



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: CEO  
Department No.: 012  
For Agenda Of: August 2, 2011  
Placement: Departmental  
Estimated Tme: 60 minutes  
Continued Item: No  
If Yes, date from:  
Vote Required: Majority

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TO: Board of Supervisors

FROM: Department Director(s) Chandra L. Wallar, County Executive Officer, 568.3400 *CW*

Contact Info: Dennis Bozanich, Assistant to the CEO, 568-3400

SUBJECT: **County Redistricting Ordinance**

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**County Counsel Concurrence**

As to form: Yes

**Auditor-Controller Concurrence**

As to form: N/A

**Recommended Actions:**

That the Board of Supervisors:

1. Introduce and conduct a first reading of an ordinance repealing and reenacting Article II of Chapter 2 of the Santa Barbara County Code to adjust the boundaries of all of the supervisorial districts of the County of Santa Barbara.
2. Set August 9, 2011 as the date of the second reading and adoption of said ordinance
3. Determine that redistricting is not a project subject to CEQA

**Summary Text:**

At the July 12, 2011 Hearing, the Board received testimony from staff and the public on sixteen public plans submitted by the public following a public outreach process. The Board chose a plan, made minor adjustments and requested that staff draft the ordinance to repeal and reenact Article II of Chapter 2 of the County Code.

**Background:**

Redistricting is required by state law after each decennial federal census to readjust the boundaries of supervisorial districts so that each district has nearly equal population. This process must be completed before November 1<sup>st</sup> of the year following the federal census. The federal census data must be used to calculate the population totals in each district. Additionally, all redistricting shall comply with Section 1973 of Title 42 of the United States Code (Federal Voting Rights Act of 1965), as amended.

As previously reported to your Board during the July 12 meeting, the redistricting process is governed by the requirements of the Elections Code. As part of the process, the Board was advised to state on the record justification for any population deviations prior to the adoption of new district boundaries and thus provide a rationale for any variances in population among the districts based upon the various permissive redistricting criteria enumerated in the Elections Code. (A copy of the legal criteria provided to the Board at the July 12 meeting is attached.)

The appellate courts have been clear that there are no “safe harbors” for population deviations. They have therefore not provided a clear “mathematical yardstick” for what may constitute a valid population deviation. Rather, the courts have indicated that population deviations, while inevitable, are permissible if justified by rational policies and considerations. Among these supporting policies are the enumerated permissive redistricting criteria contained in the Elections Code.

During the July 12<sup>th</sup> meeting, the Board discussed aspects of the proposed maps that identified alignment with the mandatory and permissive criteria. The Board requested that a redistricting ordinance be created using one of the maps with two slight adjustments on the boundaries of Districts 1 and 2. As adjusted by the Board at its July 12 meeting, the proposed district boundaries map has resulted in a maximum population deviation between districts of 1.42%. While still very low, any population deviation greater than zero should be justified on the record.

Redistricting is an administrative process and is not a plan, nor an essential step leading to a plan, subject to CEQA review.

**Fiscal and Facilities Impacts:**

Budgeted:

**Attachments:**

- A – Ordinance to repeal and reenact Article II of Chapter 2 of the Santa Barbara County Code
- B – Redistricting Plan Packet including Maps, Statistical Report, Findings and Demographics Report
- C – Legal Criteria for Redistricting of Supervisorial Boundaries

**Authored by:**

Dennis Bozanich, Assistant to the County Executive Officer

**CC:**