



County of Santa Barbara
**Citizens Independent
Redistricting Commission**

Commissioner Cheryl Trosky, First District
Commissioner Karen Twibell, First District
Commissioner William McClintock, Second District
Commissioner Megan Turley, Second District, Vice Chair
Commissioner Norman “Doug” Bradley, Third District
Commissioner Kevin Kaseff, Third District
Commissioner James Bray, Fourth District
Commissioner Amanda Ochoa, Fourth District
Commissioner Glenn Morris, Fifth District, Chair
(Vacant), Fifth District
Commissioner Kathryn Adams, Member-At-Large

**COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION
PUBLIC MEETING AGENDA**

August 4, 2021, 6 p.m.

Betteravia Hearing Room, 511 East Lakeside Parkway, Santa Maria, CA

In-Person and Virtual Zoom Meeting

Zoom: <https://zoom.us/j/96627818457> or call (669) 900-6833 or (346) 248-7799 **ID:** 966 2781 8457

Submit written comment by 5 p.m. one day prior to the meeting to redistricting@countyofsb.org.

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.

Call to Order – Roll Call

Public Comments

Public comment will be allowed on items on this agenda at the time each item is considered. At the end of the agenda under General Public Comments the public may speak on items not on the agenda but within the jurisdiction of the Commission, provided that no action may be taken on off agenda items except as authorized by law. Speakers are limited to no more than three minutes.

Public Hearing

1. Public Hearing to receive an overview of the redistricting process and public input on communities of interest and the composition of districts.

Informational Items (Items 2-3)

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.DrawSantaBarbaraCounty.org.
3. Community-Based Organizations for Outreach Information.

To submit the name of a community-based organization that the Commission should consider contacting with outreach information, visit www.DrawSantaBarbaraCounty.org. Please review the existing the "suggest outreach" list; and, if the organization is not already listed, submit public contact information for the organization using the outreach [form](#). Questions, suggestions, or other information can be emailed to redistricting@countyofsb.org.

Consent Calendar (Items 4-5)

All matters listed under the Consent Calendar are considered routine and may be enacted by one motion. There will be no separate discussion of these items unless an item is removed by a Commissioner for separate consideration.

4. Approval of Minutes of July 7, 2021, July 9, 2021, and July 12, 2021.
5. Receive and File: The Coalition of Labor, Agriculture & Business of Santa Barbara County, et al., v. Santa Barbara County Board of Supervisors, et al. #21CV01642; Order to Sustain Respondents' Demurrers

Discussion Items

6. Discussion, deliberation, and possible action regarding the commissioner appointment for the Fifth District and administer oath of office.
 - Tom Martinez (View July 7, 2021, Interview, time marker 00:08:00 [here](#))
 - Michael Hartman (View May 12, 2021, Interview, time marker 00:54:44 [here](#))
7. Discussion and possible action regarding future agenda items.

General Public Comments

The General Public Comment period is reserved for comments on items not on this 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.

Reports from Legal Counsel and Demographer

Commissioner Comments

Adjournment

Attachments

Item 4 Minutes of July 7, 2021, July 9, 2021, and July 12, 2021.
Item 5 COLAB Lawsuit Order to Sustain Demurrers
Item 6 Candidate Applications
Item 7 Calendar



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Commissioner James Bray, Fourth District
Commissioner Amanda Ochoa, Fourth District
Commissioner Glenn Morris, Fifth District, Chair
Commissioner Jannet Rios, Fifth District
Commissioner Kathryn Adams, Member-At-Large

**COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION
SUMMARY OF PROCEEDINGS**

Date: July 7, 2021, 6 p.m.

Place: Planning Commission Room, 123 East Anapamu St., Santa Barbara, CA

Call to Order – Roll Call

Commission Convened at 6:03 p.m.

Commissioners Present: Adams, Bradley, Bray, Kaseff, McClintock, Morris, Ochoa, Rios, Trosky, Turley, Twibell

Commissioners Absent: None

Item 1 taken out of order after Item 6.

Public Hearing

1. Public Hearing to receive an overview of the redistricting process and public input on communities of interest and the composition of districts.

Mrs. Tilton and Dr. Phillips gave an overview of the process.

Public Comments:

- Jay Freeman: The smaller disconnected communities and unincorporated areas in the existing Third District are largely served by special districts and share overlapping issues. They are best kept together as opposed to being grouped with a large dominate city.
- Betsabe Lopez-Morales: Importance of a Latino majority.

Written Public Comments:

- Mikey: Isla Vista-UC population should be separated from Solvang, Buellton, and other northern towns.

Informational Items

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.DrawSantaBarbaraCounty.org.

3. Community-Based Organizations for Outreach Information.

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Consent Calendar (Item 4)

All matters listed under the Consent Calendar are considered routine and may be enacted by one motion. There will be no separate discussion of these items unless an item is removed by a Commissioner for separate consideration.

4. Approval of Minutes of June 16, 2021, and June 19, 2021.

Motion to approve the Minutes of June 16, 2021, and June 19, 2021.

Motion Carried: 11 Ayes 0 Noes

Discussion Items

Item 5 and 6 taken out of order before item 1.

5. Commission applicant interviews to fill the Fifth District position.

- a. Tom Martinez (Interview to be held via Zoom)
- b. Michael Hartman (View May 12, 2021, Interview, time marker 00:54:44 [here](#))

The Commissioners interviewed applicant Tom Martinez.

Public Comments:

- Thomas Widroe: Commented about diversity and in support of Tom Martinez.
- Rebecca Gowing: In support of Tom Martinez.
- Rhonda Huesgen: In support of Tom Martinez.
- Robert Mercado: In support of Tom Martinez.
- Joe Pierre: In support of Michael Hartman.

Written Public Comments:

- Denice Adams: In support of Tom Martinez.
- Colleen Estrada: In support of Tom Martinez.

6. Discussion, deliberation, and possible action regarding the commissioner appointment for the Fifth Commissioner and administer oath of office.

Motion to appoint Tom Martinez to fill the Fifth District vacancy.

Commissioner Discussion:

The Commissioners commented about the limited candidate pool, prioritizing ethnicity, party preference, age, and partisanship.

Motion Failed: 6 Ayes 5 Noes

Motion to appoint Michael Hartman to fill the Fifth District vacancy.

Motion Failed: 5 Ayes 6 Noes

The Commissioners asked Mr. Martinez, and Mr. Hartman additional questions regarding Spanish speaking abilities, and availability to attend the remainder of the scheduled meetings.

Motion to table this item.

Amended motion to table this item until the August 4, 2021 meeting.

Motion Carried: 11 Ayes 0 Noes

7. Discussion and possible action to appoint a commissioner to the Ad Hoc Committee for Marketing Materials to fill a vacancy due to the resignation of Commissioner Rios.

Motion to appoint Commissioner Adams to fill a vacancy on the Ad-Hoc Committee for Marketing Materials

Motion Carried: 10 Ayes 0 Noes 1 Absent

Tripepi Smith gave an overview of the marketing and engagement materials and activities.

8. Discussion and possible action regarding future agenda items.

Upcoming Meetings:

- July 9, 2021, 3 – 5 p.m., Goleta Union School District Board Room, 401 N. Fairview Ave., Goleta, CA
- July 12, 2021, 6:15 p.m., Lompoc City Council Chambers, 100 Civic Center Plaza, Lompoc, CA
- August 4, 2021, 6 p.m., Betteravia Hearing Room, 511 E. Lakeside Parkway, Santa Maria, CA
- August 12, 2021, 12 p.m., Solvang City Council Chambers, 1644 Oak St., Solvang, CA

General Public Comments

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General Public Comment

Public Comments:

- Spencer Brandt: Recommended remote meeting options be available for the remainder of the meetings and workshops.
- Kyra Solis: Difficulty hearing Mr. Brandt's comments.
- Mary Ellen Brooks: Consider having meetings at public schools instead of government buildings.

Written Comments:

- Denice Adams: Disproportionate democratic representation, Isla Vista and UCSB should be added to District 2 with SBCC, and unincorporated South County areas reassigned to District 1 and 3.
- Shelley Trost: UCSB students should vote in their hometown via absentee ballot
- Barbara Batastini: Isla Vista and UCSB should be added to District 2.
- Ariston Julian: In support of appointing Lupe Alvarez to the Commission.

Reports from Legal Counsel and Demographer

None.

Commissioner Comments

None.

Adjournment

The meeting adjourned at 8:21 p.m. The next meeting is scheduled on Friday, July 9, 2021, 3 p.m., at the Goleta Union School District Board Room, 401, North Fairview Avenue, Goleta, CA. The meeting will be recorded, however, not available via Zoom.

Attachments

Item 4 Minutes of June 16, 2021, and June 19, 2021.

Item 5 Interview Questions

Item 5 Candidate Applications

Item 8 Calendar



County of Santa Barbara
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**COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION
SUMMARY OF PROCEEDINGS**

Date: July 9, 2021, 3 p.m.

Place: Goleta Union School District Board Room, 401 North Fairview Avenue, Goleta CA

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

Call to Order – Roll Call

Commission Convened at 3 p.m.

Commissioners Present: Bray, McClintock, Morris, Trosky, Turley, Twibell

Commissioners Absent: Adams, Bradley, Kaseff, Ochoa

Public Hearing

1. Public Hearing to receive an overview of the redistricting process and public input on communities of interest and the composition of districts.

Presentation received.

Public Comment:

Communities of Interest

- Santa Ynez Valley (Buellton, Solvang, Los Alamos)
- Isla Vista/UCSB (Student and private housing)

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None.

Reports from Legal Counsel and Demographer

None.

Commissioner Comments

None.

Adjournment

The meeting adjourned at 5:20 p.m. The next meeting is scheduled on Monday, July 12, 2021, 6:15 p.m., at the Lompoc City Council Chambers, 100 Civic Center Plaza, Lompoc. The meeting will not be available via Zoom, but will be recorded and available for public access at www.DrawSantaBarbaraCounty.org.



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**COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION
SUMMARY OF PROCEEDINGS**

Date: July 12, 2021, 6:15 p.m.

Place: Lompoc City Council Chambers, 100 Civic Center Plaza, Lompoc, CA

Call to Order – Roll Call

Commission Convened at 6:15 p.m.

Commissioners Present: Adams, Bray, Kaseff, Morris, Ochoa, Trosky, Twibell

Commissioners Absent: Bradley, McClintock, Turley

Public Hearing

1. Public Hearing to receive an overview of the redistricting process and public input on communities of interest and the composition of districts.

Presentation received.

Public comments on the composition of districts:

- Lompoc and north Census Designated Places (CDPs) shop together and should be in same district.
- Mesa Oaks a wealthy neighborhood that is part of Mission Hills
- Current districts in Santa Barbara do not make sense; should follow major roads.
- Cultural differences between Mid & South County (boots vs. sandals).
- Problematic relationship between Lompoc and Orcutt.
- Mission Canyon is very focused on fire prevention.

Upcoming Meetings:

- August 4, 2021, 6 – 8 p.m., Betteravia Hearing Room, 511 E. Lakeside Parkway, Santa Maria, CA
- August 12, 2021, Noon – 2 p.m., Solvang City Council Chambers, 1644 Oak St., Solvang, CA

General Public Comments

The General Public Comment period is reserved for comments on items not on this 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.

General Public Comments

None.

Reports from Legal Counsel and Demographer

None.

Commissioner Comments

None.

Adjournment

The meeting adjourned at 8:15 p.m. The next meeting is scheduled on Wednesday, August 4, 2021, 6 p.m., at the Betteravia Hearing Room, 511 East Lakeside Parkway, Santa Maria.

**Civil Law and Motion Calendar
July 20, 2021
10:00 a.m.**

***The Coalition of Labor, Agriculture & Business of Santa Barbara County, et al.,
v. Santa Barbara County Board of Supervisors, et al. #21CV01642***

ATTORNEYS

For Petitioners The Coalition of Labor, Agriculture & Business of Santa Barbara County, Roy Reed, Mike Brown, and Alice Patino: Harmeet K. Dhillon, Mark P. Meuser, Dhillon Law Group Inc.

For Respondent Santa Barbara County Board of Supervisors: Michael C. Ghizzoni, Barbara A. Carroll, Office of the County Counsel

For Respondent County of Santa Barbara Citizens' Independent Redistricting Commission: Andrea Sheridan Ordin, Dale K. Larson, Salvador E. Perez, Strumwasser & Woocher LLP

For Respondent Strumwasser & Woocher LLP: Glenn Rothner, Rothner, Segall & Greenstone

**Emails: mmeuser@dhillonlaw.com; harmmeet@dhillonlaw.com;
bcarroll@countyofsb.org; aordin@strumwooch.com;
dlarson@strumwooch.com; sperez@strumwooch.com; grother@rsglabor.com**

HEARING

(1) Demurrer of Respondent Santa Barbara County Board of Supervisors to Petition

(2) Demurrer of Respondent County of Santa Barbara Citizens' Independent Redistricting Commission to Petition

(3) Demurrer of Respondent Strumwasser & Woocher, LLP, to Petition

RULING

For the reasons set forth herein, the demurrers of (1) respondent Santa Barbara County Board of Supervisors, (2) respondent County of Santa Barbara Citizens' Independent Redistricting Commission, and (3) respondent Strumwasser & Woocher, LLP, are sustained with leave to amend. Petitioners shall file and serve their first amended petition on or before August 4, 2021.

Background

As alleged in the petition:

On July 17, 2018, respondent Santa Barbara County Board of Supervisors (Board) passed an ordinance (Santa Barbara County Ord. No. 5051 (Redistricting Ordinance)) forming a redistricting commission, respondent County of Santa Barbara Citizens' Independent Redistricting Commission (Commission), to draw electoral district boundaries in Santa Barbara County. (Petition, ¶ 16 & exhibit 1.) On November 6, 2018, the voters of Santa Barbara County approved the Redistricting Ordinance. (Petition, ¶ 17.)

The Redistricting Ordinance created an 11-member independent commission to establish electoral district boundaries for the upcoming decade following receipt of the 2020 federal census data. (Petition, ¶ 18.) The Redistricting Ordinance added section 2-10.9A to the Santa Barbara County Code and includes the following provisions:

“(d) Each commission member shall meet all of the following minimum qualifications:

“(1) Be a resident of the County of Santa Barbara.

“(2) Be a voter registered in Santa Barbara County.

“(3) Have not changed registered political party affiliation within the past five years immediately preceding the date of his or her appointment to the commission.

“(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.

“(5) The member must also be eligible under the provisions of Elections Code § 23003(c), or any successor provision governing qualifications of commissioners for independent redistricting commissions.

“(6) In addition:

“(A) no commissioner may have any Significant Financial Interest, as defined in this measure, in any company, corporation or other

business entity that has donated \$500 or more in one year to any candidate for elective office of the County of Santa Barbara, or to any controlled committee, primarily formed committee, general purpose committee, independent expenditure committee that expended funds in support or opposition to a candidate for elective office of the County of Santa Barbara within the last eight years preceding appointment to the commission; and

“(B) no commissioner or immediate family member may, within the last 8 years preceding appointment to the commission, have contributed \$500 or more in one year to any Candidate Controlled Committee, Primarily Formed Committee, or General Purpose Committee, Independent Expenditures Committee or other political action committee that has expended more than \$1,000 in support or in opposition to the election campaign for any elective office of the County of Santa Barbara.

“(C) no commissioner or immediate family member may, within the last 8 years preceding appointment to the commission, have been a board member, officer, paid or volunteer staff of, or 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 \$500 in support or opposition to a candidate for any elective office of the County of Santa Barbara, including member communications.

“(D) The County Board of Supervisors may adjust the dollar amounts stated above by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.” (Santa Barbara County Code, § 2-10.9A, subd. (4)(d).)

“(i) A member of the commission shall not themselves do any of the following:

“(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for any County elective office.

“(2) Be a candidate for an elective County office for 10 years commencing with the date of his or her appointment to the commission.

“(3) For four years commencing with the date of his or her appointment to the commission:

“(A) Accept an appointment to any County office, board or commission.

“(B) Accept employment as a staff member of, or consultant to, an elected County official or candidate for County elective office.

“(C) In their personal capacity, receive a noncompetitively bid contract with the County.

“(D) Register as a lobbyist for the County.” (Santa Barbara County Code, § 2-10.9A, subd. (4)(i).)

“(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.” (Santa Barbara County Code, § 2-10.9A, subd. (5)(d).)

On December 8, 2020, Santa Barbara County Counsel sent a letter seeking an independent legal counsel for the Commission and requesting that potential firms confirm “that anyone assigned to provide services under the contract would not be disqualified under Elections Code Section 23003 or Santa Barbara County Code Sections 2-10.9A(4)(d)(5) or (4)(d)(6).” (Petition, ¶ 26 & exhibit 2.)

On February 3, 2021, the Commission approved a final contract and recommended respondent attorney Frederic D. Woocher and his law firm, Strumwasser & Woocher, LLP (S&W), be approved as independent counsel to the Commission. (Petition, ¶ 27 & exhibit 3.) Woocher is an attorney in Los Angeles County, is registered to vote in Los Angeles County, and votes in that County. (Petition, ¶ 28.) Woocher represented Doreen Farr, who served as a Supervisor on the Board, in 2012 and 2013. (Petition, ¶¶ 29, 30.) Woocher served as counsel for Farr in filing on May 6, 2013, opposition to a petition for writ of certiorari to the United States Supreme Court. (Petition, ¶ 30 & exhibit 4.)

On March 9, 2021, the Board voted to approve the contract with S&W. (Petition, ¶ 34 & exhibit 6.)

On April 22, 2021, petitioners The Coalition of Labor, Agriculture & Business of Santa Barbara County, Roy Reed, Mike Brown, and Alice Patino filed their petition for issuance of a writ of mandate in this matter. The Petition seeks to void the contract with S&W, and to require S&W to disgorge fees received from the allegedly illegal contract, on the grounds that Woocher and S&W are ineligible to serve as legal counsel pursuant to Santa Barbara County Code section 2-10.9A, subdivisions (4)(d)(1)-(4), (4)(d)(6)(C), and (5)(d).

On April 29, 2021, petitioners requested, and the court entered, dismissal as to

respondent Woocher.

On June 7, 2021, respondents Board, Commission, and S&W filed their respective demurrers to the Petition. Board and S&W argue that the plain language of the respective County Code provisions do not apply to an outside law firm and that the interpretation urged by petitioners would lead to absurd consequences and conflict with the California Constitution and applicable statutes. Board and S&W also argue that the petition does not allege a disqualifying conflict of interest. Commission joins the demurrer of Board.

Petitioners oppose all of the demurrers arguing that their interpretation of the County Code provisions apply to preclude the contract with S&W.

Analysis

We treat the demurrer as admitting all material facts properly pleaded, but not contentions, deductions or conclusions of fact or law. We also consider matters which may be judicially noticed. Further, we give the complaint a reasonable interpretation, reading it as a whole and its parts in their context. (*Mathews v. Becerra* (2019) 8 Cal.5th 756, 768.)

(1) Requests for Judicial Notice

In support of its demurrer, S&W requests that the Court take judicial notice of: (S&W Request for Judicial Notice [S&W RJN], exhibit A) the Commission's resolution adopting its conflict of interest code; (exhibit B) pages from proposals submitted in response to the Commission's Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel; (exhibit C) the contract between the County and the Commission's original outside legal counsel; (exhibit D) the minutes of the Commission's May 19, 2021 meeting; (exhibit E) National Demographics Corporation (NDC)'s Statement of Information filed with the California Secretary of State; and (exhibit F) a memorandum from the California Fair Political Practices Commission regarding the meaning of "significant influence" on a political committee. In support of its demurrer, the Commission requests that the court take judicial notice of: (Commission Request for Judicial Notice [Commission RJN], exhibit A) the agenda and minutes from the Commission's May 19, 2021, meeting. All of these documents are government documents. There is no opposition to taking judicial notice of any of these documents. The Court will grant the requests for judicial notice. (See Evid.

Code, § 452, subds. (c), (h).)

(2) Qualifications for Consultants

Petitioners assert by their petition and opposition that S&W and Woocher do not qualify to be outside legal counsel to the Commission because Woocher is not a resident of Santa Barbara County and has not voted here. Petitioners reason that under section 2-10.9A, subdivision (5)(d)(1) the Commission shall not retain a consultant who would not be qualified as an applicant under section 2-10.9A, subdivision (4)(d), that a consultant is defined under section 2-10.9A, subdivision (5)(d)(2) as “a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process,” that legal counsel qualifies as a consultant under this definition, and therefore S&W and Woocher must meet the requirements of section 2-10.9A, subdivision (4)(d). Petitioners specifically allege that S&W and Woocher do not meet the requirements of subdivision (4)(d)(1) (residency), (4)(d)(2) (voter registration), and (4)(d)(4) (prior voting in County). (Opposition, at pp. 5-7.) (The conflict of interest issue of subdivision (4)(d)(6)(C) is discussed below.)

In their demurrers, respondents argue that the contract sought to be voided is with S&W and not Woocher, and that S&W, as a legal entity, cannot vote. Consequently, the requirements of subdivision (4)(d)(1), (4)(d)(2), and (4)(d)(4) have no application to S&W and would lead to absurd results. Moreover, to the extent that these requirements can be said to apply, such requirements would violate California Constitution, article XI, section 10, Government Code section 50083, and Labor Code section 1102.

The difficulty in addressing the application of section 2-10.9A, subdivisions (4)(d) and 5(d) to the facts alleged in the petition is that there is a poor fit between the language of the ordinance and the necessity for specialized legal counsel. Subdivision (5)(d)(1) provides that the Commission shall not retain a consultant who would not be qualified as an applicant pursuant to subsection (4)(d). Subdivision (5)(d)(2) defines a consultant as a person retained to advise the Commission regarding any aspect of the redistricting process. On a literal basis, the definition of consultant is sufficiently broad to encompass the legal services here at issue, which specifically is to render legal advice to the Commission with respect to the redistricting process. (Petition, ¶ 33 & exhibit 5.) However, the contract is not with any individual, but with S&W, a limited liability partnership. A partnership is a separate legal entity. (Corp. Code,

§ 16201.) The partnership is thus a separate “person” within the definitions of the Santa Barbara County Code. (Santa Barbara County Code, § 1-2.)

The most basic conflict in this language comes from the requirement of subdivision (4)(d)(2) that an applicant—and by petitioners’ application of subdivision (5)(d)(1), a consultant—be a registered voter in Santa Barbara County. A business entity is not eligible to register to vote. (See Cal. Constitution, art. 2, § 2, subd. (a); Elec. Code, § 321, subd. (a).)

Taken literally, subdivisions (5)(d)(1) and (4)(d)(2) would categorically prohibit hiring a consultant who is a business entity. The purpose of these requirements arguably is to avoid extra-jurisdictional influence on the redistricting process. But there is no rationality to precluding qualified, or perhaps even optimally qualified, legal advisors based solely upon the legal form by which the attorneys organize themselves. Since business entities can only act through natural persons (i.e., human beings), it is sensible to interpret “consultant” in subdivision (5)(d) as referring not to the entity retained by the commission but to the natural persons providing the advice that is the subject of the retention. The contract with S&W identifies attorneys Fredric Woocher and Andrea Sheridan Ordin as the primary attorneys to provide services under the contract. (Petition, exhibit 5, p. 88.) One reasonable interpretation of subdivision (5)(d) would be to apply the requirements of subdivision (4)(d) to attorneys Woocher and Ordin.

As a matter of pleading, nothing is alleged as to attorney Ordin from which it may be inferred that Ordin is not qualified under subdivisions (5)(d) and (4)(d). For that reason alone, the pleading does not sufficiently allege that the contract with S&W is void or otherwise improper based upon voting or voter registration. As discussed below, however, even if there were allegations that Ordin is not a Santa Barbara resident or voter, the failure of S&W, Woocher, or Ordin to meet the voter registration and voting requirements of subdivision (4)(d) does not make the contract with S&W invalid.

The petition also asserts claims based on residency under subdivision (4)(d)(1). S&W and Woocher are alleged not to be residents of Santa Barbara County. Based on these allegations, petitioners argue that they do not meet the literal requirement of subdivision (4)(d)(2) for the consultant to be a resident of Santa Barbara County. (Petition, ¶ 28.)

The petition alleges that in awarding the contract to S&W, S&W was

recommended unanimously by the Commission and that only four proposals were received to the request for proposals. (Petition, exhibit 5, p. 76.) All four of the proposals received were from attorneys with law firms not resident in Santa Barbara County contrary to the apparent requirement of subdivision (4)(d)(1). (S&W RJN, exhibit B.) Since the only responses to the requests do not, as argued by petitioners, meet the requirements of subdivisions (5)(d) and (4)(d), the practical effect of petitioners' interpretation of subdivisions (5)(d) and (4)(d) is that the Commission cannot hire qualified legal counsel to advise it. Election law in general, and redistricting law in particular, is complex and specialized. It would be patently absurd for the Redistricting Ordinance to effectively prohibit the Commission from obtaining qualified counsel, particularly where the failure to obtain specialized advice would increase the likelihood of legal error (and accompanying legal fees to defend or to fix any asserted errors).

“The plain meaning of the words of a statute may be disregarded only when the application of their literal meaning would (1) produce absurd consequences that the Legislature clearly did not intend or (2) frustrate the manifest purposes that appear from the provisions of the legislation when considered as a whole in light of its legislative history.” (*Merced Irrigation Dist. v. Superior Court* (2017) 7 Cal.App.5th 916, 924.) To the extent that an interpretation of subdivision (5)(d) suggests that the Commission may be deprived of advice of qualified counsel because no qualified counsel meeting the local requirements of subdivision (d)(4) have responded to the request for proposal, that interpretation of the Redistricting Ordinance produces absurd consequences clearly not intended by the Board or by Santa Barbara County voters. An exception to the requirements of subdivision (5)(d) must be implied to permit the retention of legal counsel at least in the case where, as alleged here in view of judicially noticed materials, all qualified counsel responding to the request for proposal do not meet all of the subdivision (4)(d) requirements. Under this interpretation, petitioners do not sufficiently allege a claim to avoid the contract as a violation of law or to obtain disgorgement of fees from S&W.

Because of this conclusion, it is not necessary to address respondents' arguments that petitioners' interpretation of the Redistricting Ordinance violates other constitutional or statutory provisions relating to the protection of government employees, including California Constitution, article XI, section 10, subdivision (b) (“A city or county, including any chartered city or chartered county, or public district, may not require that its employees be

residents of such city, county, or district; except that such employees may be required to reside within a reasonable and specific distance of their place of employment or other designated location.”). Nonetheless, whether or not legal counsel here falls within the category of “employee” protected by the California Constitution or by statutes, these arguments raise the anomaly that if petitioners are correct that these protections do not apply to an independent contractor-consultant, such protections would apparently apply if the same natural person were instead hired as an employee.

Based upon the foregoing, petitioners do not allege facts sufficient to state a claim for issuance of a writ of mandate based upon the residency or voting requirements set forth in subdivision (4)(d)(1), (2), or (4).

(3) Disqualification of Counsel

Petitioners also allege the application, by virtue of section 2-10.9A, subdivision (5)(d), of the requirement of subdivision (4)(d)(6)(C) that “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.” (Petition, ¶¶ 22-23.)

Respondents demur as to this aspect of the petition arguing that petitioners have not alleged “significant influence” on the actions or decision of a “political committee required to register with the California Secretary of State, which expended funds” Petitioners acknowledge that the Redistricting Ordinance does not define “significant influence.” Moreover, the petition does not allege any activity between S&W or Woocher and a “political committee.” The only allegation is that Woocher represented former Supervisor Farr in opposing a petition for writ of certiorari in the United States Supreme Court filed on May 6, 2013, approximately two months short of eight years prior to the contract here at issue. (Note: It is now more than eight years since the alleged Supreme Court representation.)

Subdivision (4)(d)(6)(C) refers only to a political committee. By contrast, the Redistricting Ordinance in subdivision (4)(i)(B) prohibits being a consultant to a County official. The use of that language in subdivision (4)(i)(B) strongly suggests that consulting for “political committee” is different from consulting

for a County official. In any case, the mere allegation of representation of former Supervisor Farr in the filing of an opposition to a petition in the Supreme Court is insufficiently specific to show “significant influence” on the actions or decision of a political committee, as prohibited by subdivision (4)(d)(6)(C). The petition therefore fails to allege a claim for disqualification under subdivision (4)(d)(6)(C).

Based on the foregoing, the demurrer of respondents will be sustained. This is the first pleading challenge to the petition. Petitioners will be given leave to amend.

Thomas P. Anderle, Judge



County of Santa Barbara
**Citizens Independent
Redistricting Commission**

See agenda posted 72 hours in advance at www.countyofsb.org/redistricting.sbc

Name	City	Race/Ethnicity	Age	Gender	Party
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District 5	Martinez, Tom	Santa Maria	H/L	70	M	REP
District 5	Hartman, Michael	Santa Maria	W	42	M	DEM

APPLICATION FOR "COUNTY OF SANTA BARBARA CITIZENS' INDEPENDENT REDISTRICTING COMMISSION"

Applications Due By: August 21, 2020, 5:00PM

Application Revised: 6/29/2020

Date Received:

INSTRUCTIONS: Please complete each item below and sign the application. For more information please [review the ordinance](#), visit the redistricting webpage at: www.countyofsb.org/redistricting or email questions to redistricting@countyofsb.org.

Please print legibly in ink or type. When completed, print and sign the application. Submit the application by mail, drop off or email as listed on the signature page.

1. Today's Date: **August 19, 2020**

2. NAME:

Martinez

Tom

B

Last

First

Middle

Santa Maria

93454

City

Zip Code

6. Are you or have you been employed by the County of Santa Barbara? ☐ YES ☒ No If YES, list:

Department:

Title:

Date:

Demographic Section: Providing this information is optional. You may select "decline to state" for each answer. County Ordinance Code Section 2-10.9A, (4)(h)(3) requires six of the 11 appointees, in addition to meeting minimum requirements, be chosen in a way that ensures the Commission reflects the County's diversity, including racial, ethnic, geographic, age, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

7. Please describe your ethnic origin. Mark one or more boxes.

- ☐ BLACK/AFRICAN AMERICAN: All persons having origins in any of the original Black racial groups of Africa.
- ☒ HISPANIC/LATINO: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.
- ☐ ASIAN: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- ☐ NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER: All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- ☐ AMERICAN INDIAN/ALASKA NATIVE: All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural affiliation or community recognition.

☐ WHITE (not of Hispanic Origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

☐ Decline to state

8. Select the gender you identify as:

☐ Female ☒ Male ☐ Non-Binary ☐ Decline to state

9. What is your age: 70 ☐ Decline to state

10. EXPERIENCE: Please explain why you are interested in serving and what experience you bring to the Commission. Attach an additional page if necessary.

I was born and raised in Santa Maria and aside from military service and college, I have been a resident of Santa Maria specifically and Santa Barbara County for most of my 70 years. I am a PROUD Vietnam Veteran. I did not necessarily agree with the War, but my respect for Country lead me to spend 15 months there. I am college educated with a degree and license in architecture and have run my own business for over 35 years.

Most importantly, I feel that if one is not involved in "the process", they should not complain about the decisions made by others. Far too many people sit back and hope others will stand up and raise a voice, but all too often that does not occur and the silent majority gets it's way. I was raised a democrat, but switched parties after starting my own business and realizing that the handouts are not free. Someone has worked harder than others and it is the success and excess (?) wealth of these that eventually ends up supporting the welfare system.

Having been involved in a number of organizations in the Santa Maria community for over 40 years, I feel I know and understand the cultures of the various communities that exist in our County. I've been a member of the Santa Maria Valley Sportsman Club for over 40 years: the Rotary Club of Santa Maria for over 40 years: the Board of Directors and the Boys and Girls Club of Santa Maria for over 40 years. I sat on the County Fish and Game Commission for over 35 years, dealing with multiple organizations and personalities and learned to listen to differing opinions before making decisions that effected a number of individuals. I currently chair a City of Santa Maria Appeals Board that deals with conflicts regarding building code issues and I feel this also has gained me valuable experience in being somewhat of a mediator, finding a practical solution. It may not be the most popular decision, but we always strive to find a middle ground that is fair to all.

11. ADDITIONAL INFORMATION: Give any other relevant information pertaining to your qualifications and experience that bear on your application for the Commission.

***Required Selection Criteria: Please answer the following yes/no questions.**

*Are you a resident of the County of Santa Barbara?

☒ Yes ☐ No

*Are you registered to vote in the County of Santa Barbara?

☒ Yes ☐ No

*Have you changed your registered political party affiliation within the past 5 years?

☐ Yes ☒ No

*Have you voted in Santa Barbara County in at least one of the last three statewide elections?

☒ Yes ☐ No

*I have read and comply with the provisions of Elections Code § 23003(c), (d) and (e).

☒ Yes ☐ No

*Do you have any significant financial interest, as defined in County Ordinance Sec. 2-10.9A. - Citizens' Independent Redistricting Commission, in any company, corporation or other business entity that has donated five hundred dollars or more in one year to any candidate for elective office of the County of Santa Barbara, or to any controlled committee, primarily formed committee, general purpose committee, independent expenditure committee or other political action committee that has expended funds in support or opposition to a candidate for elective office of the County of Santa Barbara within the last eight years preceding appointment to the commission?

☐ Yes ☒ No

*Have you or any immediate family member, within the last eight years preceding appointment to the commission, contributed five hundred dollars or more in one year to any candidate controlled committee, primarily formed committee, or general purpose committee, independent expenditures committee or other political action committee that has expended more than one thousand dollars in support or in opposition to the election campaign for any elective office of the County of Santa Barbara?

☐ Yes ☒ No

*Have you or any immediate family member, within the last eight years preceding appointment to the commission, been a board member, officer, paid or volunteer staff of, or 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.

☐ Yes

☒ No

How this application will be used:

I understand the contents of this application may be made available to the public including posting on the internet.

☒ Yes, I understand

I understand that while this application is a public document, my personal e-mail address, street address, and phone number(s) will be kept confidential to the extent authorized by law.

☒ Yes, I understand

By signing below, I declare under penalty of perjury that the answers provided in this application are true to the best of my knowledge.

Signature:



Completed applications must be received by Friday, August 21, 2020 at 5 p.m. Double check your answers in the application; once submitted, applications cannot be amended. Incomplete applications will not be considered.

OPTION 1:

Mail To:

Joseph E. Holland
Redistricting Commission
County Clerk, Recorder, Assessor, Registrar of Voters
P.O. Box 159
Santa Barbara, CA 93102-0159

Drop Off in Person To:

Joseph E. Holland Redistricting Commission Assessor's Office
105 E. Anapamu St, Room 204 Santa Barbara, CA 93101

OPTION 2:

E-mail your completed application. Ensure the application is signed (no e-signatures), then e-mail the application to:
redistricting@countyofsb.org

For more information please [review the ordinance](#), visit the redistricting webpage at: www.countyofsb.org/redistricting or email questions to redistricting@countyofsb.org.

RECEIVED

JUL 31 2020

APPLICATION FOR "COUNTY OF SANTA BARBARA
CITIZENS' INDEPENDENT REDISTRICTING COMMISSION"

SANTA BARBARA COUNTY CLERK

RECORDER AND ASSESSOR

Applications Due By: August 21, 2020, 5:00PM

Application Revised: 6/29/2020

Date Received:

INSTRUCTIONS: Please complete each item below and sign the application. For more information please review the ordinance, visit the redistricting webpage at: www.countyofsb.org/redistricting or email questions to redistricting@countyofsb.org.

Please print legibly in ink or type. When completed, print and sign the application. Submit the application by mail, drop off or email as listed on the signature page.

1. Today's Date: 7/29/20

2. NAME:

Hartman

Last

Michael

First

Wayne

Middle

Number

Street

Santa Maria

City

CA

93454

Zip Code

6. Are you or have you been employed by the County of Santa Barbara? ☐ YES ☒ No If YES, list:

Department:

Title:

Date:

Demographic Section: Providing this information is optional. You may select "decline to state" for each answer. County Ordinance Code Section 2-10.9A, (4)(h)(3) requires six of the 11 appointees, in addition to meeting minimum requirements, be chosen in a way that ensures the Commission reflects the County's diversity, including racial, ethnic, geographic, age, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

7. Please describe your ethnic origin. Mark one or more boxes.

☐

BLACK/AFRICAN AMERICAN: All persons having origins in any of the original Black racial groups of Africa.

☐

HISPANIC/LATINO: All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

☐

ASIAN: All persons having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.

☐

NATIVE HAWAIIAN/OTHER PACIFIC ISLANDER: All persons having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.

☐

AMERICAN INDIAN/ALASKA NATIVE: All persons having origins in any of the original peoples of North and South America (including Central America), and who maintain cultural affiliation or community recognition.

☒ WHITE (not of Hispanic Origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

☐ Decline to state

8. Select the gender you identify as:

☐ Female ☒ Male ☐ Non-Binary ☐ Decline to state

9. What is your age: 42 ☐ Decline to state

10. EXPERIENCE: Please explain why you are interested in serving and what experience you bring to the Commission. Attach an additional page if necessary.

11. ADDITIONAL INFORMATION: Give any other relevant information pertaining to your qualifications and experience that bear on your application for the Commission.

***Required Selection Criteria: Please answer the following yes/no questions.**

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*Have you changed your registered political party affiliation within the past 5 years?

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*Have you voted in Santa Barbara County in at least one of the last three statewide elections?

☒ Yes ☐ No

*I have read and comply with the provisions of Elections Code § 23003(c), (d) and (e).

☒ Yes ☐ No

*Do you have any significant financial interest, as defined in County Ordinance Sec. 2-10.9A. - Citizens' Independent Redistricting Commission, in any company, corporation or other business entity that has donated five hundred dollars or more in one year to any candidate for elective office of the County of Santa Barbara, or to any controlled committee, primarily formed committee, general purpose committee, independent expenditure committee that expended funds in support or opposition to a candidate for elective office of the County of Santa Barbara within the last eight years preceding appointment to the commission?

☐ Yes ☒ No

*Have you or any immediate family member, within the last eight years preceding appointment to the commission, contributed five hundred dollars or more in one year to any candidate controlled committee, primarily formed committee, or general purpose committee, independent expenditures committee or other political action committee that has expended more than one thousand dollars in support or in opposition to the election campaign for any elective office of the County of Santa Barbara?

☐ Yes ☒ No

*Have you or any immediate family member, within the last eight years preceding appointment to the commission, been a board member, officer, paid or volunteer staff of, or 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.

☐ Yes

☒ No

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By signing below, I declare under penalty of perjury that the answers provided in this application are true to the best of my knowledge.

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For more information please review the ordinance, visit the redistricting webpage at: www.countyofsb.org/redistricting or email questions to redistricting@countyofsb.org.

10) EXPERIENCE: Please explain why you are interested in serving and what experience you bring to the Commission.

The ability to serve one's community has always been a major message of mine to my students. Over the past twenty years, I believe that one of my roles as a Social Studies teacher is to lead by example. I have tried to model proper behavior, the ability to listen to differing opinions, to seek out others' perspectives, and to be able to build consensus. This commission would be an opportunity to 'put my money where my mouth is'. If I truly want to show my students how they can make an impact in their community, then this is a great way of demonstrating it for them.

I have been a teacher and coach in this community for over twenty years. I have raised my family in this community. I want to be able to do my part to help ensure that all the groups that make this such a diverse and vibrant place to live feel that they are heard and represented in their government. Too often, people feel that government is 'someone else's responsibility'. This kind of disenfranchised thinking only leads to a disconnect between the people and the government. This is the antithesis of what our government is founded upon. We need more connections, more relationships, more voices, not fewer.

I feel that this commission would be a great way to serve my community, I know that I have the ability and awareness to help redraw the lines of our County Supervisorial Districts. This can lead to more profound and long lasting relationships, and those are the ties that can create a better future for our community.

11) ADDITIONAL INFORMATION: Give any other relevant information pertaining to your qualifications and experience that bear on your application for the Commission

Bachelor of Science Carleton College, Northfield MN Major -- Political Science (International Relations) Minor -- Political Economics

Single Subject CA Teaching Credential -- Social Science Physical Education

Teacher -- St. Joseph High School 2001-2012

-- Arroyo Grande High School 2012-Present

Coaching -- Football -- St. Joseph High School 1999-2011 (Head Coach 2005-2011)

Arroyo Grande High School 2012-Present (Head Coach 2017-Present)

--Track and Field -- St. Joseph High School 2001-2012

-- Arroyo Grande High School 2013-2017

COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION

Meeting Type	Date	Time	Format	Quorum	Location	Description
Hearing 1	Wednesday, June 16, 2021	6 p.m.	Zoom	Yes	Location (Virtually Only) Focus: Countywide	Redistricting overview, public input on communities of interest and the composition of districts. Business meeting.
Hearing 2	Saturday, June 19, 2021	10 a.m.	Zoom	No	Location (Virtually Only) Focus: Countywide	Redistricting overview, public input on communities of interest and the composition of districts.
Hearing 3	Wednesday, July 07, 2021	6 p.m.	In-person Zoom	Yes	Planning Commission Room 123 East Anapamu St Santa Barbara, CA Focus: District 1	Redistricting overview, public input on communities of interest and the composition of districts. Mapping tools training. Business meeting.
Hearing 4	Friday, July 09, 2021	3 p.m.	In-person	No	Goleta USD Board Room 401 N Fairview Ave Goleta, CA 93117 Focus: District 2	Redistricting overview, public input on communities of interest and the composition of districts. Mapping tools training.
Hearing 5	Monday, July 12, 2021	6:15 p.m.	In-person	No	Lompoc City Council Chambers 100 Civic Center Plaza Lompoc, CA, 93436 Focus: District 4	Redistricting overview, public input on communities of interest and the composition of districts. Mapping tools training.
Hearing 6	Wednesday, August 04, 2021	6 p.m.	In-person Zoom	Yes	Betteravia Hearing Room 511 East Lakeside Parkway Santa Maria, CA Focus: District 5	Redistricting overview, public input on communities of interest and the composition of districts. Mapping tools training. Business meeting.
Hearing 7	Thursday, August 12, 2021	12 p.m.	In-person	No	Solvang City Council Chambers 1644 Oak St Solvang, CA Focus: District 3	Redistricting overview, public input on communities of interest and the composition of districts. Mapping tools training.
Release of State Adjusted Counts	early to mid October					If released prior to 9/17, then 21-day waiting period before NDC draws maps; if 9/17 through 10/16, then 7-day waiting period; after 10/17 no waiting period.

COUNTY OF SANTA BARBARA CITIZENS INDEPENDENT REDISTRICTING COMMISSION

Commission Meeting	Wednesday, October 06, 2021	6 p.m.	In-person Zoom	Yes	Betteravia Hearing Room 511 East Lakeside Parkway Santa Maria, CA	Review of 2020 Data, Review of existing districts for population balance. Business meeting.
Deadline to Submit Initial Draft Maps	Monday, October 18, 2021					
Hearing 1 Maps	Wednesday, November 03, 2021	6 p.m.	In-person Zoom	Yes	Betteravia Hearing Room 511 East Lakeside Parkway Santa Maria, CA	Presentation of Draft Maps, identify 3-5 focus maps (Round 1), direction on any map modifications. Business meeting.
Hearing 2 Maps	Friday, November 12, 2021	3 p.m.	In-person	No	Location District 2 Street Number TBD Goleta, CA	Public Input on Focus Maps (Round 1)
Hearing 3 Maps	Monday, November 15, 2021	6 p.m.	In-person	No	Location District 3 Street Number TBD Guadalupe, CA	Public Input on Focus Maps (Round 1)
Hearing 4 Maps	Thursday, November 18, 2021	12 p.m.	In-person	No	Lompoc City Council Chambers 100 Civic Center Plaza Lompoc, CA	Public Input on Focus Maps (Round 1)
Hearing 5 Maps	Monday, November 22, 2021	6 p.m.	In-person Zoom	Yes	Planning Commission Room 123 East Anapamu St Santa Barbara, CA	Review Focus and Newly Submitted Maps Narrow to 3-4 focus maps (Round 2) Direction on map modifications. Business meeting.
Hearing 6 Maps	Wednesday, December 01, 2021	6 p.m.	In-person Zoom	Yes	Betteravia Hearing Room 511 East Lakeside Parkway Santa Maria, CA	Identify preferred map. Direction on map modifications, if any. Business meeting.
Post Map 3 Days Prior to Adoption	Sunday, December 05, 2021					
Hearing 7 Maps Map Adoption	Wednesday, December 08, 2021	6 p.m.	In-person Zoom	Yes	Planning Commission Room 123 East Anapamu St Santa Barbara, CA	Adopt map. Business meeting.
Adoption Deadline	Wednesday, December 15, 2021					