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October 4, 2021

Mr. Glenn Morris, Chairperson
Santa Barbara County Independent Redistricting Commission

**Re: Santa Barbara County Citizens Independent Redistricting Commission Matter
Agenda Item # 7, Meeting of October 6, 2021**

Dear Chairperson Morris,

This is submitted on behalf of my client, The California Hispanic Chambers of Commerce. This is in reference to my previous letters on behalf of my client about replacement of resigned commissioners with vacancy replacement commissioners in a manner that complies with the mandates of Initiative Ordinance No. 5051, the governing measure. (See letters of December 19, 2020, January 17 and 28, 2021, April 21, 2021, and May 15, 2021) This letter is occasioned by the Commission's current agenda matter and deliberation tomorrow on the replacement of deceased Commissioner At Large Kate Adams.

The gist of my previous letters was the Commission's persistent, egregious failure to comply with the requirements of Ordinance No. 5051 in refusing to appoint a Hispanic individual from the qualified applicant pool. ***This persistent egregious failure has resulted in a clear record of denying the county's largest ethnic group of any semblance of fair representation on the Commission.*** This failure, if not remedied, will constitute a major factor in potential legal consideration of the Commission's work product – the production of a redistricting map that assures that the districting requirements of the Ordinance are followed and do not deny Hispanic citizens the protections of Section 2 of the Voting Rights Act, 42 U.S.C.A., §1973. Section 2 prohibits any standards, practices, or procedures that deny or abridge the right of citizens to vote on account of their race, color, or membership in a language minority group. *Ruiz v. City of Santa Maria*, 160 F.3d 543, 549 (C.A.9 (Cal.), 1998).

Ordinance No. 5051 makes clear that partisan composition is subordinate to ethnic representation, both ab initio and in the filling of vacancies. Section 2-10.9A(4)(j)(3) of Ordinance No. 5051: “[I]n filling a vacancy, the Commission *must follow* the provisions of 2-10.9(A)(3) described above to maintain racial, ethnic, gender and geographic balance [which the Commission must “ensure”] *and only to the extent practicable*, maintain district and partisan balance [which it must “consider” but must subordinate to the double “shall select mandate” in the preceding sentence and the (4)(h)(3) mandate reference]. In pertinent detail:

(1) Sec. 2-10.9A (4) (h) (3) of the Ordinance 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

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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.”

Moreover, Ordinance No. 5051 makes clear that this subordination of partisan to ethnic representation applies to filling vacancies:

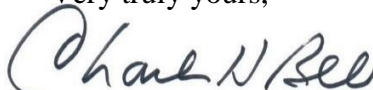
- (2) Sec. 2-10.9A(4)(j)(3), which specifies that in filling a vacancy, the Commission *must follow* the provisions of 2-10.9(A)(3) described above to maintain racial, ethnic, gender and geographic balance [which the Commission must “ensure”] and only to the extent practicable, maintain district and partisan balance [which it must “consider” but must subordinate to the double “shall select mandate” in the preceding sentence and the (4)(h)(3) mandate reference]:

TEXT: “(j)(3) If any vacancy occurs on the commission by reason of the death, removal or resignation of any commissioner, the remaining members of ***the commission shall select a replacement*** commissioner from the pool of most qualified applicants previously selected by the county elections officer, ***utilizing the criteria set forth in subsection (4)(h)(3)***. To the extent practical the replacement commissioner shall be selected to maintain the balance of district representation and political affiliations that existed prior to the vacancy.”

(Emphases added.)

To restore the egregious underrepresentation of Hispanics, from 9.9% *at present* to the 39.4% of the Commission’s membership to which they are entitled, the Commission should select either Tom Martinez or Lupe Alvarez, both Hispanics who are part of the original pool of applicants qualified by the Assessor-Recorder-Election Officer.

Very truly yours,


Charles H. Bell, Jr.

CC BY EMAIL:

Public Comment, Citizens Independent Redistricting Commission

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