

GUIDANCE ON PUBLIC OUTREACH MEETINGS

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EX PARTE DISCLOSURES

- Outreach activities outside the context of public meetings are explicitly authorized by the Commission's Ordinance.
 - Subsection (5)(h): "At each public meeting of the commission, each commission member shall clearly disclose the sources and summaries of any ex parte communications they have had concerning the redistricting process."
- You must continue to disclose all ex parte communications during meetings and on the online spreadsheet.

ORDINANCE SUBSECTION (5)(G) – AUTHORIZES SHARING & SOLICITING INFORMATION

Regarding public outreach, the Commission “shall take steps to encourage county residents to participate in the redistricting public review process.” “These steps may include:

1. Providing information through media, social media, and public service announcements.
2. Coordinating with community organizations.
3. Posting information on the Internet website of the County of Santa Barbara that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.
4. Encouraging interested citizens and community organizations to submit proposed maps for review and consideration by the commission.”

ORDINANCE SUBSECTION (6)(C)-(D) – NUMBER & PURPOSE OF PUBLIC OUTREACH MEETINGS

- Calls for a total of 14 public hearings—7 *before* drawing a draft map, 7 *after* drawing a draft map.
- The purpose of the public hearings is to “allow[] for public input on communities of interest . . . and allow members of the public to present ideas and maps for consideration.”
 - Ordinance defines a “community of interest” as “a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective representation.” Definition does not include “relationships with political parties, incumbents, or political candidates.”

ORDINANCE SUBSECTION (4)(J)(1)(A) – MEETING ATTENDANCE

- “A commissioner shall be removed from the commission . . . [if a] commissioner fails to attend a majority of publicly noticed commission meetings held within any three-month period.”

BYLAWS CONSIDERATIONS

- **Article II, Section 4: “Commissioners are expected to attend all meetings of the Commission.”**
- **Article II, Section 10: “Commissioners shall use the County-provided email address for all communications involving Commission business. Any communications involving Commission business sent to a personal email address or similar platform, such as text message, shall be forwarded to the Commissioner’s County-provided email address.”**

BYLAWS CONSIDERATIONS CONT'D

- Article II, Section 7: “Copies of all written and electronic materials received by a Commissioner regarding Commission business shall be forwarded to the County redistricting email (redistricting@countyofsb.org) for distribution to all Commissioners. All correspondence will be posted to the County’s Redistricting website for the public unless the sender specifically requests otherwise.”
- Article III, Section 3: “The Chair is the sole official spokesperson for the Commission unless this responsibility is delegated in writing.”

BROWN ACT CONSIDERATIONS

- As a general matter, the Brown Act requires the Commission to conduct its business in public meetings.
 - A group of Commissioners constituting less than a majority (5 or fewer) may meet outside the context of a public meeting and discuss Commission business.
 - A group of Commissioners constituting a majority (6 or more) may meet outside the context of a public meeting so long as the group scrupulously avoids discussing Commission business.
 - For example, attending a purely social or ceremonial occasion; a conference or similar educational gathering open to the public that involves a discussion of issues of general interest to the public; community meetings sponsored by an organization other than the Commission at which issues of local interest are discussed.

BROWN ACT CONSIDERATIONS CONT'D – SERIAL MEETINGS

- The Brown Act prohibits “serial meetings,” which are “a series of communications of any kind, directly or through intermediaries, to discuss, deliberate, or take action on any item” of Commission business.
- As such, when conducting outreach individually or in a small group, care should be taken by Commissioners to avoid discussions about the views and positions of Commissioners not present.
 - A third party can facilitate a “serial meeting” violation by revealing the positions of other Commissioners to you.

BROWN ACT CONSIDERATIONS CONT'D – SOCIAL MEDIA

- Regarding social media, the Brown Act does two things:
 1. Authorizes Commissioners to use social media to “answer questions, provide information to the public, and solicit information from the public” regarding Commission business.
 - Great way to keep the public informed about the process and encourage participation. Best to direct public to submit input in writing or during public comment at meetings/hearings, rather than directly on social media. Consider disabling comments in order to appropriately channel input.
 2. Prohibits Commissioners from responding directly to any social media post made or shared by other Commissioners regarding Commission business.
 - In short, no sharing of, “liking,” commenting on, or reacting to another Commissioner’s social media posts regarding Commission business.