

COUNTY OF SANTA BARBARA ORDINANCE NO. _____

ORDINANCE OF THE BOARD OF SUPERVISORS ADDING SECTION 2-10.9A TO THE
SANTA BARBARA COUNTY CODE TO CREATE A COUNTY OF SANTA BARBARA
CITIZENS' INDEPENDENT REDISTRICTING COMMISSION

The Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1: CREATION OF CITIZENS' INDEPENDENT REDISTRICTING
COMMISSION.**

The following Section 2-10.9A is hereby added to the Santa Barbara County Code:

Section 2-10.9A – County of Santa Barbara Citizens' Independent Redistricting
Commission

Section 2-10.9A.010 Purpose:

The purpose of this section is to establish the procedures for determination of electoral district boundaries with the County of Santa Barbara. This section may also be known as "You Draw the Lines – County of Santa Barbara Citizens' Independent Redistricting Commission."

Section 2-10.9A.020 Definitions:

As used in this chapter, the following terms have the following meanings:

- (a) "Board" means the Board of Supervisors of the County of Santa Barbara.
- (b) "Commission" means the County of Santa Barbara Citizens' Independent Redistricting Commission in the County of Santa Barbara established as provided herein.
- (c) "Immediate family member" means a spouse, child, in-law, parent, or sibling.
- (d) "Significant Financial Interest" includes the following:
 - (i) Ownership or partial ownership, other than through the not more than 5% of the stock of any corporation that is allowed through Section 2-10.9A.020(d)(iv) below, of any for-profit company, corporation or other business entity with gross receipts of over \$ 100,000 derived from doing business in Santa Barbara County in any of the last five calendar years prior to appointment.
 - (ii) A partnership interest in any for-profit company or business with gross receipts of over \$ 100,000 derived from doing business in

Santa Barbara County in any of the last five calendar years prior to appointment.

- (iii) Holding the position of director, CEO, or a management position with a salary in excess of \$ 100,000 per year in any for-profit company, corporation or other business entity doing business in the County of Santa Barbara.
- (iv) Ownership of more than 5% of the stock of any corporation or other business entity doing business in Santa Barbara County.
- (v) Being an immediate family member of any person described in subsections (i-v) above.
- (vi) The County Board of Supervisors may adjust the dollar amounts stated above by the amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

Section 2-10.9A.030 - Establishment of Commission

There shall be, in the County of Santa Barbara, a County of Santa Barbara Citizens' Independent Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundaries of any or all of the supervisorial districts (also known as "redistricting") of the County of Santa Barbara. The commission shall:

- (a) proceed through an open and transparent process enabling full public consideration of and comment on the drawing of district lines;
- (b) draw district lines according to the redistricting criteria specified in the Federal Voting Rights Act of 1965, and the California Voting Rights Act of 2001, and specified in this article; and
- (c) conduct themselves with integrity and fairness.

Section 2-10.9A.040 - Creation of Commission:

- (a) The commission shall be created no later than December 31, 2020, and in each year ending in the number zero thereafter.
- (b) The selection process is designed to produce a commission that is independent from the influence of the board, political parties, campaign contributors or other special financial interests, and is reasonably representative of the county's diversity.
- (c) The commission shall consist of 11 members.
- (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.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications and post all applications online for public review.

(1) From the pool of qualified applicants, the county elections official shall select the 45 most qualified applicants, taking into account the following criteria:

(A) experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and ability to comprehend and apply the applicable state and federal legal requirements.

(B) experience that demonstrates an ability to be impartial.

(C) experience that demonstrates an appreciation for the diverse demographics and geography of the County of Santa Barbara.

(D) Nine (9) applicants from each existing supervisorial district shall be included in the list of most qualified applicants, unless there are less than nine (9) applicants from the district that meet the minimum qualifications set forth in subdivision (d), in which case the total number of qualified applicants will constitute the pool.

(f) The county elections official shall make public the names of the 45 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, staff member or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 45 most qualified applicants. During the period described in paragraph (f), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d). After complying with the above requirements of this subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board comprised of qualified applicants residing in the district corresponding to the subpool to which they have been assigned.

(g) At a regularly scheduled meeting of the board, the District Attorney of the County of Santa Barbara shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(h) (1) The five selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the commission. In order to be appointed, an applicant must receive the vote of at least four of the five selected commissioners.

(2) Five of the additional applicants will be selected, one from each of the existing five subpools reflecting the five existing supervisorial districts, and one at large based on the criteria in (3)

(3) The six appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that 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. The five commissioners shall also consider political party preference, selecting applicants 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, as determined by registration at the most recent statewide election. However, the political party preferences of

the commission members are not required to be exactly the same as the proportion of the political party preferences among the registered voters of the County. For this purpose, voters registered without stating a party preference or registered with any party that had a total registration of less than five percent (5%) in the County at the time of the last statewide election shall be considered unaffiliated. Unaffiliated members shall also be appointed to the commission in rough proportion to the percentage of unaffiliated registered voters at the time of the most recent statewide election.

(4) The five initial commissioners shall interview finalists for appointment, allow public comment, and make the appointments during a public hearing.

- (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.

(j) (1) A commissioner shall be removed from the commission upon occurrence of any of the following:

(A) The commissioner fails to attend a majority of publicly noticed commission meetings held within any three-month period.

(B) It is determined upon the basis of information not provided in the commissioner's application to serve that the commissioner is not qualified under the provisions of subdivision 2-10.9A.040(d), or that the commissioner has ceased to be qualified under the provisions of subdivisions 2-10.9A.040(d) or 2-10.9A.040(i) due to events or circumstances occurring after the filing of his or her application.

(C)(1) The commissioner is convicted of: (i) a felony; (ii) any violation of state, local or federal election laws; (iii) any criminal violation of the Ralph M. Brown Act; (iv) bribery or any other crime involving violation of the public trust; (v) any crime involving moral turpitude. In the event that any commissioner is charged with any such crime, the commissioner shall be suspended from the commission until a determination of guilt or innocence on the relevant charges is made in the trial court. Termination from the commission shall occur automatically

upon conviction of such crime by trial or plea, regardless of the pendency of any subsequent appeal.

(2) Any voter registered in the County of Santa Barbara may request that a commissioner be removed for any of the reasons stated in subdivision 2-10.9A.040(j)(1) by submitting a written request for removal of the commissioner to the commission stating the grounds for removal. If the commissioner being charged contests the grounds for disqualification or otherwise refuses to resign, that matter shall be referred by the commission to the Elections Officer of the County of Santa Barbara for a determination. The Elections Officer shall consider all evidence submitted by the commissioner being charged, as well as any evidence received from the commission or any member of the public. The elections official shall make a determination within 30 days as to whether the commissioner shall be removed, or within no more than 60 days if the elections official determines that more than 30 days are required for investigation or production of additional evidence. The decision of the elections official shall be final and effective immediately, unless and until overturned by a court of competent jurisdiction.

(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 subdivision 2-10.9A.040(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.

(4) A commissioner will be considered to have resigned if they are no longer a resident of, or registered voter within in the County of Santa Barbara.

Section 2-10.9A.050 - Operating Rules for Commission

(a) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action.

(d) 1) The commission shall not retain a consultant who would not be qualified as an applicant pursuant to subdivision 2-10.9A.040(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.

(e) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Santa Barbara pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(f) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(g) 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 Web site 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.

(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.

Section 2-10.9A.060 Rules for Establishing District Boundaries

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall comply with the California Voting Rights Act of 2001 (Division 14; Chapter 1.5 Rights of Voters of the Election Code (commencing with Section 14025)

(4) Districts shall comply with California election code section 21500, and in establishing the boundaries of the supervisorial district the commission shall give consideration to the following factors (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity and compactness of territory, and (d) community of interests of the supervisorial districts.

(5) Districts shall be geographically contiguous.

(6) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of

paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(7) To the extent practicable, and where this does not conflict with paragraphs (1) to (6), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) Before the commission draws a map, the commission shall conduct at least seven public hearings, allowing for public input on communities of interest and other matters that must be considered by the commission, and allow members of the public to present ideas and maps for consideration. These meetings are to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(d) After the commission draws a draft map or alternative maps, the commission shall do both of the following:

(1) Post the map or alternative maps for public comment on the Internet Web site of the County of Santa Barbara.

(2) Conduct at least seven public hearings to take place over a period of no fewer than 30 days. Notice of each public hearing shall be published in a newspaper or newspapers of general circulation in all areas of the county at least seven days prior to the hearing.

(e) The commission shall establish and make available to the public a calendar of all public hearings described in paragraph (2). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(f) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Santa Barbara who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(g) Each of the public meetings of the commission shall be video recorded and available to the public for review.

(h) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official within six months after the final population figures determined in each decennial federal census have been reached, but in any event not later than the date required to comply with California Elections Code Section 23003, as may be amended. An affirmative vote of 7 commissioners shall be required to approve a redistricting plan.

(i) In the event that there are not 7 or more votes for affirmative approval of a plan, the redistricting plan shall be completed by a supervisorial redistricting commission in accordance with California Elections Code Sections 21501 and 21502, as may be amended, no later than December 31 of the year following the federal census. The supervisorial redistricting commission may consider a majority report, minority report or reports and any proposed maps prepared by the commission.

(j) A plan approved by 7 or more affirmative votes of the commission shall be effective 30 days after it is filed with the county elections official. A final plan approved by the supervisorial redistricting commission shall be effective immediately.

(k) The plan shall be subject to referendum in the same manner as ordinances.

(l) The commission shall issue, with the final plan, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

Section 210.9A.070 – General Provisions

(a) If any provision of this measure, or any part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable.

(b) This measure is intended to provide the sole and exclusive procedure for adjustment of supervisorial district boundaries in the County of Santa Barbara. In the event that any other measure concerning adjustment of supervisorial district boundaries appears on the same election ballot as this measure, all provisions of that measure shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of valid affirmative votes, the provisions of this measure shall prevail in their entirety and all provisions of the other measure or measures shall have no force or effect.

SECTION TWO:

Pursuant to the California Environmental Quality Act, (CEQA) Guidelines section 15378(b)(5), adoption of this Ordinance is an organizational or administrative

activity of government that will not result in direct or indirect physical changes in the environment and is not a project subject to the requirements of CEQA.

SECTION THREE:

Except as amended by this Ordinance the Santa Barbara County Code shall remain unchanged and shall continue in full force and effect.

SECTION FOUR:

This Ordinance shall become effective thirty days from and after the approval by a majority of the votes cast by voters voting upon the Ordinance at the November 6, 2018 election. This Ordinance, or a summary thereof, shall be published in accordance with Government Code Section 25124, with the names of the members of the Board of Supervisors voting for and against the same, in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this ____ day of July, 2018, by the following vote, subject to approval by the electorate at the election of November 6, 2018:

AYES:

NOES:

ABSTAINED:

ABSENT:

Das Williams
Chair, Board of Supervisors

ATTEST:
MONA MIYASATO
CLERK OF THE BOARD

By: _____
Deputy Clerk

APPROVED AS TO FORM:
MICHAEL C. GHIZZONI
COUNTY COUNSEL

By: _____
Deputy County Counsel