



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 & 062
For Agenda Of: October 13, 2020
Placement: D-2
Estimated Time: 1 Hour
Continued Item: No
If Yes, date from: NA
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Mona Miyasato, County Executive Officer
Director(s) Joseph Holland, County Elections Official

Contact Info: Nancy Anderson, Assistant County Executive Officer

SUBJECT: **Random Drawing to Select the First Five Commission Members for the County of Santa Barbara's 2020 Citizens' Independent Redistricting Commission by the District Attorney**

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: NA

Recommended Actions:

That the Board of Supervisors:

- A. Receive presentation on the County of Santa Barbara's 2020 Citizens' Independent Redistricting Commission (CIRC);
- B. Pursuant to County Code Section 2-10.9A (4)(g), hold a hearing at a regularly scheduled Board of Supervisors meeting to allow the District Attorney to conduct a random drawing to select the first five commissioners of the Citizen's Independent Redistricting Commission, one from each of the five subpools established by the Elections Official; and
- C. 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 Text:

Pursuant to the 2018 Ballot Measure G2018, codified as County Code Section 2-10.9A, a Citizen's Independent Redistricting Commission shall be created by December 31, 2020 to determine the supervisorial district boundaries of the County of Santa Barbara. The purpose of this hearing is to fulfill County Code Section 2-10.9A (4)(g) which requires that, at a regularly scheduled meeting of the Board of Supervisors, the District Attorney conduct a random drawing to select the first five commissioners of the 11-member commission. One commission member from each of the five supervisorial applicant lists ("subpools") will be drawn by the District Attorney. The applicants were certified by the County Elections Official and posted to the County's website for at least 30 days as required by code.

County staff will also provide information on actions to date and the process going forward to create the Commission and meet all legal requirements.

Background:

Federal and state laws require district boundaries to be examined and adjusted every ten years to ensure members of the public are equally represented. The process of redrawing boundaries so that the population is evenly divided into districts that are represented by elected officials (US House of Representatives, state legislature, county or city council, school board, etc.) is referred to as Redistricting.

Historically, 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 County of Santa Barbara Citizens' Independent Redistricting Commission (CIRC) that is now 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 is tasked with providing an open and transparent process that enables 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 A). To begin the CIRC process, a dedicated Redistricting Commission website was established at <http://countyofsb.org/redistricting.sbc> in order to provide redistricting application information, timing and instructions. Additionally, a dedicated email address redistricting@countyofsb.org was created for applicants to submit electronically and request additional information.

The County Executive Office has been facilitating public outreach, communication and coordination to assist in the creation of the CIRC; the voter approved ballot measure specifies that the Elections Official reviews the applications and selects the 45 applicants to be included in the process.

Initial Steps to Select Commissioners

The application period closed on Friday, August 21, 2020 at 5 p.m. There were nearly 200 individuals that applied to serve on the CIRC.

County Code Section 2-10.9A(4)(e) states that from the pool of qualified applicants, the county Elections Official shall select the forty-five 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 applicants from each existing supervisorial district shall be included in the list of most qualified applicants, unless there are less than nine applicants from the district that meet the minimum qualifications set forth in subsection (d), in which case the total number of qualified applicants will constitute the pool.

Pursuant to County Code Section 2-10.9A(4)(f), the County Elections Official is required to 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. The Elections Official certified that list on September 3 (Attachment B). Those applicants' names were then posted online for at least 30 days for members of the public to view and provide comment to the Elections Official.

During the review period, the Elections Official may eliminate any of the previously selected applicants if he becomes aware that the applicant does not meet the qualifications specified in the Code. The Elections Official took into consideration comments received from the public related to applicants and qualifications, resulting in a final amended certified list (Attachment C) to be used for the random drawing.

Next Steps in the Selection Process

The next steps in the selection process are outlined in County Code Section 2-10.9A(4)(h) as follows:

October 13, 2020 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 supervisorial subpools established by the county elections official.

November-Dec 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.

- 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.
- 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 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.

- The five initial commissioners shall interview finalists for appointment, allow public comment, and make the appointments during a public hearing.
- The public hearing in which appointments will be made has not yet been set but must occur before December 31, 2020.

December 31, 2020 The full commission is in place.

Meetings, Census Data and Drawing of the Maps

The commission is subject to the Ralph M. Brown Open Meeting Act, which requires that any meeting must be conducted in public. The number of public meetings, their dates and times are entirely at the discretion of the commission.

Under the operating rules of the commission as outlined in County Code Section 2-10.9A(6), the commission is required to facilitate seven public hearings before the commission draws the maps and seven meetings after the commission draws and posts the draft map(s).

The commission must complete maps of the new districts by Aug. 15, 2021 although it is anticipated due to the delay of Census data, this date will be extended to December 15, 2021. A federal court order has extended the U.S. Census 2020 count to continue through October 31, 2020, resulting in a delay of Census data to State's for redistricting. Originally, Census data was expected by March 31, 2021.

Budget Impacts

The County will incur anticipated consulting costs for administration, outreach, demographic analysis, mapping tools and preparation and legal counsel to support the independent commission. Additionally, County staff costs are being tracked from Elections, County Counsel, County Surveyor and the County Executive Office. The budget for the project is estimated to be at least \$275,000. Funding was set aside in the General Fund to cover costs related to redistricting.

Attachments:

- A: County Code Section 2-10.9A Citizens' Independent Redistricting Commission**
- B: County Elections Official Certified List of 45 Applicants Dated September 3, 2020**
- C: County Elections Official Final Amended Certified List of Applicants**

Authored by: Nancy Anderson, Assistant County Executive Officer