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Public Comment

Ramirez, Angelica

**From:** Andy Caldwell <andy@colabsbc.org>  
**Sent:** Monday, March 8, 2021 9:33 AM  
**To:** sbcob; Hart, Gregg; Lavagnino, Steve; Williams, Das; Nelson, Bob; Hartmann, Joan  
**Cc:** Miyasato, Mona; Ghizzoni, Michael  
**Subject:** Public Comment A-7, March 9, 2021 BOS Agenda

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Chair Nelson and Members of the Board,

In my 30 years serving as a county government watchdog, I have never seen the board of sups appear to renege on a contract with the voters, until now.

I had just begun to observe the county redistricting commission meetings with no intention of participating until it came time to start drawing maps, when I witnessed a full on scrum of local democratic party insiders doing everything possible to persuade the commission to hire Fred Woocher as their counsel.

As everyone knows, except perhaps the commission members, Fred Woocher is a democratic party election law expert, who has worked on behalf of the state party, President Obama, and others. I had to ask myself, **AND YOU SHOULD ASK YOURSELVES, why would these activists be so inclined?**

One of the main thrusts of one of the activists, Phil Seymour, who himself has served as the local go to attorney for local democratic causes, was to disqualify the leading law firm in the state that serves redistricting commissions as their main occupation.

Seymour wrote a multi-page brief seeking to disqualify this firm because they had provided a purely ministerial function (filled out a report) for one of their clients that had donated \$1,000 to Supervisor Nelson's campaign.

At that time, however, neither Mr. Seymour or Mr. Woocher admitted that they themselves had formed the legal team on behalf of Sup. Farr whose legal bill exceeded \$600,000 within the 8 year prohibition.

Now, Mr. Seymour has written yet another brief objecting to our opposition to the board finalizing the contract with Woocher as he claimed the case he was involved with scarcely had anything to do with Ms. Farr's campaign.

However, the plain truth, the inescapable truth, is altogether different than his claims.

Namely, if they had lost the Pappas appeal for legal fees, Doreen Farr's campaign would have been on the hook for the \$600,000!

Relatedly, Mr. Seymour is trying to assert that having been an attorney for Farr does not trigger the ban on "consultants" per the plain language of the ordinance.

However, there is one more document, in addition to the ordinance that begs otherwise. Namely, the RFQ that was sent out by your own county counsel's office.

This letter plainly relates the same sections of the ordinance as disqualifying any counsel applying for the contract.

This case is one of the plain language of the ordinance which was submitted to the board by Supervisor Williams and submitted to the voters by the Board of Sups.

COLAB was not attacking the independence of the commission, to the contrary, we are defending its independence from democratic party operatives who obviously believe they need Mr. Woocher to get this contract regardless of the cost to your integrity and the will of the voters.

What follows is part of our petition to the court with all the references.

Please do the right thing here.

Andy Caldwell  
COLAB

The Redistricting Ordinance created the Commission, which is an 11-member independent redistricting commission formed to establish the electoral district boundaries in Santa Barbara County for the upcoming decade following receipt of the 2020 federal census data. Importantly, the Redistricting Ordinance imposes direct limitations on what firms or individuals may be hired as legal counsel or other consultants by the Commission.

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 from the Commission, 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 Commission may not engage any consultant, including legal counsel, who has worked for any political committee in the past eight years. The disqualification provisions are very broad to prohibit the politization of the Commission. They are intended to prevent not only the appointment of commissioners or consultants who are actually partisan and biased, but also those who might merely appear to be biased by reason of their past political activities or associations

Importantly, on December 8, 2020, County Counsel for Santa Barbara County sent a letter seeking an independent legal counsel for the Commission and requesting that any 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).” (Meuser Decl. Ex. 5). This confirms that the Board agrees that any counsel to the Commission must meet the requirements of the Redistricting Ordinance.