



# COUNTY OF SANTA BARBARA

## CITIZENS INDEPENDENT REDISTRICTING COMMISSION

### Summary of Proceedings 2020 Citizens Independent Redistricting Commission

Date: **Wednesday, January 27, 2021**  
Time: **6:30 PM – 7:59 PM**  
Place: **Remote Virtual Participation Only**

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](http://www.countyofsb.org/redistricting.sbc)

#### BOARD ACTION SHOWN IN CAPS

##### 1. Commission Convened

###### Roll Call

Commissioners Present: Bradley, Bray, Hudley, Katz, McClintock, Morris, Ochoa, Olmedo, Rios, Turley, Twibell

##### 2. 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.

COMMISSIONER MORRIS ANNOUNCED THERE IS NO NEED FOR CLOSED SESSION AND REMOVED ITEM 5 FROM THE AGENDA.

#### PUBLIC COMMENT:

LATA MURTI REQUESTED TO COMMENT ON THE DISCUSSION OF LEGAL COUNSEL SELECTION (ITEM 8) DURING PUBLIC COMMENT. MR. CHURCHWELL STATED THAT DUE TO A COMPLAINT MADE TO THE DISTRICT ATTORNEY'S OFFICE REGARDING THE PUBLIC COMMENTING OUT OF ORDER ON AN ITEM TO BE HEARD LATER IN THE AGENDA AT A PREVIOUS MEETING, ONLY GENERAL PUBLIC COMMENTS WILL BE HEARD AT THIS TIME. COMMENTS REGARDING SPECIFIC AGENDA ITEMS WILL BE TAKEN WHEN THE ITEM IS HEARD.

WRITTEN COMMENTS RECEIVED:

SPENCER BRANDT WROTE REGARDING DR. JOHNSON'S EXPERT WITNESS TESTIMONY AND REQUESTING A RFQ FOR DEMOGRAPHER.

SPENCER BRANDT WROTE REGARDING NIELSEN MERKSAMER CONFLICT OF INTEREST CONCERN.

MARGARITE LEONI, NIELSEN MERKSAMER, WROTE CORRECTING PUBLIC COMMENT MISUNDERSTANDING.

3. Discussion and decision of staff's recommendation to continue Interim Chair and Vice Chair for this meeting or nomination and selection of Chair and Vice Chair.

NO ACTION TAKEN.

4. Disclosure of ex parte communications.

COMMISSIONER RIOS COMMUNICATED WITH PATRICIA SOLORIO, FUND FOR SANTA BARBARA, REGARDING THE TIMELINE AND PLAN ROLLOUT FOR COMMUNITY ENGAGEMENT.

COMMISSIONER KATZ COMMUNICATED WITH A SANTA BARBARA COUNTY EMPLOYEE WHO WORKS WITH THE SINGLE RESIDENT OCCUPANCY (SRO) HOUSING PROGRAM AND INQUIRED ABOUT FUTURE CONTACT REGARDING HOUSING IN SANTA BARBARA.

COMMISSIONER MORRIS RESPONDED TO A SANTA MARIA SUN REPORTER ABOUT THE STATUS OF NDC'S CONTRACT.

IN RESPONSE TO A COMMISSION QUESTION REGARDING MEDIA INQUIRIES, MR. CHURCHWELL CLARIFIED THAT INDIVIDUAL PERSONAL COMMENTS CAN BE MADE, HOWEVER, COMMISSIONERS SHOULD NOT MAKE COMMENTS REPRESENTING THE COMMISSION OR ON BEHALF OF THE COMMISSION. MEDIA REQUESTS FOR COMMENT SHOULD BE REFERRED TO COMMISSIONER MORRIS OR MRS. TILTON, AND TO RESPOND BY EMAIL TO AVOID BEING MISQUOTED. COMMISSIONER MORRIS RECOMMENDED SENDING A COPY OF ANY MEDIA COMMUNICATIONS TO THE OFFICIAL REDISTRICTING EMAIL SO THE RESPONSE WILL ALSO BE PART OF THE RECORD.

THERE WAS NO CLOSED SESSION.

5. 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

NO CLOSED SESSION.

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

NO CLOSED SESSION, THEREFORE, NO ACTION TAKEN.

7. Discussion, deliberation, and possible action regarding the Republican Party / Hispanic Chamber letter.

NO ACTION TAKEN.

8. Discussion, deliberation, and possible action regarding selecting Independent Legal Counsel.

LATA MURTI, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, AND RECOMMENDED INTERVIEWING SCOTT RAFFERTY, STRUMWASSER & WOOCHEER, AND THE SUTTON FIRM.

LEE HELLER, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, AND FAVORED INTERVIEWING SCOTT RAFFERTY, AND STRUMWASSER & WOOCHEER.

PHILIP SEYMOUR, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, COMMENTED ABOUT LEGAL FEES, AND URGED THE COMMISSION TO ALSO CONSIDER THE FIRM'S LEVEL OF EXPERIENCE.

WILLIAM CONLIN, DISTRICT 4, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, FAVORED INTERVIEWING SCOTT RAFFERTY, AND COMMENTED ABOUT POTENTIAL LAWSUITS.

GAIL TETON-LANDIS, HEARD REGARDING CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER, THE SUTTON FIRM'S POTENTIAL USE OF INEXPERIENCED PERSONNEL TO KEEP COSTS DOWN, AND COMMENTED THAT SCOTT RAFFERTY AND STRUMWASSER & WOOCHEER MAY BE THE BEST FIT.

CHRISTIAN ALONSO, DISTRICT 1, HEARD REGARDING ELIMINATING NIELSEN

MERKSAMER FROM FURTHER CONSIDERATION DUE TO CONFLICT OF INTEREST, CONCERNS ABOUT THE SUTTON FIRM'S POSSIBLE USE OF MULTIPLE ASSOCIATES WITH LIMITED EXPERIENCE, AND RECOMMENDED INTERVIEWING SCOTT RAFFERTY AND STRUMWASSER & WOOCHEER.

ANDY CALDWELL, HEARD REGARDING VETTING OF LAW FIRM STAFF MEMBERS, AND COMMENTED ABOUT THE INDEPENDENCE AND OBJECTIVITY OF THE COMMISSION.

SPENCER BRANDT, HEARD REGARDING WRITTEN COMMENTS PREVIOUSLY SUBMITTED, CONCERNS ABOUT NIELSEN MERKSAMER, AND RECOMMENDED INTERVIEWING THE OTHER LAW FIRMS.

SCOSSA DID NOT RESPOND WHEN CALLED UPON.

COMMISSIONER MORRIS COMMENTED THAT THE LATE SUBMISSION WRITTEN PUBLIC COMMENT LETTER FROM MARGUERITE LEONI, NIELSEN MERKSAMER, RESPONDING TO CONCERNS RAISED DURING PUBLIC COMMENT, WAS SENT TO COMMISSIONERS, AND IF NOT ALREADY, WILL BE POSTED ON THE WEBSITE.

MR. CHURCHWELL COMMENTED ABOUT THE FPPC'S DIFFERENT DEFINITIONS OF ROLES SOMETIMES REFERRED TO AS TREASURER .

COMMISSION DISCUSSION:

COMMISSIONERS EXPRESSED THE FOLLOWING CONCERNS:

- NIELSEN MERKSAMER: POSSIBLE CONFLICT OF INTEREST
- SCOTT RAFFERTY: ONE MAN SHOP, NOT EXPERIENCED IN REDISTRICTING, NEVER REPRESENTED REDISTRICTING FOR A CITY OR COUNTY, AND SEEMS TO LEAN TOWARD VOTING RIGHTS ADVOCACY.
- STRUMWASSER & WOOCHEER: COST/RATE STRUCTURE, CLIENTELE IDEOLOGICAL AND TEND TO REPRESENT ONE SIDE.
- THE SUTTON FIRM: POTENTIAL USE OF JUNIOR OR LESS EXPERIENCED ATTORNEY, AND DID NOT INDICATE A "NOT TO EXCEED" AMOUNT ON LEGAL FEES.

COMMISSIONER BRAY INQUIRED ABOUT THE BUDGET. MS. ANDERSON CLARIFIED THAT THE BUDGET IS \$500,000 TO COVER PROFESSIONAL SERVICES, OUTREACH, AND ALL OTHER COSTS ASSOCIATED WITH REDISTRICTING EFFORTS, AND OF \$210,000 OF THAT AMOUNT FOR LEGAL COSTS.

COMMISSIONER BRADLEY ASKED FOR A BALLPARK FIGURE FOR LEGAL SERVICES INFORMATION FROM A PAST REDISTRICTING PROJECT. MS. ANDERSON EXPLAINED THAT PREVIOUS LEGAL COSTS WERE ABSORBED IN THE COUNTY'S BUDGET, AND SHE WILL REACH OUT TO SEE IF PAST INFORMATION IS AVAILABLE.

MR. JOHNSON GAVE AN EXAMPLE OF A BUDGET FROM THE SAN DIEGO COUNTY REDISTRICTING COMMISSION, WHERE THE REDISTRICTING PROJECT IS \$750,000, WITH A PRELIMINARY ALLOCATION OF \$150,000 FOR A LEGAL SERVICES CONTRACT WITH NIELSEN MERKSAMER.

COMMISSIONER TURLEY ASKED ABOUT DEMOGRAPHIC SERVICES. MS. ANDERSON EXPLAINED THAT THE BUDGET INCLUDES DEMOGRAPHIC SERVICES, NOT TO EXCEED \$100,000.

COMMISSIONER MORRIS CONFIRMED THAT COMMISSION WILL NEGOTIATE THE PRICE, AND MAKE A RECOMMENDATION TO THE COUNTY.

MR. JOHNSON COMMENTED THAT THE COMMISSION'S PAST EXPERIENCES ENCOURAGE INTERVIEWING MORE APPLICANTS RATHER THAN CHOOSING TO LIMIT THE POOL PRIOR TO INTERVIEWS.

COMMISSIONER TURLEY ASKED ABOUT NDC'S PAST WORKING RELATIONSHIP WITH SCOTT RAFFERTY. MR. JOHNSON STATED THAT MR. JOHNSON KNOWS MR. RAFFERTY BUT HAS NOT WORKED FOR HIM, AS MR. RAFFERTY WORKED ON THE PLAINTIFF SIDE IN THE CITED CASES, AND NDC DOES NOT HANDLE PLAINTIFF WORK.

MOTION TO INTERVIEW, STRUMWASSER & WOOCHEER, SCOTT RAFFERTY, AND NIELSEN MERKSAMER.

MRS. TILTON CONFIRMED ALL FIRMS ARE AVAILABLE FOR AN INTERVIEW ON MONDAY, FEBRUARY 1.

MOTION CARRIED: 11 AYES

MR. CHURCHWELL SUGGESTED THE FOLLOWING MEETING STRUCTURE FOR THE INTERVIEWS:

- PUBLIC COMMENT
- FIRM OPENING STATEMENT (2 MINUTES)
- INTERVIEWS (QUESTION ASKED BY SELECTED COMMISSIONER)
- CLOSED SESSION
- RECONVENE IN OPEN SESSION, ANNOUNCE AND RANK FINALISTS
- MAKE SELECTION AND BEGIN NEGOTIATIONS

COMMISSIONERS SHOULD EMAIL THEIR SUGGESTED INTERVIEW QUESTIONS TO MRS. TILTON, BY FRIDAY, JANUARY 30, 5 PM. COMMISSIONER MORRIS, BRADLEY, AND MCCLINTOCK, WILL WORK WITH MRS. TILTON TO FINALIZE THE INTERVIEW QUESTIONS ON MONDAY MORNING. INTERVIEW QUESTIONS WILL NOT BE MADE

AVAILABLE TO THE LAW FIRMS IN ADVANCE.

THE INTERVIEW ORDER WILL BE RANDOMLY ASSIGNED BY NDC AND NDC WILL SCHEDULE THE INTERVIEWS WITH THE APPLICANTS. THE INTERVIEWS ARE ANTICIPATED TO BEGIN BETWEEN 7:15 AND 7:30 PM, AND ESTIMATE ABOUT 15 OR 20 MINUTES PER INTERVIEW.

9. Discussion and possible action regarding future agenda items.

MR. JOHNSON ANNOUNCED THAT AT A FUTURE MEETING NDC WILL UPDATE THE COMMISSION ON THE CENSUS BUREAU'S ANNOUNCEMENT THAT THE REDISTRICTING DATA WILL BE RELEASED JULY 30, 2021, AT THE EARLIEST.

10. Discussion and possible action regarding scheduling future meetings.

CONFIRMED THE NEXT MEETING DATES:

- FEBRUARY 1, 2021
- FEBRUARY 22, 2021

ADJOURNMENT – The next meeting is scheduled for Monday, February 1, 2021, at 6:30 p.m.

Agenda Packet Items:

Item 07 Republican Party / Hispanic Chamber letter

Item 08 RFQ for Independent Legal Counsel and Submitted Proposals