

COUNTY OF SANTA BARBARA

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COUNTY COUNSEL

December 8, 2020

Re: Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel for the County of Santa Barbara Citizens' Independent Redistricting Commission

INTRODUCTION

On behalf of the County of Santa Barbara Citizens' Independent Redistricting Commission ("Commission"), Santa Barbara County's Office of County Counsel is soliciting statements of qualifications and proposals from law firms to serve as independent legal counsel ("Legal Counsel") for the Commission.

The passage of County of Santa Barbara Measure G in 2018 provided for the formation of the Commission, and established procedures for determination of electoral district boundaries within the County. Measure G is codified at Section 2-10.9A of the Santa Barbara County Code.

The first five Commissioners have been selected, and those Commissioners are in the process of selecting the additional six Commissioners, which will occur by December 31, 2020.

More information about the Commission is located at the following web site:
<http://www.countyofsb.org/redistricting.sbc>.

On November 10, 2020, the County's Board of Supervisors approved a contract for legal services for the Commission with a firm ("current counsel") that will be terminated by January 31, 2021 unless the Commission decides that it wants to continue with the current counsel.

SCHEDULE

Submissions are due on January 8, 2021 by 5:00PM. The submissions will be posted on the Commission's web site as part of the agenda materials for a Commission meeting in January 2021. If a firm is selected that is other than the current counsel, then a contract would be submitted to the Board of Supervisors for approval.

SCOPE OF SERVICES

Legal Counsel shall provide independent legal counsel to the Commission, including providing independent legal advice and handling litigation, when requested from time to time.

Under the general direction of the Commission, Legal Counsel shall:

- Serve as the legal advisor for the Commission and consultants and staff assigned to the Commission.
- Advise the Commission at meetings, public hearings, and other legal proceedings.
- Ensure that all constitutional, statutory, and regulatory requirements and court decisions governing the Commission’s activities are properly interpreted, including but not limited to Santa Barbara County Code Section 2-10.9A, the Ralph. M. Brown Act, the Public Records Act, the California Elections Code, and the federal Voting Rights Act of 1965.
- Provide legal representation administratively and, if applicable, in court.
- Render written and verbal legal advice.
- Render legal advice regarding policies within the Commission’s legal areas of responsibility, if any.
- Ensure that any administrative policies adopted by the Commission are consistent with law and are implemented fair and impartially.

Legal Counsel shall ensure that information relating to Legal Counsel’s legal support of the Commission is protected as required by Business and Professions Code Section 6068(e); this includes Legal Counsel’s preserving the confidentiality of that information from the County of Santa Barbara’s Office of County Counsel, except that Legal Counsel may communicate with the Office of County Counsel as would be appropriate between attorneys who represent opposing parties at “arm’s-length.”

ESSENTIAL KNOWLEDGE AND ABILITIES

Responses must demonstrate the ability to perform high-level analysis of the legal issues associated with administration of the Commission as well as the redistricting process. Such overall ability requires that the primary service provider as the Legal Counsel possess the following:

- Active membership in the State Bar of California.
- Ability to communicate effectively in writing and in oral presentations with a variety of contacts, including the Commissioners, outside attorneys, public officials, the public, press and staff.
- Ability to accurately appraise legal problems, perform legal research, and correctly apply legal principles, evidentiary rules and precedents to proposed solutions.
- Ability to write and edit correspondence, pleadings, briefings, talking points, and legal opinions.
- Ability to represent the Commission at meetings, public hearings, and other legal proceedings.
- Ability to synthesize, clarify, and disseminate complex information.
- Knowledge of Cal. Elections Code Sections 23000 – 23004 and 21500 – 21509, including as amended by AB 1276, effective January 1, 2021.
- Knowledge of the Ralph M. Brown Act, Political Reform Act, and Public Records Act requirements.

- Demonstrated experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965.

PROPOSAL REQUIREMENTS

To assist the Commission in selecting Legal Counsel, please ensure that your proposal includes the following information:

1. **Firm Description.** Provide a brief description of your firm and qualifications in the area of state and federal laws governing redistricting in California. Indicate the location of your main California office.
2. **Assigned Personnel.** Identify your firm's team for the assignment, specifically identifying the individual who would serve as the overall lead for the engagement and primary service provider in the Legal Counsel role. Include only those persons who are actually expected to work on the engagement. Provide resumes for each participating team member, highlighting relevant experience to meet essential knowledge and abilities.
3. **Experience.** Briefly describe the firm's experience as Legal Counsel in California for local government entities or states related to state and federal laws governing redistricting and voter rights. Indicate where the proposed primary service provider contributed to the firm's experience.
4. **Additional Information.** Please confirm that your firm has run a conflicts check and does not have any potential conflicts of interest. Also, please review Elections Code Section 23003 and Santa Barbara County Code Sections 2-10.9A(5)(d) and (4)(d), and 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).
5. **Fees.** Please indicate your firm's fees for the Legal Counsel role. To the extent hourly fees are proposed, please include an estimate of the total fee and/or expected range, and not-to-exceed amount. Also, please indicate what expenses you would bill in addition to the fee and a proposed cap.
6. **Form Contract.** A form of contract is attached. If your firm has any proposed changes to the contract, please identify them as part of your firm's response.

SUBMISSION

Please provide your proposal by e-mail to arierson@co.santa-barbara.ca.us no later than January 8, 2021 by 5:00 p.m.

DISCLAIMERS

It is noted that the Commission reserves the right to: reject any and all responses; cancel, modify or re-issue the RFP; negotiate with any, all or none of the respondents; and solicit best and final offers from any, all or none of the respondents. This RFP does not commit the Commission to negotiate a contract, nor does it obligate them to pay for any costs incurred in the preparation and submission of your responses or in the anticipation of a contract. The Commission reserves the right to recommend that the Board of Supervisors contract with any

of the firms responding to this RFP based on the Commission's judgment in evaluating the firm's proposal, including but not limited to its qualifications, capabilities and fee quote.

COMMUNICATIONS

So that we do not need to post and share responses to questions with proposers, we do not plan to have substantive conversations with any proposers.

Thank you in advance for your participation in this process.