to address the Redistricting Commission on items of interest within the jurisdiction of the Commission.

Comments are limited to no more than two minutes per speaker. Submit requests to speak to the Midori Wong, Redistricting Commission Chief of Staff, before the item is called. Pursuant to the Ralph M. Brown Act, no discussion or action, other than a referral, shall be taken by the Redistricting Commission on any issue brought forth under Non-Agenda Comment.

Comment 1 – Aurora Cudal, Asian & Pacific American Coalition (APAC), advocated for the creation of a district that would maximize the community interest concept for Asian Pacific Americans. She felt that the current approved map separates the communities of Mira Mesa and Rancho Penasquitos and expressed hope that the Redistricting Commission will consider the proposal of APAC.

Comment 2 – Ralph Peters, Rancho Penasquitos Town Council, commented that the Rancho Penasquitos neighborhood would like to link up with the other communities of the Poway Unified School District and Scripps Ranch to be part of the same district.

Comment 3 – Jim Varnadore thanked the Commissioners for their efforts. He asked that the Asian Business District be merged out of City Heights and merged into another district. This is a community of interest for the African Americans.

Comment 4 – Joe Long, a resident of the Mira Mesa area & Rancho Penasquitos area, appraised the growth of Asian American businesses and families in these areas and urged the Commission to consider a new district for the Asian American community. He would like to keep Asian American communities South of Highway 52 as a whole and not divided into sections.

Comment 5 – Deven Patel, APAC, thanked Commissioners and spoke about a proposal of a map to include Rancho Penasquitos and Mira Mesa as a foundation for creating the 9th district. He distributed a copy of an article by Mitz Lee.

Comment 6 – Adam Manbaoboua, APAC, thanked Commissioners, and spoke about the proposal of a map for the Asian American community in Mira Mesa as one district. He also urged the Commission to adopt the map presented by APAC.

Comment 7 – Brian Pollard, a resident of southeastern San Diego, thanked Ms. Wong for attending the community meeting in District 4. He also thanked Ms. Sharon Spivak, Deputy City Attorney, in advance for her presentation on communities of interest. He extended an invitation to any organizations that are in districts that border District 4 to start a dialogue.

Comment 8 – Joni Low, Executive Director, Asian Business Association, commented that a redistricting map should promote growth of all Asian businesses, development of leaders, and allow opportunity for economic growth.

CITY ATTORNEY AND CITY STAFF ASSIGNED TO REDISTRICTING COMMISSION COMMENT:

Ms. Wong provided information on the upcoming introductory public hearings at the request of the Chair.

COMMISSION COMMENT:

Commissioner Comment 1 – Commissioner Ani Mdivani-Morrow commented on the agenda chronology and asked that the information items on redistricting law be heard first to respect the time of those in attendance at the meeting.

Commissioner Comment 2 – Vice Chair Carlos Marquez agreed with Commissioner Morrow’s comment, and suggested that the item on Census data also be heard prior to the other items.

INFORMATION ITEMS

ITEM - 3: UPDATE ON U.S. CENSUS DATA RELEASE BY THE CHIEF OF STAFF

Ms. Wong provided a brief overview of U.S. Census data related to redistricting in the City of San Diego, and provided a series of tables showing population breakdowns by current Council District.

ITEM – 4: PRESENTATION REGARDING REDISTRICTING LAW BY THE CITY ATTORNEY’S OFFICE

Ms. Spivak provided a presentation on redistricting law with a focus on population deviation standards and an introduction to communities of interest.

Commissioner Potter asked if population deviation is measured between the largest and the smallest district, or between the largest district and the optimal district.

Ms. Spivak responded that the former was correct. One district will have the smallest population of the nine and one will have the largest; deviation is measured between these two districts.

Commissioner Quiroz asked a question regarding communities of interest and the California Constitution.

ACTION ITEMS

ITEM - 1: APPROVAL OF MARCH 3, 2011 REDISTRICTING COMMISSION MEETING MINUTES.

Motion by Commissioner Potter: To approve March 3, 2011 Minutes. Second by Commissioner Kosmo. Motion passed unanimously 6-0. Commissioner Nishioka is absent.

ITEM – 2: UPDATE REGARDING POSSIBLE RETENTION OF OUTSIDE COUNSEL FOR REDISTRICTING COMMISSION.

Commissioner Kosmo reported that per direction from the last Commission meeting on March 3, 2011, he was working with the City Attorney's Office and the Chief of Staff to identify potential options for retaining outside legal counsel. He commented that Ms. Spivak and Ms. Catherine Bradley, also a Deputy City Attorney, are doing a very good job supporting the Commission. Commissioner Kosmo outlined the procedure by which outside counsel could be retained through the City Attorney's Office, as detailed in the report for this item in the agenda packet:

Under City Charter section 40, the City Attorney acts as counsel for the 2010 Redistricting Commission. To the extent the Commission wishes to use outside counsel to supplement the work of the City Attorney's Office, the following process would be employed:

- The City Attorney's Office would select and hire outside counsel for the specialized purpose of advising on redistricting issues. A Request For Proposals is not necessary.
- The scope of services for outside counsel would include as-needed services to assist the City Attorney's Office to review and analyze the preliminary and final redistricting plans.
- The Commission would set a "not to exceed" dollar amount for the contract. The contract would be paid using funds from the approved Commission budget.
- To minimize costs charged to the Commission, the City Attorney's Office would supervise outside counsel and monitor billing, as it routinely does for outside counsel contracts at the City. The Chief of Staff will be kept apprised of all matters related to the contract.

Commissioner Kosmo recommended that he continue to work with the City Attorney's Office and the Chief of Staff to identify potential firms that could provide such services.

Vice Chair Marquez thanked Commissioner Kosmo and asked if retaining outside counsel is more of a preemptive strategy as opposed to reacting if something goes wrong. He asked if outside counsel could play a role in analyzing the preliminary redistricting plan.

Commissioner Kosmo responded that retaining outside counsel is preemptive in the sense that if and when questions come up the Commission could have experts on call to answer as opposed to having to find them at that specific time.

Commissioner Morrow thanked the City Attorney's Office for the great job they have done. She pointed out that there seems to be a conflict of interest if the role of outside counsel would be to provide independent counsel to the Commission, but they are supervised by the City Attorney's Office.

Commissioner Kosmo noted that under the City Charter, outside counsel would need to be hired through the process outlined in the report.

Commissioner Quiroz agreed with the wording of recommendation, but added that she would like to hire a local firm and for the Commission to select them.

Commissioner Kosmo asked if any other Commissioners would like to participate in this process.

Commissioner Potter volunteered to be a part of the subcommittee.

Motion by Commissioner Kosmo: To authorize Commissioner Kosmo as Chair of the Outside Counsel Subcommittee along with Commissioner Potter to work with the City Attorney's Office and the Chief of Staff to solicit qualified firms to provide consultation services. Second by Commissioner Potter. Motion passed unanimously 6-0. Commissioner Nishioka is absent.

INFORMATION ITEMS (CONTINUED)

ITEM – 5: OUTREACH SUBCOMMITTEE REPORT

Commissioner Potter provided a status report on consultant services to develop a Public Participation Plan and the schedule of pre-map public hearings.

With regard to consultant services, 4 firms out of a total of 7 on the consultant rotation list listed under the category “Community Relations – Small” have responded to the Commission’s request for professional assistance to develop a Public Participation Plan and related services. The Outreach Subcommittee will interview these four firms tomorrow, March 18, 2011.

As a reminder, the subcommittee’s evaluation of each firm cannot include consideration of cost. Following tomorrow’s interviews, the subcommittee will rank each firm and enter into cost negotiations with the top ranked firm. At this point, a more detailed breakdown of cost, including fee schedule and staffing plan showing breakdown of cost by task and cost category will be requested.

If agreement on cost is reached, the subcommittee will make a recommendation to the Redistricting Commission to approve intent to award. If agreement on cost cannot be reached with the top ranked firm, negotiations are ended and cannot be re-opened with that firm. The subcommittee will then begin cost negotiations with the next top ranked firm and so on until an agreement is reached.

Upon approval of the Redistricting Commission, a contract will be executed with the selected firm. The subcommittee has also worked to schedule eight pre-map public hearings in late April and early May, with one in each current Council District. All hearings begin at 6 p.m. In addition, the subcommittee has added a ninth hearing on a Saturday to try to reach community members who have more flexibility to attend on a weekend. The full schedule is detailed in the report for this item in the agenda packet and also is available on the Commission web site.

Requests for translation and alternative formats are welcomed by contacting the Chief of Staff. It is requested that members of the public provide these requests as soon as possible, at least 5 working days before each hearing, to allow for enough time to secure translation and alternative format services through City procurement rules.

STAFF REPORTS

ITEM - 6: MIDORI WONG, CHIEF OF STAFF

Ms. Wong reported that the Commission Facebook page is now up and running. She noted that she is continuing to build the community group email list and that there will be a release over the weekend to notify interested groups about the two introductory public hearings.

Ms. Wong gave a brief update on Commission staffing with regard to the Executive Secretary position. She informed the Commission that the position has been filled. There is a contract between the City of San Diego and a local staffing agency valued at \$27,000 through October 2011. This contract will be paid from the approved commission budget. She also noted that the regular monthly budget report will be provided at the next Commission meeting.

Vice Chair Marquez asked how much was allocated to the Executive Secretary position.

Ms. Wong responded that it was a little over \$86,000.

Commissioner Quiroz asked Ms. Spivak if temporary staffing agencies are required to pay a living wage.

Ms. Spivak responded that she did not have an answer to the question but would find out.

Commissioner Quiroz asked Ms. Spivak to work with Ms. Wong to make sure the employee is earning a living wage.

ADJOURNMENT:

Chairperson Dalal adjourned the meeting at 5:56 p.m.

Janet Comer, Executive Secretary
2010 Redistricting Commission