



COUNTY OF SANTA BARBARA

CITIZENS INDEPENDENT REDISTRICTING COMMISSION

PUBLIC MEETING AGENDA **2020 Citizens Independent Redistricting Commission**

Date: **Wednesday, April 7, 2021**
Time: **6:00 PM**
Place: **Remote Virtual Participation Only**

Meeting Access:

Zoom: <https://zoom.us/j/92288081482> or call (669) 900-6833 or (253) 215-8782
ID: 922 8808 1482

NOTICE REGARDING PUBLIC PARTICIPATION

Based on guidance from the California Department of Public Health and the California Governor's Stay at Home Executive Order N-33-20 issued on March 19, 2020, to protect the health and well-being of all Californians and to establish consistency across the state in order to slow the spread of COVID-19, the Citizens Independent Redistricting Commission meeting will not provide in-person participation at this time.

The following alternative methods of participation are available to the public. If you wish to make a general public comment or to comment on a specific agenda item, the following methods are available:

- Distribution to the Citizens Independent Redistricting Commission – Submit your comment via e-mail prior to 5:00 p.m. one day prior to the meeting. Please submit your comment to redistricting@countyofsb.org. Your comment will be placed in the record and distributed appropriately.
- Participation via Zoom meeting link listed above. See Instructions on next page.
- Participation via telephone by calling in with the phone number and webinar code listed above.

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:

www.countyofsb.org/redistricting.sbc

Language interpretation and requests for disability-related modification or accommodation, including auxiliary aids or devices, may be arranged by emailing a request to redistricting@countyofsb.org at least 24 hours prior to the Commission meeting.

Para solicitar traducción del idioma o una modificación por discapacidad, incluso los soportes auxiliares y los dispositivos, se puede mandar un correo electrónico a redistricting@countyofsb.org al menos 24 horas antes de la reunión de la Comisión.

Instructions for Public Comment in Virtual Public Meetings Under current Public Health Officer Order prohibiting indoor gatherings, the Santa Barbara County Independent Redistricting Commission (CIRC) will conduct virtual public meetings using Zoom. Attendees can participate without a Zoom account.

- Attendees can link via computer or smart device, through the Zoom app (available for IOS and Android), or by cell phone or landline.
- Each meeting agenda will be posted 72 hours in advance at www.countyofsb.org/redistricting.sbc (unless greater notice is required by law) and include the Zoom link, phone numbers and the Webinar I.D. to join electronically or by phone. To participate in Public Comment, please refer to directions below.
- Submit comments via e-mail to redistricting@countyofsb.org prior to 5:00 p.m. on the day preceding the meeting. Your comment will be placed in the record and distributed appropriately.

1. Public Comment Via Computer or iPhone/Android App:

- To indicate that you wish to speak during Public Comment, select “raise your hand” feature and staff will know to call on you. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.
- Smart phone users with the Zoom app can also select the “raise your hand” feature.

2. Public Comment Via Phone:

- Attendees by phone can “raise your hand” by pressing star-9. When it is your turn to speak, we will announce you by caller I.D. or your phone number. When called upon, please state your name for the record. We reserve the right to mute a microphone for profane, harassing or offensive language; or for speaking beyond the time limit set by the Chair.

For more information about joining a Zoom Webinar, go to <https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-meeting>.

Commission Members: Commissioner Cheryl Trosky, First District
Commissioner Karen Twibell, First District
Commissioner William McClintock, Second District, Interim Vice Chair
Commissioner Megan Turley, Second District
Commissioner Norman “Doug” Bradley, Third District
Commissioner James “Chris” Hudley, Third District
Commissioner James Bray, Fourth District
Commissioner Amanda Ochoa, Fourth District
Commissioner Glenn Morris, Fifth District, Interim Chair
Commissioner Jannet Rios, Fifth District
Commissioner Benjamin Olmedo, Member-At-Large

1. Call to Order and Roll Call
2. Commissioner disclosure of ex parte communications pursuant to County Ordinance Code Sec. 2-10.9A(5)(h) are posted on the commission website at www.countyofsb.org/redistricting.sbc.
3. Public Comment
The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.
4. Approval of Minutes of March 17, 2021.
5. Introduction of the legal team.
6. Review by legal counsel on the Ralph M. Brown Act, including ex parte disclosures, social media communications, and communications with the press.
7. Outreach planning including possible formation of a subcommittee to review marketing materials.
8. Training 4: Review of redistricting criteria to be used in drawing maps.
9. Discussion and possible action regarding future training sessions and other future agenda items.

RECESS FOR CLOSED SESSION

10. Conference with Legal Counsel—Existing Litigation
Pursuant to paragraph (1) of subdivision (d) of Government Code Section 54956.9

Name of case: The Coalition of Labor, Agriculture & Business v. Santa Barbara County Board of Supervisors; County of Santa Barbara Citizens' Independent Redistricting Commission; Case No. 21CV01065

11. Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: One

RECONVENE THE MEETING IN OPEN SESSION

12. Announcement of any reportable action taken in closed session.

ADJOURNMENT

Agenda Packet Items:

Item 04 Minutes of March 17, 2021

Item 07 Outreach Planning – WeDrawTheLinesCA.org

Item 08 Redistricting Criteria Presentation

Item 09 Proposed Future Agenda Items

Item 10 Mark P. Meuser of Dhillon Law Group Inc., COLAB

Item 11 Charles H. Bell, Jr. Letter Hispanic Chamber Republican Party



COUNTY OF SANTA BARBARA

CITIZENS INDEPENDENT REDISTRICTING COMMISSION

Summary of Proceedings 2020 Citizens Independent Redistricting Commission

Date: **Wednesday, March 17, 2021**
Time: **6 PM – 9:20 PM**
Place: **Remote Virtual Participation Only**

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www.countyofsb.org/redistricting.sbc

BOARD ACTION SHOWN IN CAPS

1. Commission Convened

Roll Call

Commissioners Present: Bradley, Bray, Hudley, McClintock, Morris, Ochoa, Olmedo (late-excused), Rios, Trosky, Turley, Twibell

Commissioners Absent: None

2. Introduction of Legal Counsel

CHAIR MORRIS INTRODUCED ANDREA ORDIN (LEAD), FRED WOOCHEER, AND JUSTIN LEVITT, OF STRUMWASSER & WOOCHEER, AS THE COMMISSION'S LEGAL COUNSEL.

3. Disclosure of ex parte communications.

DR. JOHNSON GAVE AN OVERVIEW OF THE GOOGLE FORM TO BE USED FOR COMMISSIONERS TO REPORT EX PARTE COMMUNICATIONS, AND THE PUBLIC CAN ALSO ACCESS THIS INFORMATION ON THE COUNTY'S REDISTRICTING WEBSITE AT <http://countyofsb.org/redistricting.sbc>, AND SELECT EX PARTE COMMUNICATIONS.

4. Public Comment

The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.

PUBLIC COMMENT:

SCOTT RAFFERTY, HEARD REGARDING TRANSPARENCY, AGENDA POSTING, PUBLIC RECORDS REQUESTS, EX PARTE COMMUNICATIONS, AND THE CLOSED SESSION.

WRITTEN COMMENT:

NO WRITTEN COMMENTS SUBMITTED.

5. Approval of Minutes of March 3, 2021.

MOTION TO ACCEPT THE MINUTES OF MARCH 3, 2021.

MOTION CARRIED: 10 AYES 1 ABSENT

6. Planning discussion on Commission outreach efforts.

DR. JOHNSON PRESENTED INFORMATION ON THE GOOGLE SHEET LOCATED ON THE COUNTY'S REDISTRICTING WEBSITE <http://countyofsb.org/redistricting.sbc>, THAT LISTS COMMUNITY AND RELIGIOUS GROUPS AND ORGANIZATIONS THAT MAY BE INTERESTED IN THE PROCESS. ANYONE CAN ADD A GROUP OR ORGANIZATION NAME AND PUBLIC CONTACT INFORMATION TO THE LIST.

VICE CHAIR TURLEY ASKED ABOUT MOVING OR ADDING ANOTHER LANGUAGE OPTION BUTTON FOR EASIER ACCESS TO THE COMMISSION WEBSITE, AND DR. JOHNSON WILL WORK WITH THE COUNTY TO ADDRESS THE CONCERN.

DR. JOHNSON SUGGESTED USING AN OUTREACH AND COMMUNICATIONS CONSULTANT WITH EXPERTISE IN REDISTRICTING PROJECTS TO WORK WITH THE COMMISSION AND COUNTY STAFF TO DEVELOP FLYERS, SOCIAL MEDIA CONTENT, EMAIL MESSAGING, PRESENTATIONS, INFORMATIONAL VIDEOS, RADIO ADVERTISEMENT, AND OP-EDS, INCLUDING BI-LINGUAL MESSAGING. THE COMMISSION WOULD HAVE THE FINAL DECISION OVER ALL OUTREACH MATERIALS.

COMMISSIONER BRADLEY SUGGESTED CREATING A BASIC DOCUMENT EXPLAINING REDISTRICTING THAT COMMISSIONERS CAN USE AT PUBLIC MEETINGS AND WOULD ALSO BE AVAILABLE TO THE PUBLIC.

COMMISSIONER RIOS SUGGESTED CONSIDERATION OF TRANSLATION IN OTHER LANGUAGES IN ADDITION TO SPANISH.

DR. JOHNSON, ANTICIPATES THREE COMMUNICATION WAVES: GETTING STARTED –

TELL US ABOUT YOUR NEIGHBORHOOD; DRAFT MAP SUBMISSION; AND FINAL MAPS SELECTION.

CHAIR MORRIS ASKED AT WHAT POINT IN THE CYCLE SHOULD THE SOCIAL MEDIA PAGE(S) BE CREATED, WHAT CHANNELS AND PLATFORMS TO TARGET, AND WHO WOULD ASSIST WITH THIS TASK. DR. JOHNSON STATED THAT THE COUNTY'S COMMUNICATIONS MANAGER, GINA DePINTO, AND THE CONSULTANTS WILL WORK WITH THE COMMISSION TO DECIDE THAT.

COMMISSIONER RIOS SUGGESTED TARGETING SPECIFIC AUDIENCE GROUPS USING THEIR PREFERRED SOCIAL MEDIA PLATFORM.

VICE CHAIR TURLEY SUGGESTED LOOKING AT THE COUNTY'S EXISTING SOCIAL MEDIA PLATFORMS, IDENTIFY THE FOLLOWERS, AND POSSIBLE CREATION OF A COMMISSION BASED MEDIA ACCOUNT. MS. ORDIN COMMENTED ABOUT INCLUDING A SOCIAL MEDIA EX PARTE COMMUNICATIONS ITEM ON THE NEXT AGENDA.

DR. JOHNSON MENTIONED PREVIOUS DISCUSSION ABOUT A "CATCH PHRASE," AND SUGGESTED POSTING A GOOGLE SHEETS SURVEY FOR RESIDENTS TO SUBMIT CATCH PHRASE NAMES. HE RECOMMENDED COMMISSIONERS SHOULD THINK ABOUT THE SELECTION OF FORMER COMMISSION CANDIDATES AND COMMUNITY MEMBERS TO SERVE ON THE OUTREACH ADVISORY TEAM. HE ALSO COMMENTED THAT THE STATE COMMISSION HAS INVITED ORGANIZATIONS TO ASK FOR EDUCATION OUTREACH MEETINGS, AND ASKED IF THE COMMISSION WANTS TO CONSIDER A JOINT MEETING WITH THE STATE. COMMISSIONER BRADLEY COMMENTED THAT A LOT CAN BE LEARNED FROM THE STATE'S EXPERIENCE AND BE USEFUL TO THE COMMISSION, HOWEVER, MAKE IT CLEAR THAT THE STATE PROCESS DIFFERS FROM THE COUNTY, AND WILL HAVE A DIFFERENT OUTCOME. CHAIR MORRIS SUGGESTED A WORKSHOP OR INFORMATIONAL SESSION WITH A GENERAL EXPLANATION OF THE ENTIRE PROCESS AND SHOW THE DIFFERENCES. COMMISSIONER TROSKY EXPRESSED CONCERNS IT MAY BE CONFUSING, SEND MIXED MESSAGES, AND SUGGESTED REVIEWING THE STATE MATERIALS AND INCORPORATE INTO THE COUNTY PRESENTATION. NDC WILL CONTACT THE STATE AND REPORT BACK TO THE COMMISSION. CHAIR MORRIS SUGGESTED APPOINTING A SUB COMMITTEE TO DEVELOP THE STRATEGIES. MS. DePINTO PROVIDED INFORMATION ABOUT THE COUNTY'S SOCIAL MEDIA PLATFORMS, INCLUDING A SPANISH TWITTER ACCOUNT.

PUBLIC COMMENT:

SPENCER BRANDT, HEARD REGARDING OUTREACH, EFFECTIVE COMMUNICATIONS, AND HAVING A "LOCAL VOICE" SPEAK FOR THE COMMISSION.

LEE HELLER, HEARD IN AGREEMENT WITH MR. BRANDT, LIKES THE IDEA OF A WORKING GROUP, AND ENCOURAGED DIVERSITY AND REPRESENTATION IN SELECTING THE MEMBERS.

ANDY CALDWELL, HEARD IN AGREEMENT THAT DIRECT COMMUNICATION IS VALUABLE, SUGGESTED MAKING A SHORT VIDEO THAT EXPLAINS THE COMMISSIONS GOALS, AND INTERVIEWS WITH TALK SHOWS.

VICE CHAIR TURLEY COMMENTED ABOUT THE STATE WEBSITE <https://www.wedrawthelinesca.org/>, AND SUGGESTED ADDING A TIMELINE TO THE COMMISSION'S WEBSITE.

7. Training Topic #3: The decennial Census and other demographic, geographic and socio economic data used in redistricting.

DR. JOHNSON PRESENTED INFORMATION ABOUT THE DECENNIAL CENSUS, DEMOGRAPHIC, GEOGRAPHIC, AND SOCIOECONOMIC DATA USED IN REDISTRICTING

COMMISSIONER BRADLEY ASKED ABOUT THE COURSE OF ACTION TAKEN FOR MISSING DATA, AND DR. JOHNSON RESPONDED THAT DISTRICTS CAN HAVE SLIGHT POPULATION DEVIATIONS; HOWEVER, THE COMMISSION IS REQUIRED BY STATE LAW TO USE THE STATE TOTAL POPULATIONS COUNT.

COMMISSIONER OLMEDO ASKED ABOUT CENSUS DATA COLLECTED ON THE RESERVATION, AND IF THEY LOOKED AT INDIAN HEALTH SERVICE DATA TO ENSURE COMMUNITIES OF INTERESTS DATA WAS INCLUDED, AND DR. JOHNSON STATED THEY WERE INCLUDED IN THE CENSUS PLANNING.

COMMISSIONER BRADLEY INQUIRED IN REGARD TO OUTREACH TO COMMUNITIES OF INTEREST, HOW TO WEIGH THE TESTIMONY AGAINST DATA, AND IS THERE A LEGAL CHALLENGE OR PRECEDENCE, AND DR. JOHNSON STATED IT'S THE COMMISSION'S DECISION.

DR. PHILLIPS DEMONSTRATED HOW TO NAVIGATE THROUGH THE GIS DATA FOR SANTA BARBARA COUNTY (FROM THE COMMISSION HOME PAGE, CLICK STORYMAP OR WEBAPP), AND EXPLAINED THE INFORMATION.

COMMISSIONER MCCLINTOCK ASKED IF THERE COULD BE A LINK TO THE LAYER WITH A DESCRIPTION. DR. PHILLIPS STATED THE PLATFORM DOESN'T HAVE THAT ABILITY; HOWEVER, HE CAN CREATE A SPREADSHEET THAT SHOWS THE TITLES, AND REFERENCE THE SOURCE WITH AN IN-DEPTH DESCRIPTION.

8. Discussion and possible action regarding future training sessions and other future agenda items.

- CRITERIA (SAMPLE MAPS)
- FEDERAL VOTING RIGHTS ACT
- EXAMPLES OF OTHER COMMISSIONS PAST EXPERIENCE
- GUIDANCE ON EX PARTE COMMUNICATIONS
- TRAINING ON CONDUCTING A MEETING, PUBLIC COMMENT, SOCIAL MEDIA AND COMMUNICATIONS WITH THE PRESS
- COUNTY EMAIL ADDRESS FOR COMMISSIONERS

9. Conference with Legal Counsel—Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: Two

MS. ORDIN ANNOUNCED THE FOLLOWING ITEMS WILL BE DISCUSSED IN CLOSED SESSION – ANTICIPATED LITIGATION:

- COALITION OF LABOR, AGRICULTURE, AND BUSINESS VS SANTA BARBARA COUNTY BOARD OF SUPERVISORS AND COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION
- LETTER FROM CHAIRMAN OF THE CALIFORNIA HISPANIC CHAMBERS OF COMMERCE, AND SANTA BARBARA COUNTY REPUBLICAN PARTY

PUBLIC COMMENT:

SCOTT RAFFERTY, HEARD REGARDING CONCERNS ABOUT LITIGATION AUTHORITY.

RECESSED THE MEETING FOR CLOSED SESSION AT 8:15 PM.

THE MEETING RECONVENED AT 9:19 PM.

MR. WOOCHEER ANNOUNCED THERE WAS NO REPORTABLE ACTION TAKEN IN CLOSED SESSION.

ADJOURNMENT – The next meeting is scheduled for Wednesday, April 7, 2021, at 6 p.m.

Agenda Packet Items:

Item 05 Minutes of March 3, 2021

Item 07 Redistricting Data Presentation

Item 08 Proposed Future Agenda Items

Item 09 Letter from Mark P. Meuser of Dhillon Law Group Inc.

Item 09 Charles H, Bell, Jr. Letter Hispanic Chamber Republican Party



California Redistricting Basics

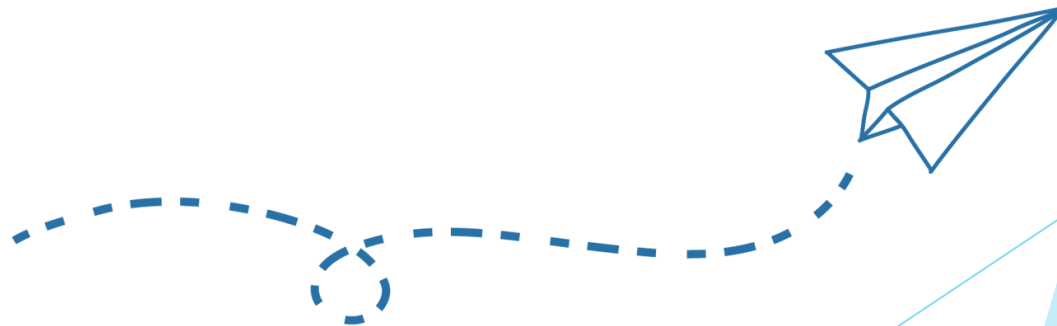
WeDrawTheLinesCA.org



Reminder—No Public Input Will Be Taken Today

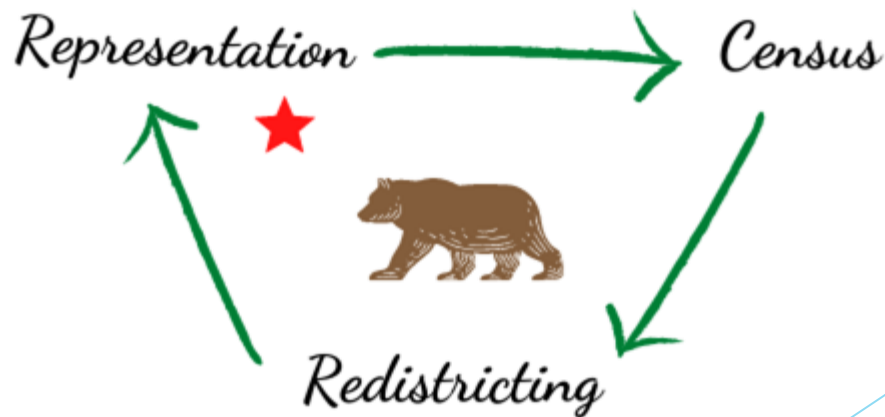
Per California Government Code Section 8253(a)(3)-- Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. Therefore, the Commission will not be taking any public input during these educational presentations.

To provide public input, please visit the Commission's website at: WeDrawTheLinesCA.org.



What is Redistricting?

Drawing new boundaries that determine which Californians are represented by each elected official.



Why We Redraw District Maps



- ▶ Communities change.
- ▶ People are born, die, and move.
- ▶ Communities grow and shrink.
- ▶ Areas where there were once roughly the same number of people become unequal.

Your Voice

- ▶ Why is redistricting important?
- ▶ Why should you be involved?
- ▶ Your role in the process

Redistricting has been used at times to exclude communities from political power. By fully participating in and monitoring the upcoming redistricting process, more communities may have a better opportunity to elect candidates of their choice who will voice their needs and interests.

*Your Voice
Your Choice*



How Redistricting Affects You

Power to the People



Champion Your Issues



Funding Priorities



Community Boundaries



Road to Fair Representation

- ▶ **Census**—Every ten years the entire U.S. population is counted, and that data is used to draw new maps to account for population shifts across the states and districts.
- ▶ **Reapportionment**—The federal reallocation of House seats among the states, done after each national census to ensure seats are held by the states in proportion to the size of their population.
- ▶ **Redistricting**—Drawing new boundaries that determine which voters are represented by each electoral district.
- ▶ **Fair Representation**—Historically, legislators have drawn maps that allowed them to choose their voters rather than enabling voters to choose their representatives. This former system undermined the concept of fair representation, which is to give people the power to choose their representatives.

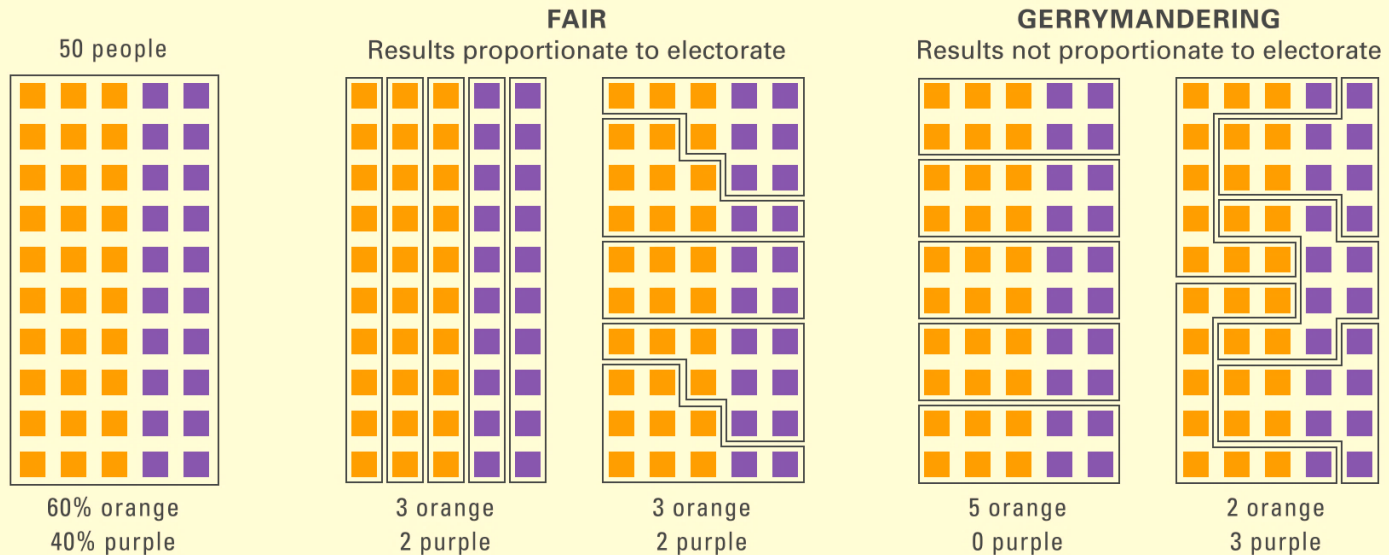


Why Independent Redistricting Matters

GERRYMANDERING

How differently drawn district maps produce different electoral results

FOUR WAYS TO DIVIDE 50 PEOPLE INTO 5 DISTRICTS:



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6 Line Drawing Criteria by Order

The Commission must follow these weighted criteria in this order when drawing district maps :

1 Equal Population Districts must be of equal population to comply with the US Constitution.	2 Voting Rights Act Districts must comply with the Voting Rights Act to ensure that minorities have an equal opportunity to elect representatives of their choice.	3 Contiguity Districts must be drawn so that all parts of the district are connected to each other.
4 Communities of Interest Districts must minimize the division of cities, counties, neighborhoods, and communities of interest to the extent possible	5 Geographically Compact Districts should be geographically compact such that nearby areas of population are not bypassed for more distant populations. This requirement refers to density, not shape.	6 Nesting Districts Where practicable each Senate District should be comprised of two complete and adjacent Assembly Districts and Board of Equalization districts shall be composed of 10 complete and adjacent State Senate Districts.

In addition, the place of residence of any incumbent or political candidate may not be considered in the creation of a map, and districts may not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

Different Redistricting Efforts



State—Congressional, State Senate, State Assembly, and Board of Equalization.



Counties—58 counties, some with their own process.



Cities—482 cities, some with their own process.



School Districts—977 school districts, some with their own process.

Other Redistricting Efforts—water districts, community college districts, etc.



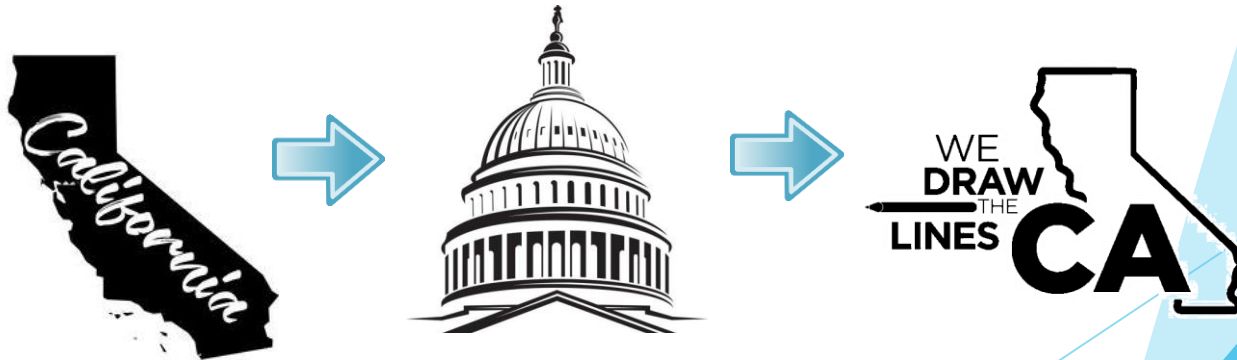
History

- ▶ **Prior to 2010**—Legislators drew lines, or the court did if the legislature failed to carry out this duty properly
- ▶ **Proposition 11 (2008)**—the Voters FIRST Act/We Draw the Lines for State Senate, State Assembly, and Board of Equalization
- ▶ **Proposition 20 (2010)**—Added congressional districts
- ▶ **2010 Redistricting Commission**
- ▶ **2020 Redistricting Commission**
- ▶ **Other States with Independent Commissions**—Arizona, Colorado, Idaho, Michigan, Montana and Washington use independent commissions to draw the lines.



Commissioner Selection

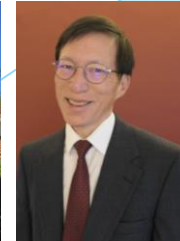
- ▶ **Commissioner Applications (Over 20,000 applicants)**
- ▶ **Supplemental Applications (2,000)**
- ▶ **Interview/Screening Process (120 applicants)**
- ▶ **Applicant Pool sent to Legislature (60 applicants)**
- ▶ **Legislative Strikes (12 strikes each party)**
- ▶ **Lottery System: First 8**
- ▶ **Final 6 Selection**



Who we are

► 2020 Commissioners: 14 Members

• Isra Ahmad , San Jose, No Party Preference	• Sara Sadhwani , La Cañada Flintridge, Democrat
• Linda Akutagawa , Huntington Beach, No Party Preference	• Patricia S. Sinay , Encinitas, Democrat
• Jane Andersen , Berkeley, Republican	• Derric Taylor , Los Angeles, Republican
• Alicia Fernández , Clarksburg, Republican	• Pedro Toledo , Petaluma, No Party Preference
• Neal Fornaciari , Tracy, Republican	• Trena Turner , Stockton, Democrat
• J. Ray Kennedy , Morongo Valley, Democrat	• Angela Vázquez , Los Angeles, Democrat
• Antonio Le Mons , Studio City, No Party Preference	• Russell Yee , Oakland, Republican



Commissioner Duties

▶ Community Outreach/ Public Input Meetings

- Engage the public
- Collect community input
- Hear public testimony



▶ Draw Maps--Draft and final maps for Congress (~53), Senate (40), Assembly (80), and Board of Equalization (4)

EXAMPLE: SACRAMENTO



CONGRESS

(700,000 people)



SENATE

(931,000 people)



ASSEMBLY

(466,000 people)



BOE

(9 million people)



Outreach Zones



ZONE	COUNTIES	COMMISSIONERS
A	Del Norte, Humboldt County, Mendocino, Lake, Napa, Sonoma, Trinity	Commissioner Toledo Commissioner Taylor
B	Butte, Colusa, Glenn, Lassen, Modoc, Plumas, Shasta, Siskiyou, Tehama	Commissioner Sinay Commissioner Yee
C	Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano	Commissioner Yee Commissioner Toledo
D	El Dorado, Nevada, Placer, Sacramento, Sierra, Sutter, Yolo, Yuba	Commissioner Fernandez Commissioner LeMons
E	Monterey, San Benito, San Luis, Obispo, Santa Barbara, Santa Cruz, Ventura	Commissioner Fornaciari Commissioner Kennedy
F	Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare	Commissioner Turner Commissioner Vazquez
G	Alpine, Amador, Calaveras, Inyo, Mariposa, Mono, Tuolumne	Commissioner Andersen Commissioner Akutagawa
H	Los Angeles	Commissioner Taylor Commissioner Ahmad
I	Riverside, San Bernardino	Commissioner Kennedy Commissioner LeMons
J	Orange	Commissioner Akutagawa Commissioner Sadhwani
K	Imperial, San Diego	Commissioner Sinay Commissioner Ahmad

Communities of Interest (COI)

- ▶ **Communities of Interest (COI)**--A community of interest is a concentrated population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples include culture, areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media. People can belong to multiple communities of interest.
- ▶ **Defining Your Communities**
 - Geographic
 - Boundaries
 - Things you have in common



Participating in the Process

1



DESCRIBE
your community

2



DRAW
your community on a map

3



SEND
your testimony directly to
the Commission

Provide your input today at:
DrawMyCACommunity.org



Ways to Provide Public Input

- ▶ **Communities of Interest (COI) Mapping Tool:**
DrawMyCACommunity.org
- ▶ **On Our Website:** WeDrawTheLinesCA.org
- ▶ **By E-mail:** VotersFirstAct@crc.ca.gov
- ▶ **By Mail:** California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814

Draw My CA Community

My Community

1. Describe your community

Give your community a name*

Required

Tell us about your community. What are your shared interests? What brings you together? What is important to your community?*

Required

3. Submit your community

SAVE SUBMIT

Map files by [Stamen Design](#), under [CC BY 3.0](#). © [OpenStreetMap](#) contributors.



CA Supreme Court Ruling

Legislature of CA v Alex Padilla S262530 July 17, 2020

The California Supreme Court ruled on July 17, 2020 that the Commission should have until December 15, 2021 to submit its maps to the California Secretary of State due to the delay in release of census results. If census results are received after July 31, 2021, the Commission's deadline will be adjusted accordingly.



Timeline

2021

- ▶ **February-May:** Education Presentations (California Redistricting Basics)
- ▶ **June-October:** Public Input Meetings (COI)
- ▶ **September 30:** Census Data Expected to the State
- ▶ **October 31:** Census Data Expected to the Commission
- ▶ **November-December:** Public Input Meetings/Line Drawing Sessions (Pre district maps)
- ▶ **December:** Draft District Maps Released

2022

- ▶ **January:** Public Input Meetings/Line Drawing Sessions
- ▶ **February:** District Maps Released
- ▶ **February 15:** Final District Maps to Secretary of State



Reminder—No Public Input Will Be Taken Today

Per California Government Code Section 8253(a)(3)-- Commission members and staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. Therefore, the Commission will not be taking any public input during these educational presentations.

To provide public input, please visit the Commission's website at: WeDrawTheLinesCA.org.



Contact Us

To request an informational session, please contact the Commission.

California Citizens Redistricting Commission
721 Capitol Mall, Suite 260
Sacramento, CA 95814
(916) 323-0323
Marcy.Kaplan@crc.ca.gov

For more information about the Commission, please visit:
WeDrawTheLinesCA.org



Social Media Handles: @WeDrawTheLinesCA





Redistricting Criteria

Santa Barbara County Code 2-10.9A.(6)(a)

(Ordinance No. 5051, Measure G2018 approved by voters 11/6/2018)

- (1) Districts shall comply with the United States Constitution and each district shall have a **reasonably equal population** with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.
- (2) Districts shall comply with the **federal Voting Rights Act** of 1965 (52 U.S.C. Sec. 10101 et seq.).
- (3) Districts shall comply with the California Voting Rights Act of 2001 (Division 14; Chapter 1.5 Rights of Voters of the Election Code (commencing with Section 14025).
- (4) Districts shall comply with **California Election Code Section 21500** and in establishing the boundaries of the supervisorial district the commission **shall** give consideration to the following factors (a) **topography**, (b) **geography**, (c) **cohesiveness, contiguity, integrity and compactness** of territory, and (d) **community of interests** of the supervisorial districts.
- (5) Districts shall be geographically **contiguous**.
- (6) The geographic **integrity of any city, local neighborhood, or local community of interest** shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of subsections (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (7) To the extent practicable, and where this does not conflict with subsections (1) to (6), inclusive, districts shall be drawn to encourage **geographical compactness** such that nearby areas of population are not bypassed for more distant areas of population.

Elections Code Section 21500

At the time the ordinance was written:

“the board **may** give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the supervisorial districts”

In current law (FAIR MAPS Act):

(b) The board shall adopt supervisorial district boundaries that comply with the **United States Constitution**, the California Constitution, and the **federal Voting Rights Act** of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, supervisorial districts shall be geographically **contiguous**. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local **neighborhood or local community of interest** shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the extent practicable, the geographic integrity of a **city or census designated place** shall be respected in a manner that minimizes its division.

(4) Supervisorial district boundaries should be **easily identifiable and understandable** by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage **geographical compactness** in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Resulting Prioritized (but repetitive) Criteria

1. Equal population
2. Federal Voting Rights Act
3. California Voting Rights Act
4. Combined Criterion:
 - a. *Elections Code 21500*
 - i. Contiguous
 - ii. the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division
 - iii. the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division
 - iv. Easily Understood Boundaries (streets and “natural and artificial barriers”)
 - v. Compact (not bypassing one group of people to reach another group of people)
 - vi. Shall not favor or discriminate against any political party
 - b. *consideration to the following factors (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity and compactness of territory, and (d) community of interests of the supervisorial districts*
5. Contiguous
6. Neighborhoods and Communities of Interest
7. Compact

Prohibition: “Shall not consider incumbent or candidate locations, nor to favor or discriminate against any incumbent, candidate, or political party.”

1. Equal Population

□ Congressional rule:

- Near-perfect balance required under language of Article I of the Constitution

□ All other jurisdictions (including Santa Barbara County)

- *14th Amendment equal protection requires reasonable population balance*
- *Simple ‘Rule of thumb’: ‘Each district must be within plus or minus five percent from the ideal per-district population’*
- *Actual rule: the largest district’s deviation from the ideal must be no more than 10% from the smallest district’s deviation from the ideal*
 - In theory, a map where one district is 8% under-populated and the other four districts are exactly 2% over-population would meet the 10% requirement



What Population Data?

California Elections Code Section 21500(a):

- (1) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.
- (2) Notwithstanding paragraph (1), an incarcerated person . . . shall not be counted towards a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county . . .



Population Balance Math

- Ideal (or target) population = jurisdictions total population divided by the number of districts

- ▣ *Santa Barbara County in 2010 had 423,895 residents*
- ▣ *The County has five districts*
- ▣ *The ideal district population was $423,895 / 5 = 84,779$*

2011 District	1	2	3	4	5	Total
Population	84,456	84,447	84,730	84,965	85,297	423,895
Ideal	84,779	84,779	84,779	84,779	84,779	84,779
Deviation	-323	-332	-49	186	518	850
Pct. Dev.	-0.38%	-0.39%	-0.06%	0.22%	0.61%	1.00%

1.00% is well below 10%, so the plan is safely population balanced.



New Population Rule for 2021

□ 2010 rule: ‘as close to balanced as possible’

- ▣ *Each deviation had to be justified by a court-approved criterion/goal*
- ▣ *Larios v. Perdue (2003) ruling generally controlled*

□ 2020 rule:

- ▣ *Deviations up to 10% allowed to achieve allowable goals.*
- ▣ *Harris v. Arizona Independent Redistricting Commission (2016)*
 - “the population deviations were primarily a result of good-faith efforts to comply with the Voting Rights Act ... even though partisanship played some role.”
 - “. . . appellants have not shown that it is more probable than not that illegitimate considerations were the predominant motivation behind the plan's deviations from mathematically equal district populations — deviations that were under 10%.”



Exceeding 10% Deviation

- Under 10% deviation, plan is “presumptively constitutional”
 - ▣ *Gaffney v. Cummings*, 412 U.S. 735 (1973)
- Above 10%, plan is “presumptively unconstitutional”
- The change shifts the burden of proof to the jurisdiction
 - ▣ *Practically guarantees long, expensive litigation*
 - ▣ *Surrenders the considerable discretion granted by the Harris ruling*



2. The Federal Voting Rights Act

- Basically, geographic areas that have a concentration of voters from a “protected class” should not be divided in a way that dilutes their voting power.
- *This will be covered in detail at the next meeting.*



3. California Voting Rights Act

- ❑ While often cited in lists of criteria, the California Voting Rights Act (CVRA) has no provisions or criteria for redistricting.
 - ❑ *CVRA governs whether jurisdictions are at-large or by-district.*
 - ❑ *The Federal VRA governs how those districts are drawn.*
 - ❑ *The concept of CVRA compliance is more about following the “spirit” or the “intent” of the Act.*



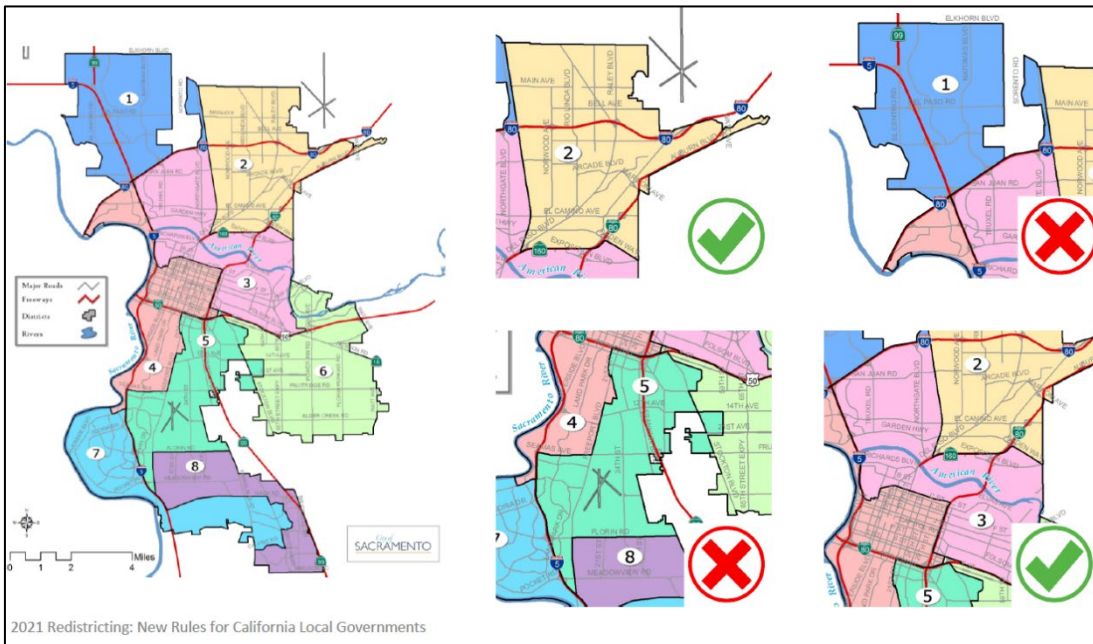
4.a.i, 4.b.(c) and 5. Contiguity

□ Elections Code Section 21500(c)(1)

- *“To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.”*
- *All parts of a district must “touch”*
- *No “point” contiguity*
- *No water contiguity (unless there is a bridge or ferry)*
 - *The Channel Islands connect by boat to harbors in Ventura County, so there is no specific point of connection with Santa Barbara County, so NDC’s understanding is there is flexibility regarding their connection to the rest of the County.*



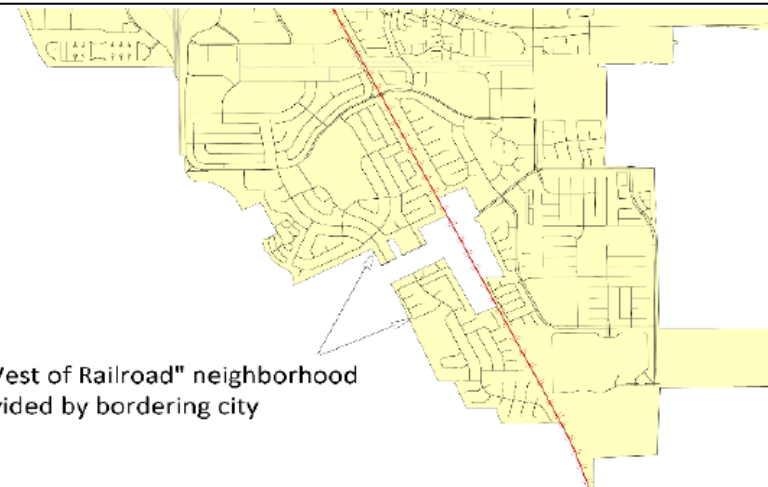
Contiguity Examples



Contiguity usually is just common sense.

Thanks to Nicholas Heidorn, Common Cause and the Rose Institute for the Sacramento graphics.

But there are exceptions, though they rarely appear at the County level.



4.a.ii, 4.b.(d) and 6. Neighborhoods and Communities

□ “Neighborhood”

- ▣ *Can be formally recognized by the County or another a government agency, defined by public input, and/or defined by the Commission.*

□ “Community of Interest”

- ▣ *Defined in Elections Code 21500(c)(2):*
- ▣ *“[A] population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation.”*
- ▣ *Often, but not always, connected by a shared issue or issue that brings the residents in a specific geographic area or areas together before the government in question (in this case, the County).*



Community of Interest Examples

- Areas around parks, commercial corridors, schools/universities, or other amenities
- Natural and man-made features such as hills, rivers, canals, and freeways
- Planning areas, historic zones, homeowners' associations
- Shared demographic characteristics like similar income, occupation profiles, renters/owners, single/multi-family housing.
- Shared issues/impacts, legislative concerns



Communities of Interest

Definitions:

- ❑ Community testimony
 - ❑ *Public Hearings*
 - ❑ *Email/Phone/Letter*
 - ❑ *Petitions*
- ❑ Jurisdiction data
 - ❑ *Maps of parks, schools, facilities*
 - ❑ *Master-planned communities*
 - ❑ *Zones or areas (school attendance areas, economic development zones)*
- ❑ Census & demographic data
 - ❑ *American Community Survey tract-level and block group-level demographics*

Challenges:

- ❑ What happens if groups disagree on where communities are or whether two areas share an interest?
- ❑ What happens if community testimony and a city's recognized map of "Neighborhoods" disagree?
- ❑ Are communities of interest that are not defined by population counted? Examples: Economic Development Zones, commercial corridors/downtown areas/industrial areas.
- ❑ How to decide if "effective and fair" representation would be better served by dividing a geographic area that has a shared interest?



4.a.iii. Cities and Census Designated Places

□ Cities:

- ▣ *Easy to identify, widely recognized, and legally defined.*
- ▣ *Precinct lines already follow city (and school district) borders.*

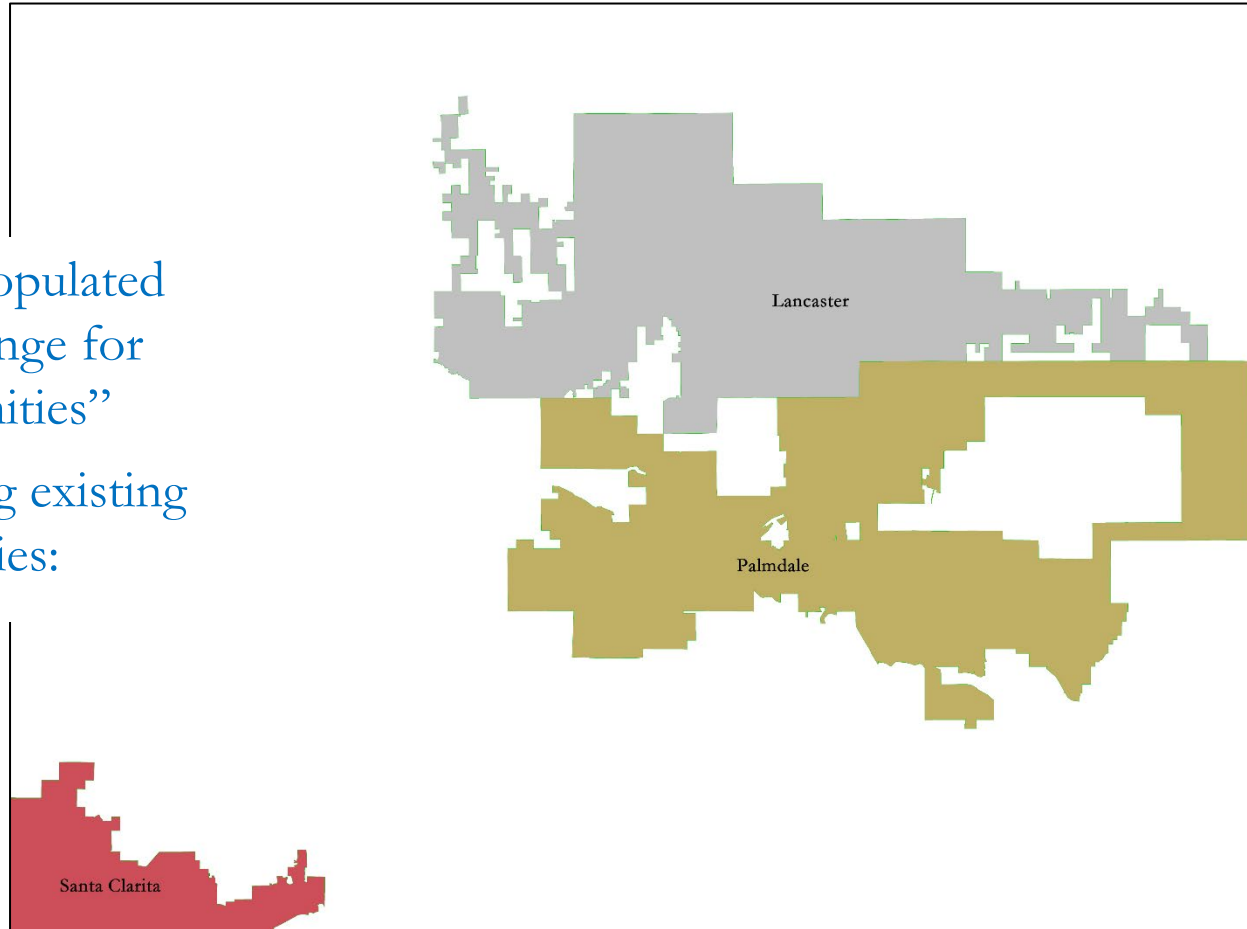
□ Census Designated Places (CDPs):

- ▣ *The Census Bureau's attempt to identify unincorporated neighborhoods, these are unofficial, geographically generalized, and highly subjective.*
- ▣ *The Census Bureau would be the first to say you should defer to local testimony on where the proper boundaries are in situations where the locals differ with the Census-identified boundary.*



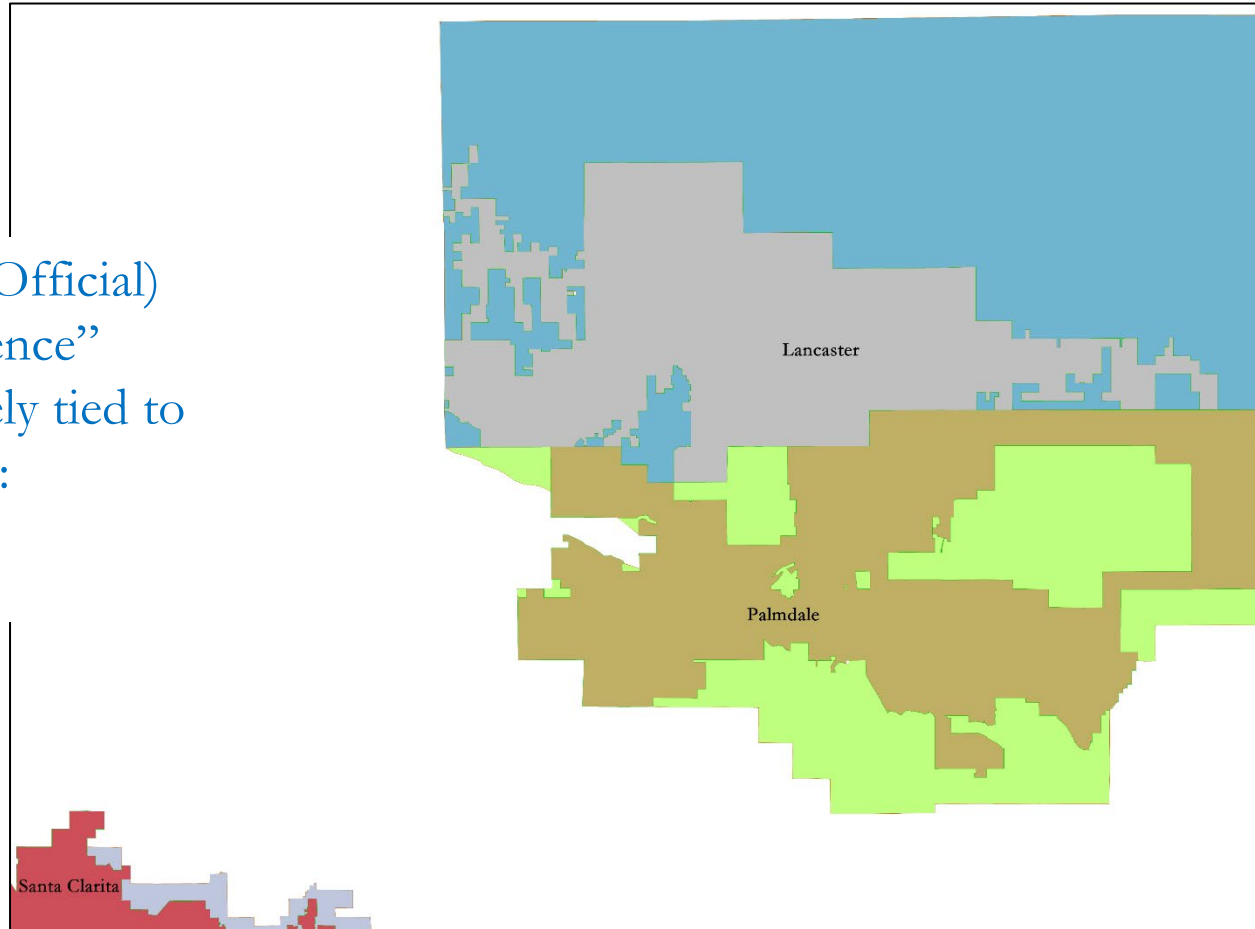
CDP: Communities in Unincorporated Areas

Unincorporated populated areas pose a challenge for defining “communities”
Be creative in using existing data on communities:



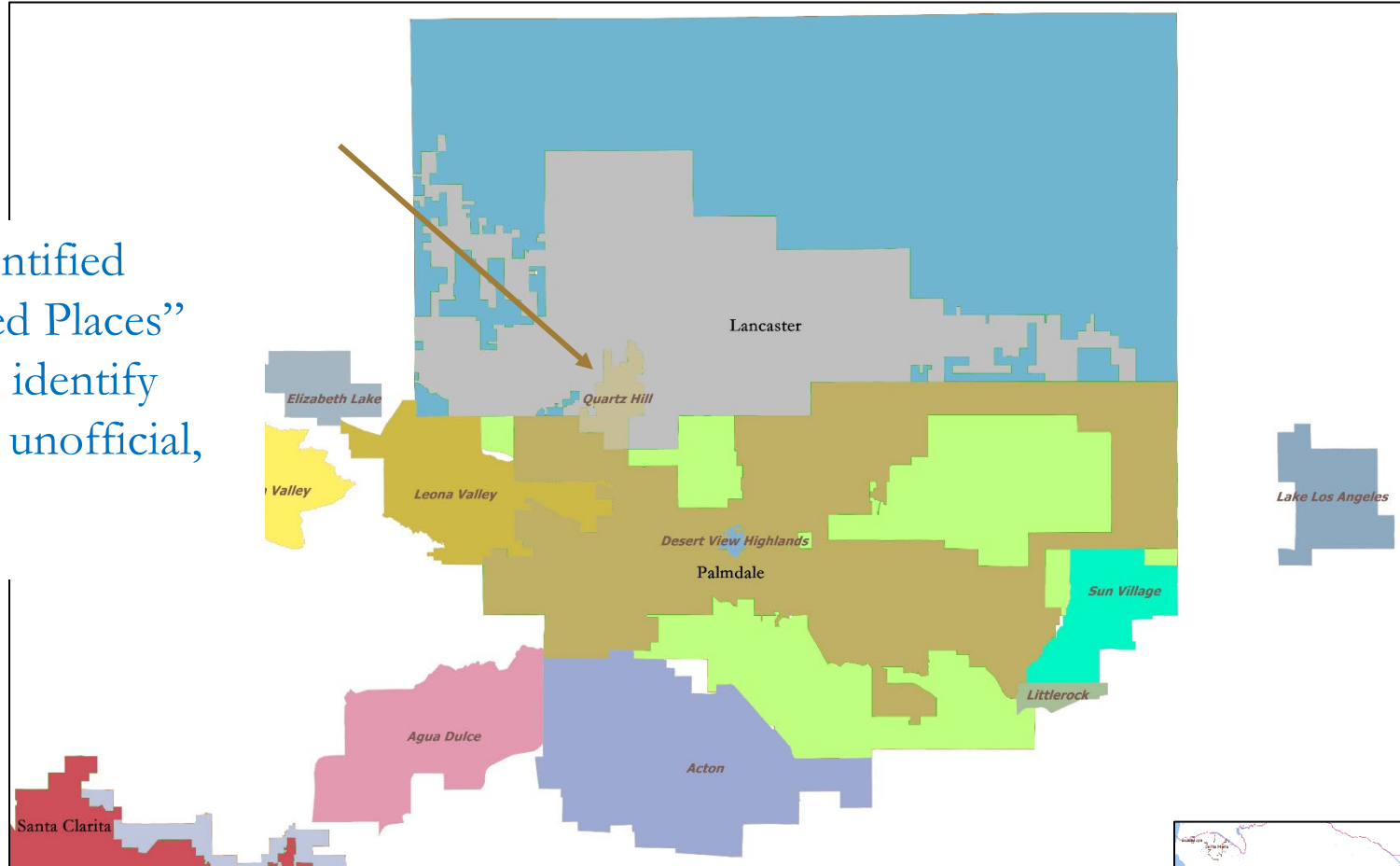
CDP: Communities in Unincorporated Areas

LAFCO-defined (Official)
“Spheres of Influence”
identify areas closely tied to
incorporated cities:



CDP: Communities in Unincorporated Areas

Census Bureau-identified
“Census Designated Places”
(CDPs) attempt to identify
unincorporated, if unofficial,
neighborhoods:



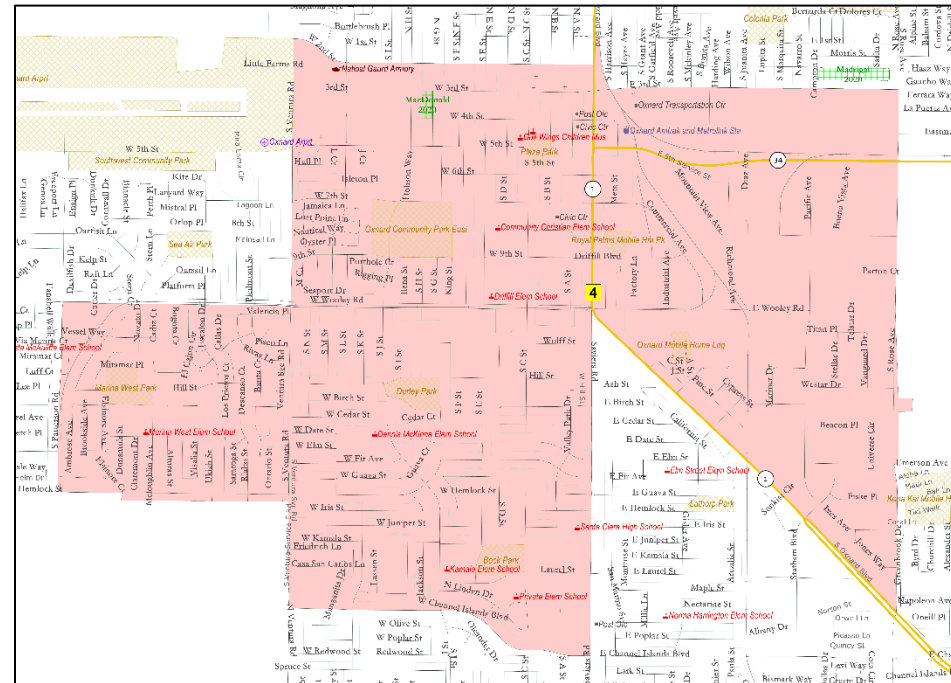
Cities, Spheres of Influence, and CDP's are all available in the
online interactive map of Santa Barbara County geography.

4.a.iv. and 4.b.(a), 4.b.(b) Easily Understood Boundaries

□ Elections Code 21500(c)(2):

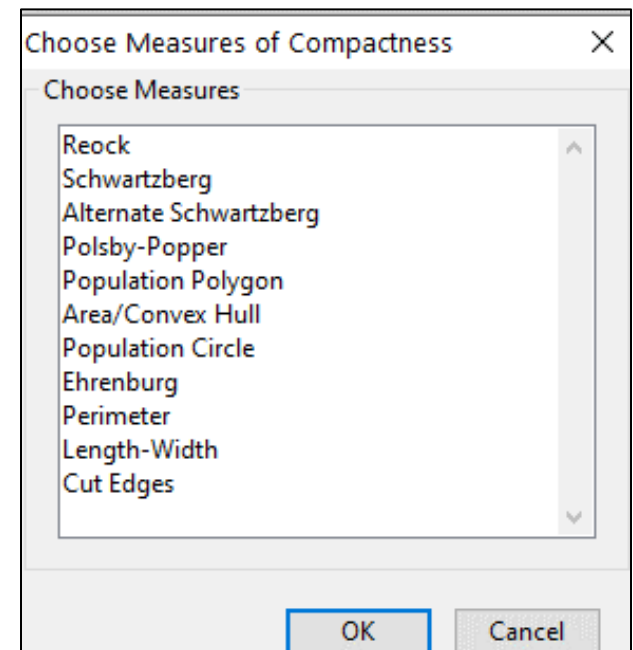
- *Follow “natural and artificial barriers” and “streets”*
- *Major roads are better than minor roads*
- *Railroads, rivers, creeks and drainage channels are good since these often also act as neighborhood boundaries*
- *“Topography and geography”*

An odd shape can still be easily understood if it follows major geographic features:

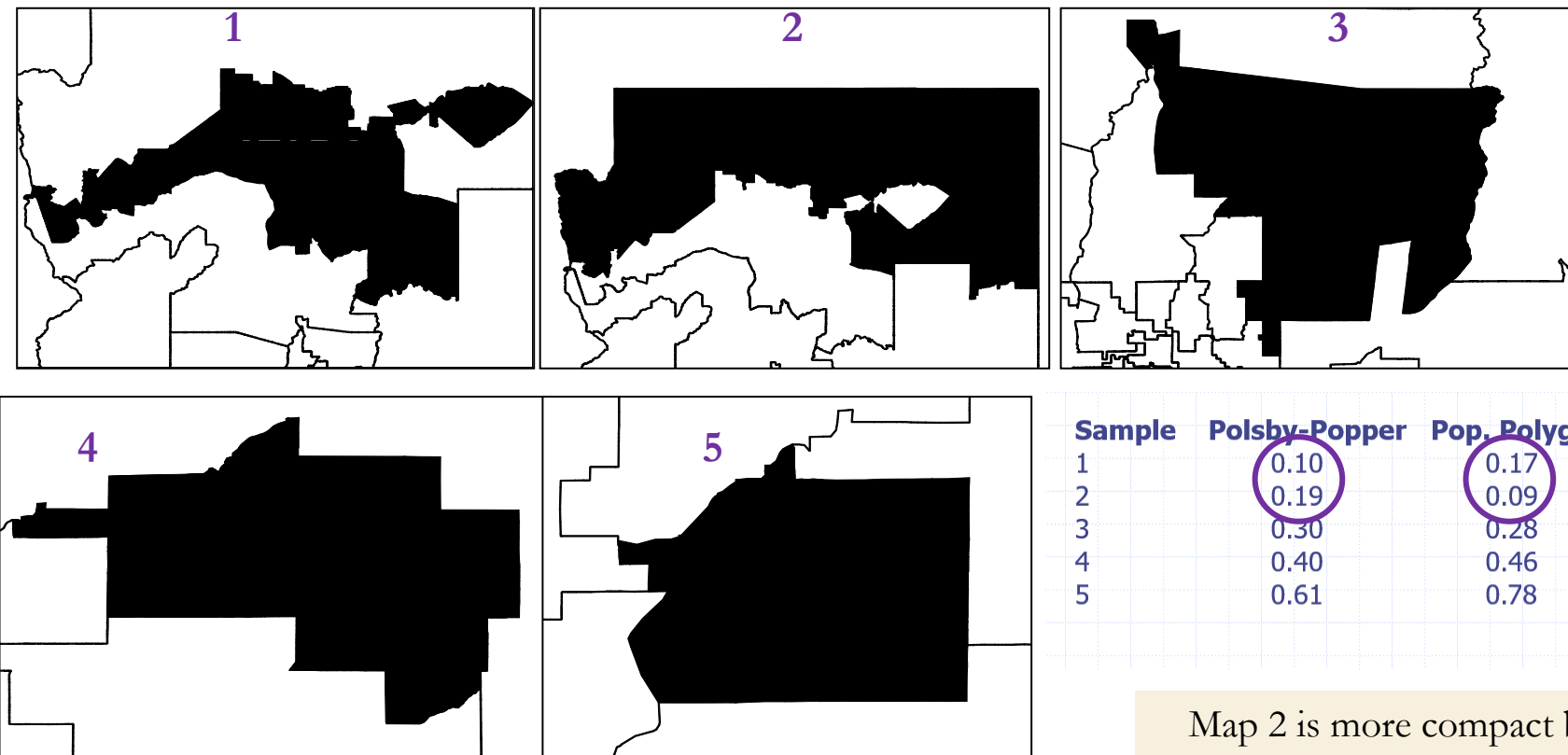


4.a.vi, 4.b.(c) and 7. Compactness

- ❑ Compactness has a long and contentious history in redistricting studies and litigation
 - ❑ *Maptitude for Redistricting desktop software contains 11 different mathematical measures of compactness*
 - ❑ *They measure things like:*
 - total perimeter of each district;
 - ratio of a circle drawn around each district to the actual perimeter of the district; and
 - ratio of the district population to the population of a circle enclosing a district.
 - ❑ *Some create values. Others create ratios.*
 - ❑ *Debate over whether the “average,” “median,” “total” or “extreme” results matter more.*
 - ❑ *Used properly, the measures have value. But their differing results tend to make them weak legal evidence.*
 - ❑ *Polsby-Popper is the most commonly used, but only because it is very fast to calculate and easy to understand (not because it is better).*



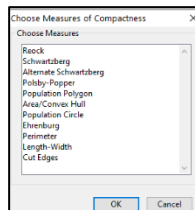
Sample Maps



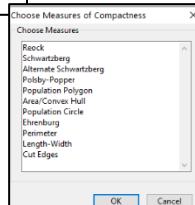
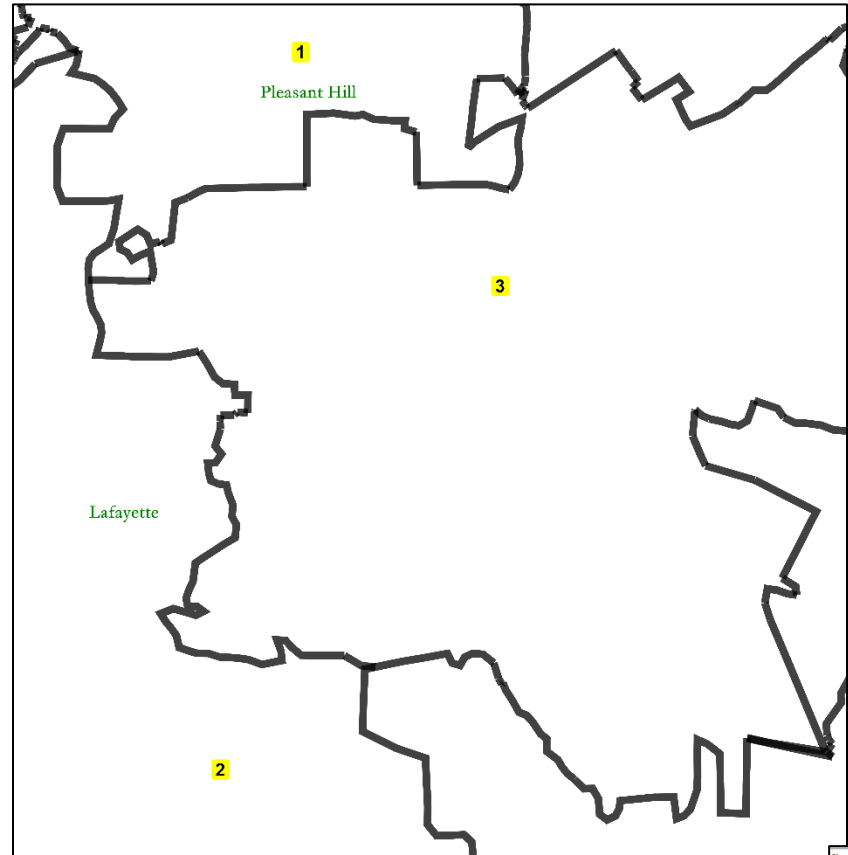
Sample	Polsby-Popper	Pop. Polygon	Pop. Circle
1	0.10	0.17	0.49
2	0.19	0.09	0.51
3	0.30	0.28	0.70
4	0.40	0.46	0.73
5	0.61	0.78	0.95

Map 2 is more compact by Polby-Popper, while Map 1 is more compact by the Population Polygon.

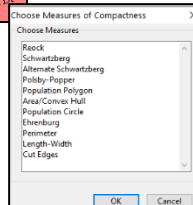
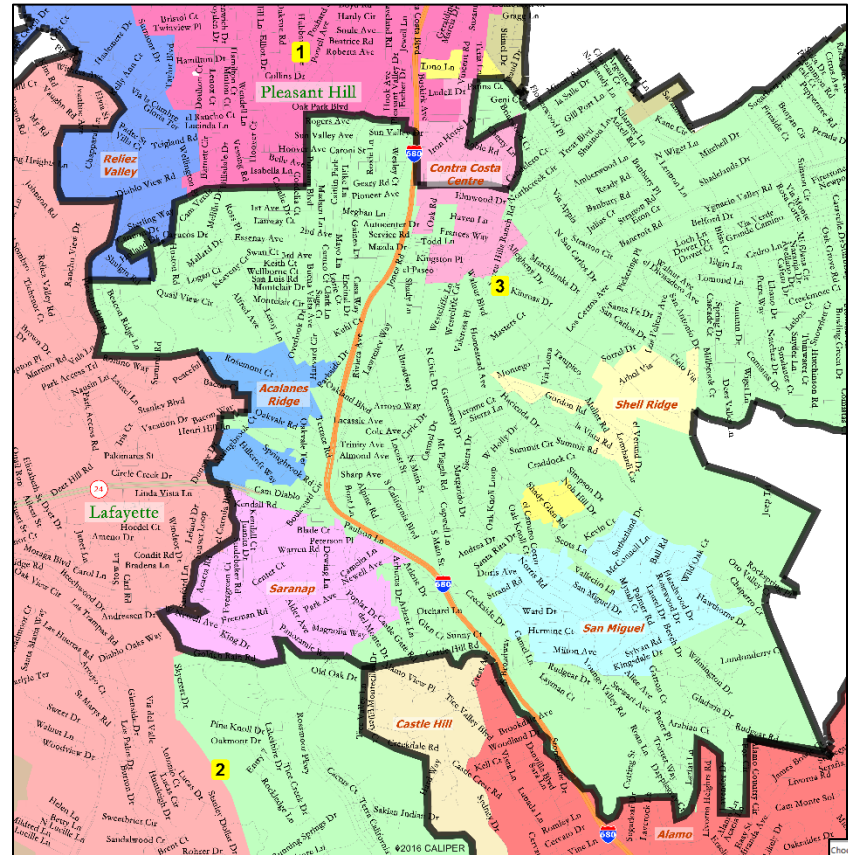
Districts should only be evaluated against those in a similar geographic area. Natural and man-made features like coasts and city boundaries may distort results.



Not all crazy shapes are bad

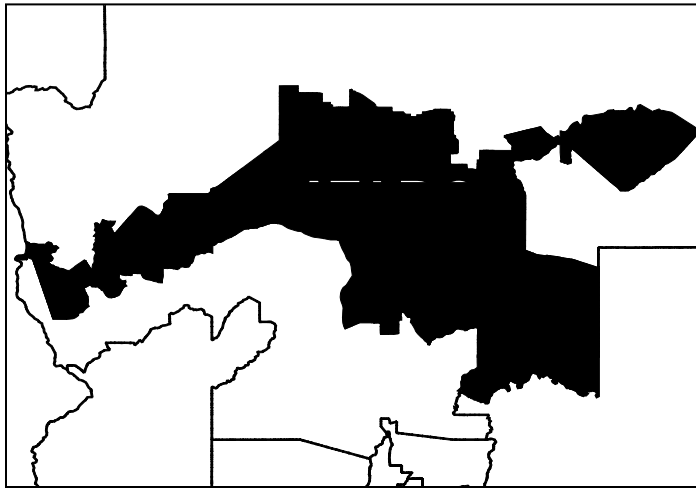


Not all crazy shapes are bad

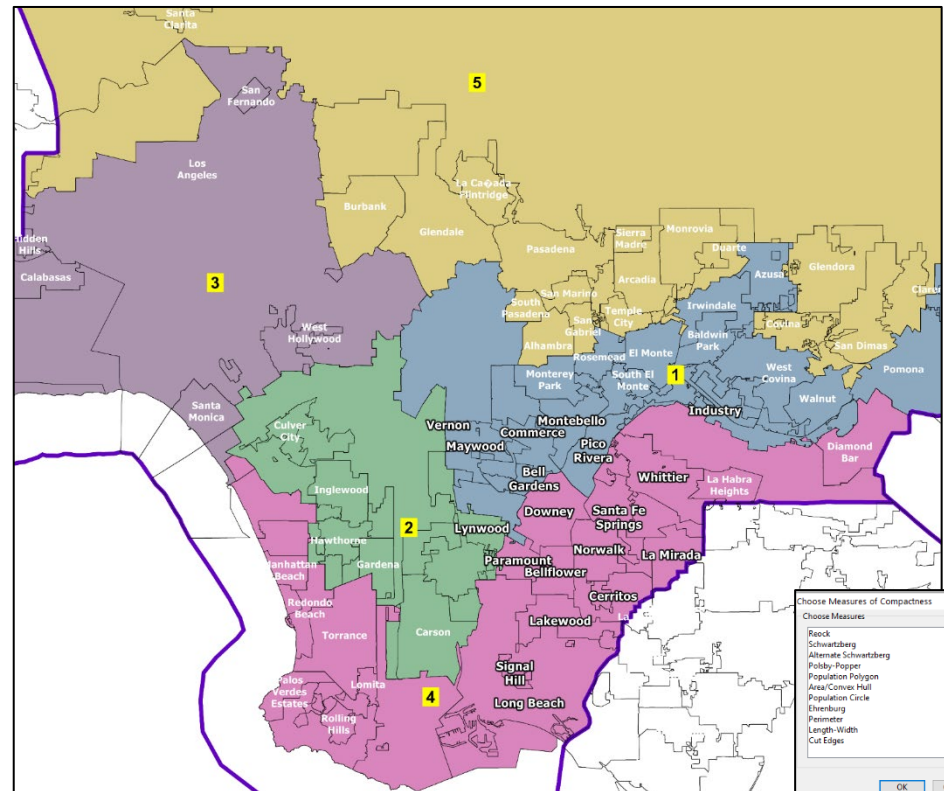


California's Compactness Rule

- ❑ No formulas involved!
- ❑ Elections Code 21500(c)(5):
 - ❑ “[N]earby areas of population are not bypassed in favor of more distant populations.”



But remember this is the last criterion in a prioritized list. All the prior criteria can justify odd shapes.



4.b.(c) Cohesiveness . . . Integrity

- ❑ Very little guidance on these terms in court rulings.
 - ❑ “Cohesiveness” could be considered a simple reference to “communities of interest.”
 - ❑ “Integrity” could be considered a simple reference to contiguity.
- OR --
- ❑ These terms might be calling for a “cohesiveness” and/or issue-based “integrity” in a given Supervisorial District.

Prohibitions

“Shall not consider incumbent or candidate locations, nor to favor or discriminate against any incumbent, candidate, or political party.”

- What does “favor or discriminate” mean?
 - ▣ *Safest approach: avoid any consideration of any data regarding party registration, election results, and/or locations of individuals.*
- Challenge: members of the public may attempt to record in the record individuals’ addresses by stating them during their public comments.



References

- All About Redistricting
 - ▣ <https://redistricting.ils.edu/>
- National Conference of State Legislatures
 - ▣ <https://www.ncsl.org/research/redistricting/redistricting-and-the-supreme-court-the-most-significant-cases.aspx>
- How to Draw Redistricting Plans That Will Stand Up in Court
 - ▣ https://www.ncsl.org/documents/legismgt/How_To_Draw_Maps.pdf
- Local Government Redistricting Toolkit
 - ▣ <https://www.advancingjustice-alc.org/wp-content/uploads/2021/02/Local-Government-Redistricting-Toolkit.pdf>

UPCOMING AGENDA ITEMS (PROPOSED)
2020 Citizens Independent Redistricting Commission

Upcoming meeting:

- Training 5: Federal Voting Rights Act
- Demonstration and discussion of public mapping tools and related budget issues.
- Update on NDC's collection of GIS data and maps from County departments and City governments.
- Examples of other commissions' past experiences.



Mark P. Meuser
MMeuser@DhillionLaw.com

March 1, 2021

VIA EMAIL

Santa Barbara County Board of Supervisors

Das Williams

DWilliams@countyofsb.org

Greg Hart

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Bob.Nelson@countyofsb.org

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**Re: SANTA BARBARA REDISTRICTING COMMITTEE'S UNAUTHORIZED
HIRING OF ATTORNEY FREDRIC D. WOOCHEER OF STRUMWASSER
& WOOCHEER AS LEGAL COUNSEL IN VIOLATION OF ORDINANCE.**

Dear County Supervisors:

This law firm represents the Coalition of Labor Agriculture and Business ("COLAB") in connection with the Santa Barbara Redistricting Committee's ("SBRC") recent unauthorized approval and hiring of attorney Fredric D. Woocher, Esq ("Attorney Woocher") as independent counsel.

As you know, in the November 2018 Statewide General Election, Santa Barbara County voters approved Measure G, which formed an 11-member independent redistricting commission¹ to establish the electoral district boundaries in Santa Barbara County for the upcoming decade. During a recent Citizens Independent Redistricting Commission that remotely took place on

¹ Cheryl Trosky, Karen Twibell, William McClintock, Megan Turley, Norman Bradley, James Chris Hudley, James H. Bray, Amanda Ochoa, Glenn Morris, Janet Rios and Benjamin Olmedo.

February 3, 2021, the SBRC approved a final contract and recommended Attorney Woocher and his law firm, Strumwasser & Woocher, be approved as independent counsel. However, the SBRC's approval and appointment of Attorney Woocher and his law firm as legal counsel violates Sections 2-10.9A(4)(d)(1-6)(C) and 2-10.9A(5)(d)(1) of the Citizens Independent Redistricting Commission Ordinance ("Redistricting Ordinance") as codified. As such, COLAB objects to this appointment and will not hesitate to file suit and seek an injunction if Attorney Woocher and his firm are not immediately disqualified and released from their contract with SBRC as its legal counsel.

The Redistricting Ordinance imposes direct limitations on what firms or individuals may be hired as legal counsel or other consultants. Specifically, Section 2-10.9A(5)(d) of the Redistricting Ordinance provides:

- (5)(d)(1) The commission shall not retain a consultant who would not be qualified as an applicant pursuant to subsection (4)(d).
- (2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

The grounds for disqualification of commissioners, and therefore also grounds for disqualification of counsel under Section 2-10.9A(4)(d), include certain restrictions. Pursuant to subsection 2-10.9A(4)(d), commissioners, their counsel, and consultants must meet the following criteria:

- 4(d)(1) Be a resident of the County of Santa Barbara
- 4(d)(2) Be a voter registered in Santa Barbara County
- 4(d)(4) Have voted in Santa Barbara County in at least one of the last three statewide elections immediately preceding his or her application to be a member of the commission.
- 4(d)(6)(C) No commissioner or immediate family member may, within the last eight years preceding appointment to the commission, ... had a significant influence on the actions or decisions of a political committee required to register with the California Secretary of State, which expended funds in excess of five hundred dollars in support or opposition to a candidate for any elective office of the County of Santa Barbara, including member communications.

Thus, the SBRC may not engage any consultant, including legal counsel, who has served on any political committee for an elected County official in the past 8 years. It should be noted that the disqualification provisions are very broad and intentionally so. They are intended to prevent not only the appointment of Commissioners or consultants who are actually partisan and biased (such as Attorney Woocher), but also those who might merely appear to be biased by reason of their past political activities or associations.

In this case, Attorney Woocher is conflicted out under the Redistricting Ordinance by virtue of his past representation of Doreen Farr who served on the County Board of Supervisors between 2009 - 2016. In 2012 and 2013, Attorney Woocher was involved in litigation for Supervisor Farr that went all the way to the United State Supreme Court, where the Petition was

denied on June 10, 2013. Attorney Woocher was active in this case and he filed a brief with the Court on May 6, 2013. May 6, 2013 is within 8 years of the February 3, 2021 appointment. This appointment of Attorney Woocher is a direct violation of Section 2-10.9A(5)(d).

Furthermore, in order for Attorney Woocher to be a consultant for the redistricting process, he would have to live in Santa Barbara, be registered to vote in Santa Barbara, and have voted in Santa Barbara in one of the last three general elections (*See* Sec. 2-10.9A(4)(d)(1-2, 4). Attorney Woocher resides in Los Angeles County, is registered to vote in Los Angeles County and he votes in that County.

It is our understanding that the Board of Supervisors intends to approve this contract at the committee meeting scheduled for March 9, 2021. If the Board of Supervisors does not notify us by March 4, 2021, that they no longer intend to approve the redistricting Commissions choice of Attorney Woocher, COLAB has authorized my firm to file an immediate injunction prohibiting this retention

Regards,

Mark P. Meuser

CC: Steve Churchwell, Esq. steve@churchwellwhite.com
(Counsel for Redistricting Commission)

Glenn Morris glenn@santamaria.com
(Santa Barbara Redistricting Commission Chair)

Michael Ghizzoni, Esq. Mghizzoni@co.santa-barbara.ca.us
(Santa Barbara County Counsel)

Mona Miyasato mmiyasato@countyofsb.org
(Santa Barbara County Executive Office)



Shalice Tilton <stilton@ndcresearch.com>

FW: Appointment of Final Six Commissioners

1 message

CEO Redistricting RES <redistricting@countyofsb.org>
To: Shalice Tilton <stilton@ndcresearch.com>

Fri, Dec 18, 2020 at 4:45 PM

Please see the message below. Doug and Steve were included as recipients in the original message.

Best,
Reese

Reese Ellestad

Fiscal & Policy Analyst | County Executive Office



P 805-568-3403 **W** www.countyofsb.org

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From: Kiersten Merina <kmerina@bmhlaw.com>
Sent: Friday, December 18, 2020 3:55 PM
To: CEO Redistricting RES <redistricting@countyofsb.org>
Cc: Ghizzoni, Michael <Mghizzoni@co.santa-barbara.ca.us>; steve@churchwellwhite.com; djohnson@ndcresearch.com; Anderson, Nancy <nanderson@countyofsb.org>; Charles H. Bell <cbell@bmhlaw.com>; Ashlee N. Titus <atitus@bmhlaw.com>
Subject: Appointment of Final Six Commissioners
Importance: High

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Chairman Morris:

From Charles H. Bell, Jr., on behalf of Mr. Julian Canete, President and CEO of the California Hispanic Chambers of Commerce and Ms. Bobbi McGinnis, Chair, Santa Barbara County Republican Party, please find attached their letter to you and the Commissioners for your attention.

If you have any questions with receipt or opening this email and attachment, please contact Mr. Bell at the below address.

Kindly,

Kiersten Merina
Paralegal

BELL, McANDREWS
& HILTACHK, LLP

455 Capitol Mall, Suite 600

Sacramento, CA 95814

P (916) 442-7757

F (916) 442-7759

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 Please consider the environment before printing this email



Final Ltr to SB Redistricting Commission Chair.docx .pdf
162K



CALIFORNIA
HISPANIC
CHAMBERS OF COMMERCE



December 18, 2020

BY OVERNIGHT MAIL:

Mr. Glenn Morris, Chairman
& Commissioners
Santa Barbara County Citizens Independent Redistricting Commission
P.O. Box 61510
Santa Barbara CA 93160-1510

BY EXPRESS DELIVERY:

Clerk of the Board of Supervisors
County of Santa Barbara
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101

Re: **Appointment of Final Six Commissioners – Decision of December 13, 2020**

Dear Chairman Morris and Commissioners:

This joint letter is submitted to you by the undersigned on behalf of the California Hispanic Chambers of Commerce and the Santa Barbara County Republican Party, concerning your decision on December 13, 2020 to choose the final six commissioners for the Santa Barbara County Citizens Independent Redistricting Commission under the provisions of the Commission's legal charter, Santa Barbara County Ordinance No. 5051, § 1.

Demand

On behalf of our two organizations, we demand that the commissioners immediately (a) rescind the December 13, 2020 decision selecting the final six commissioners, and (b) select new commissioners in accordance with the requirements of Sec. 2-10.9A (4)(h)(3) of the Ordinance, for the reasons set forth below.

The Ordinance's Applicable Diversity Requirements

Sec. 2-10.9A (4)(h)(3) of the Ordinance, adopted in accordance with Calif. Elec. Code § 23002(b) [county independent redistricting authorization and requirements allowing counties to

prescribe additional requirements for the manner of selecting commission members], provides that in selecting the final six commissioners:

- (a) “[they] *shall be chosen ... to ensure* that the commission reflects the county’s diversity, including racial, ethnic, geographic, age and gender diversity” without specific “formulas or ratios,” and,
- (b) “[t]he ... commissioners *shall also consider* political party preference ... *so that* the political party preferences of the members of the commission, as shown on the members’ most recent affidavits of registration, *shall be as proportional as possible* to the percentage of voters who are registered with each political party in the County of Santa Barbara” without requirement that the members “be exactly the same as the proportion of the political party preferences among registered voters of the county.”

Thus, the Ordinance’s provisions clearly mandate that the composition process *in toto* (i.e., all member selections) must ensure that the Citizens Independent Redistricting Commission be structured reasonably to reflect both Santa Barbara County’s ethnic diversity and political diversity, without relying solely on quotas or formulas. However, eschewing quotas or formulas, the clear intent (“ensure” the Commission “reflect” such [ethnic] diversity and “shall be proportional as possible” [political diversity]) is to achieve diversity in both these elements of the Commission’s composition.

These diversity provisions are nearly identical to those in statutes adopted by the Legislature in the last few years, two of which involved Los Angeles and San Diego County independent redistricting commission commissioner diversity standards. See Elec. Code § 21550(c)[San Diego Independent Redistricting Commission authorization – proportional as possible political representation requirement]; and Elec. Code § 21532(b) and (c) [Los Angeles County Independent Redistricting Commission authorization – reflect diversity and proportional as possible political representation requirements]).

The Commission Has Failed to Comply with the Ordinance

The final six selection process clearly failed in both areas of diversity. Of the 11 commissioners, only two are Latino (18.18% of the Commission vs. 39.4% of county population) and only one is Republican (9.09% of the Commission vs. 25.3% of county population). Proportionality of Latinos to county population would result in at least 2 additional Latinos. Proportionality of Republicans to county registration voter percentages would result in at least 1-2 additional Republicans. Moreover, indisputably it was “possible” for the commissioners to achieve substantially proportional diversity in both Latino and Republican appointments overall, from the available pool of remaining Latinos and Republicans, which included 6 Latinos and 13 Republicans.

This information was well known to the first five commissioners and was actively discussed by public commenters as well as commissioners prior to and at the Commission’s December 13, 2020 meeting. Indeed, the Commission’s record included a November 9, 2020

Memorandum from Doug Johnson, of National Demographics Corporation, its demographic consultant, offered to support the commission's determination.

Reconsideration and Re-Selection Is Required to Protect the Process
from Legal Challenge

We believe that the Commission's compliance with these demands is legally necessary to avoid litigation over the composition of the Commission and perhaps ultimately its redistricting work product. Failure to do so could subject the Commission's final maps to legal challenge for this abuse of discretion. We say this with no disrespect either to the six December 13, 2020 appointees or to the initial five members selected by random name draw.

Further, there is still sufficient time to correct the problem before the Commission will be required to begin its active work upon receipt of the U.S. Census population data by the end of the first quarter of 2021, if action is taken immediately.

Finally, the requirement that the Commission be formed no later than December 31, 2020 does not impose a hard time limit upon the correction of the problem we bring to your attention. The Commission has been formed and is legally able to act, including completion of its mandate set forth in Ordinance No. 5051 to achieve substantial ethnic and political diversity.

Please advise us not later than December 28, 2020 of your attention to these demands.

Very truly yours,



Julian Canete, President and CEO
California Hispanic Chambers of Commerce

Bobbi McGinnis

Bobbi McGinnis, Chair
Santa Barbara County Republican Party

cc: Steven C. Churchwell, Esq., Commission Counsel (by email)
Michael Ghizzoni, County Counsel (by email)
Douglas Johnson, Commission Demographer (by email)
Nancy Anderson, Assistant County Executive Office (by email)