



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: County Executive Office
Department No.: 012
For Agenda Of: September 20, 2022
Placement: Departmental
Estimated Time: 30 minutes
Continued Item: No
If Yes, date from: N/A
Vote Required: Majority

TO: Board of Supervisors

FROM: Department: Mona Miyasato, County Executive Officer
Director(s)
Contact Info: Nancy Anderson, Assistant County Executive Officer

SUBJECT: Post Action Report on the Citizens' Independent Redistricting Commission Process

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: N/A

Other Concurrence:

As to form: N/A

Recommended Actions:

It is recommended that the Board of Supervisors:

- a) Receive and file the SBC Citizens Independent Redistricting Commission: 2021 Cycle Challenges and Suggested Responses approved by the Commission on May 23, 2022 (Attachment A);
- b) Receive and file a post action staff report on the Citizens' Independent Redistricting Commission process;
- c) Provide any direction, as appropriate; and
- d) Determine that the above actions do not constitute a project under the California Environmental Quality Act (CEQA) based on CEQA Guidelines Section 15378(b)(5) since they are organizational or administrative activities of government that will not result in direct or indirect physical changes in the environment.

Summary:

The 2020 redistricting process was completed in December 2021 for the first time by the Citizens' Independent Redistricting Commission (CIRC). As with any new process, there were many opportunities for learning and understanding the challenges to potentially improve the process for the next cycle, which

will be in 2030. The CIRC compiled feedback on the process to share with the County for which they obtained public comment and approved on May 23, 2022. Staff reviewed the comments in addition to providing some additional observations discussed in this report that could improve the next process as well. Some of the suggestions would require action by the voters to change the ordinance that dictates how redistricting is handled in the County.

Background:

Federal and state laws require district boundaries to be examined and adjusted every 10 years to ensure members of the public are equally represented. Historically, in compliance with State law, the County has redrawn supervisorial district maps every decade through a public process that was facilitated by staff and consultants and ultimately approved by the Board of Supervisors. In 2018, county voters approved Measure G2018 to change the system and establish an 11-person Citizens' Independent Redistricting Commission (CIRC) tasked with redrawing supervisorial districts.

The CIRC is comprised of county residents who are not elected officials, lobbyists, candidates, campaign donors, or their close family members. The commission was tasked with providing an open and transparent process to enable full public consideration and comment on the drawing of district lines. The process for establishing the CIRC and selecting qualified applicants is outlined in County Code Section 2-10.9A (Attachment B). Selection of the commission began with more than 100 applications submitted by the August 21, 2021 closing date. The Elections Official selected a pool of the top 45 qualified applicants. The District Attorney randomly drew the initial five commissioners on October 13, 2020 and those five interviewed and selected the remaining six positions prior to December 31, 2020.

To document the CIRC process, a dedicated Redistricting Commission website was established at www.DrawSantaBarbaraCounty.org in order to provide redistricting information, agendas and draft maps. The site will be maintained for a 10-year period as required by law. Additionally, a dedicated email address at redistricting@countyofsb.org was created for the public to submit comments electronically and request additional information.

The commission is subject to the Ralph M. Brown Open Meeting Act, which requires that meetings must be conducted in public. Under the operating rules of the commission as outlined in County Code Section 2-10.9A(6), the commission was required to facilitate seven public hearings before the commission drew the maps and seven meetings after the commission drew and posted the draft map(s). The commission ultimately held 40 public meetings and many more outreach meetings to facilitate the process.

The CIRC had administrative and demography assistance through National Demographics Corporation and legal counsel through Strumwasser and Woocher, LLP to support them with the process. The County Executive Office provided support with administration, communications and meeting coordination.

On December 13, 2021, the Citizens' Independent Redistricting Commission adopted its [final preferred supervisorial district map](#) that went into effect on January 13, 2022.

Discussion:

In an effort to help improve the next redistricting cycle, the CIRC has provided feedback and suggestions compiled from the public and Commission members directly. The document, shown as Attachment A, includes recommendations related to forming the Commission, Commission operations and support and

completing the work of the Commission. Additionally, the CIRC includes survey responses from the public as part of the document.

Some of the proposed recommendations are operational in nature and can be addressed through process and procedures while other suggested changes are to the County ordinance that requires voter approval. The table below summarizes the suggestions from the CIRC, identifies if the action requires voter approval and provides staff comments related to implementation action.

CIRC Identified Challenges during the 2020 Redistricting Process and Suggested Responses	Voter Approval Required?	Staff Comments
1. Forming the Commission.		
<p>1.1 - Consider making the appointments of each new Commission sooner than the required deadline. This would allow additional time for training, outreach, participation in vendor/contractor selection, etc.</p>	No	<p>County staff could initiate the application process sooner in the next cycle. Applications were due in August and the initial five appointments were made October 13, 2020. However, if too far in advance, the time commitment for commissioners of over a year could be a challenge for some.</p>
<p>1.2 - Consider making the pool larger, increasing the likelihood that the desired level of diversity could be achieved.</p>	Yes	<p>Section 2-10.9A(4)(e)(1) limits the pool to the forty-five most qualified applicants. Other alternatives, such as partisan “pools” for each district similar to the State redistricting commission process could be considered.</p>
<p>1.3 - Develop objective scoring/review criteria to guide the work of the Elections Official.</p>	Yes	<p>Section 2-10.9A(4)(e) specifies criteria for the election official to take into account. To modify or expand the criteria would require voter approval. The election official does have discretion on ranking the type of experience that qualifies the applicants that could be further considered.</p>
<p>1.4 - Consider changing the two-stage selection process and instead select all commissioners by random draw (rather than just initial 5) - or by an impartial panel that can ensure that the demographics balance as much as is possible.</p>	Yes	<p>Section 2-10.9A(4) would need to be modified.</p>
<p>1.5 - Consider selecting an “alternate” for each commissioner who could shadow, assist with outreach, and be prepared to step in as a commissioner if needed.</p>	To Be Determined	<p>Non-voting alternates might be a potential on a volunteer basis from pool applicants, however, the appointment of Commissioners requires a majority vote of the existing Commission members.</p>

CIRC Identified Challenges and Suggestions Continued	Voter Approval Required?	Staff Comments
<p>1.6 - Determine whether individuals who withdraw (either from the pool or from the Commission itself) are eligible for future consideration as a replacement.</p>	<p>To Be Determined</p>	<p>The Code does not address this, so staff could consider whether to amend the Code for clarification or determine if it can be addressed in the CIRC By-Laws.</p>
<p>1.7 - Clarify the Ordinance’s language dealing with the expectation that appointments (initial and replacements) be balanced in terms of demographic diversity and proportional partisan representation. The ordinance should clarify which of these criteria have priority when they cannot both be satisfied due to the characteristics of available candidates.</p>	<p>Yes</p>	<p>Section 2-10.9A(4)(h)(3) would need to be modified.</p>
<p>1.8 - Change the term of the commissioners’ appointments to eliminate the need for individual commissioners to file personal financial disclosures for ten years following completion of their work.</p>	<p>Yes</p>	<p>Section 2-10.9A(5)(b) would need to be modified.</p>
<p>1.9 - Ensure marketing campaign to recruit candidates is broad based and targets citizens from all sectors of the County. Ensure that candidates are well informed of the requirements of the role, including time, outreach expectations, potential disqualifying conflicts, etc.</p>	<p>No</p>	<p>County staff can enhance outreach efforts earlier and broader in the next cycle.</p>
<p>2. Commission Operations/Support.</p>		
<p>2.1 - Change the Ordinance’s specified selection criteria which apply to businesses contracted to provide services to the Commission (e.g. legal, demography, administrative, marketing/outreach) to not be the same as those used to qualify commissioners.</p>	<p>Yes</p>	<p>Sections 2-10.9A(5)(d)(1&2) would need to be modified.</p>
<p>2.2 - In order to ensure transparency of the political preferences of the consultants, consider requiring disclosure of partisan candidate contributions over \$500.00 statewide, in addition to any prohibitions on contributions to candidates or Committees in Santa Barbara County.</p>	<p>To Be Determined</p>	<p>Commissioners could consider whether to add this requirement as part of the vendor selection process or it could be added to the ordinance to ensure consistency of the process and clear requirements up front.</p>
<p>2.3 - Consider requiring (or indicating a preference) that the Outreach/Marketing contractor have a regular Santa Barbara County presence, increasing the potential that they have the relationships to maximize the effectiveness of outreach efforts.</p>	<p>No</p>	<p>Commissioners could consider whether to add this requirement as part of the vendor selection process.</p>
<p>3. Completing the Work of the Commission</p>		
<p>3.1 - Post public comments as received, or earlier than the required timeline for the meeting agendas.</p>	<p>No</p>	<p>CEO staff will work meet this objective in the next redistricting cycle.</p>

CIRC Identified Challenges and Suggestions Continued	Voter Approval Required?	Staff Comments
<p>3.2 - Consider allowing a per diem, for commissioners’ mileage expenses, recognizing their investment of time and energy in meeting with the public and performing their public duties.</p>	<p>No</p>	<p>The current CIRC By-Laws allow for mileage reimbursement. Commissioners are required to track mileage and submit forms to the CEO if seeking reimbursement.</p>
<p>3.3 - Ensure the Commission has a role in selecting the mapping tools to be used by the public and the Commission. There was a strong feeling that the tools should be selected and introduced much earlier in the process.</p>	<p>No</p>	<p>The Commission can request this of their demographer as part of the vendor selection process.</p>
<p>3.4 - Begin training/public use of the mapping tools earlier in the process/timeline.</p>	<p>No</p>	<p>The Commission can request this of their demographer as part of the vendor selection process.</p>
<p>3.5 - Expand use of the Commission’s website, including ensuring that redistricting rules and VRA requirements are posted and explained in easily understood language.</p>	<p>No</p>	<p>Applicable rules and regulations are posted on the Redistricting website. The Commission can direct their assigned staff to make changes to the website as desired.</p>
<p>3.6 - Encourage the use of non-Commissioners (including remaining pool members) on ad hoc committees and outreach efforts.</p>	<p>No</p>	<p>The Commission could solicit members of the public and pool applicants to participate on a volunteer basis.</p>

To make changes to the ordinance that was approved by the voters, it would require a first and second reading by the Board of an ordinance amending Chapter 2, Article II, Section 2-10.9A of the County Code, followed by submission of the ordinance to the voters for approval, at an election close to the time that the next redistricting process would begin.

Staff agree that many of the suggestions provided by the CIRC would help improve the process. Santa Barbara County was pioneering as one of the few counties that moved to an independent commission process for 2020. In general, now that by-laws, a website and documented processes are available it will be easier to make the changes for improvement. One of the significant challenges for staff was trying to minimize County staff direct advisement to CIRC when administrative coordination was critical and independent consultants were not yet on board. For the next cycle, the application process can be initiated sooner so that CIRC members can select their consultants earlier to get independent administrative and legal advisement as soon as possible. It is also anticipated that County staff would need to clerk the initial CIRC meetings and provide minimal support, or arrange for interim consultant assistance, until independent administrative and legal counsel staff selected by the CIRC are in place.

2020 Redistricting Cost Summary

The redistricting process incurred costs related to demography, administration including facilitation of public meetings, outreach and advertisement, legal counsel and County Surveyor review work. The estimated budget was \$800,000 and actual costs totaled \$629,262. Additionally, while not included in the costs below, County Executive Office staff dedicated approximately 1,100 hours towards the project.

Summary of Redistricting Costs for 2020 Cycle

Description	Amount
Advertising/Marketing/Outreach	\$93,769
Meeting Interpretation	24,124
Legal Counsel	324,342
Demography Services	32,500
Administration (including clerking of meetings)	94,438
Mapping Tool	30,000
County Surveyor Review	30,089
Total Redistricting Costs	\$629,262

Fiscal and Facilities Impacts:

There are no fiscal impacts associated with this item.

Attachments:

Attachment A – SBC Citizens Independent Redistricting Commission: 2021 Cycle Challenges and Suggested Responses (Approved May 23, 2022)

Attachment B – Current Redistricting Ordinance

Authored by:

N. Anderson, ACEO, County Executive Office