

COUNTY OF SANTA BARBARA  
CITIZENS INDEPENDENT REDISTRICTING COMMISSION



**Summary of Proceedings**  
**2020 Citizens Independent Redistricting Commission**

Date: **Monday, February 1, 2021**  
Time: **6:34 PM – 10:37 PM**  
Place: **Remote Virtual Participation Only**

Recordings of the Commission Meetings, Agendas, Supplemental Materials and Minutes of the Citizens Independent Redistricting Commission are available on the internet at:  
[www.countyofsb.org/redistricting.sbc](http://www.countyofsb.org/redistricting.sbc)

**BOARD ACTION SHOWN IN CAPS**

1. Commission Convened

Roll Call

Commissioners Present: Bradley, Bray, Hudley, Katz, McClintock, Morris, Ochoa, Olmedo, Turley, Twibell

Commissioners Absent: Rios

2. Public Comment

The Public Comment period is reserved for comments on items not on the Agenda and for matters within the subject matter jurisdiction of the Citizens Independent Redistricting Commission. The Commission may adopt reasonable regulations, including time limits, on public comments. The Commission may not discuss or take action on any matter raised during the public comment section, except to decide whether to place a matter on the agenda of a future meeting.

**PUBLIC COMMENT:**

NONE.

**WRITTEN COMMENT:**

LEE HELLER, WROTE REQUESTING PUBLIC COMMENT AFTER ATTORNEY INTERVIEWS.

MARGUERITE LEONI, NIELSEN MERKSAMER, WROTE CORRECTING PUBLIC COMMENT MISUNDERSTANDING.

PHILIP A. SEYMOUR, WROTE QUESTIONING THE LEGALITY OF ENGAGING NIELSEN MERKSAMER.

COUNTY COUNSEL, WROTE DECLINING ATTENDANCE AT TONIGHT'S MEETING, AND DEFERRED TO MR. CHURCHWELL.

3. Discussion and decision of staff's recommendation to continue Interim Chair and Vice Chair for this meeting or nomination and selection of Chair and Vice Chair.

NO ACTION TAKEN.

4. Approval of Minutes of January 25, 2021, and January 27, 2021.

MOTION TO CORRECT THE INFORMATION FROM RESIDENT TO HEAD OF THE SRO, AND COMMISSIONER KATZ TO PROVIDE THE NAME OF THE CONTACT, FOR THE JANUARY 27, 2021 MINUTES, DISCLOSURE OF EX PARTE COMMUNICATIONS, ITEM 4, AND ACCEPT THE MINUTES OF JANUARY 25, 2021, AND CORRECTED MINUTES OF JANUARY 27, 2021.

MOTION CARRIED: 10 AYES 1 ABSENT

5. Disclosure of ex parte communications.

NONE.

NANCY ANDERSON, COUNTY OF SANTA BARBARA, REPORTED TWO LETTERS OF INTEREST WERE RECEIVED FROM REDISTRICTING PARTNERS AND Q2 DATA, IN RESPONSE TO THE DEMOGRAPHY SERVICES RFI.

COMMISSIONER MORRIS ANNOUNCED THERE WILL BE THREE ROUNDS OF PUBLIC COMMENT: GENERAL COMMENTS OR ITEM 6, FOLLOWING ITEM 7 INTERVIEWS, AND PRIOR TO ITEM 10 CLOSED SESSION.

6. Census data status update and "Complete Count" Committee representative(s) and NDC discuss Census outreach efforts, possible Student and Farm Worker undercount impacts, and what options Commission has available to address any such issues.

VICTOR ESPINOSA, MICOP, PRESENTED INFORMATION ABOUT THE OUTREACH EFFORTS AND CHALLENGES TO EDUCATE THE INDIGENOUS AND FARMING COMMUNITIES ON THE IMPORTANCE OF COMPLETING THE CENSUS. CHALLENGES INCLUDE POLITICAL CLIMATE, SOCIAL ISSUES RELATED TO INTERNET ACCESS, INDIGENOUS LANGUAGE TRANSLATION OF THE QUESTIONNAIRE, AND THE COVID-19 PANDEMIC. OUTREACH INCLUDED, SOCIAL MEDIA (FACEBOOK), A WEEKLY CENSUS

THEMED RADIO PROGRAM ON COMMUNITY RADIO STATION 94.1 FM, AND PROVIDED SOCIALLY DISTANT/REMOTE QUESTIONNAIRE ASSISTANCE, ALTHOUGH DIFFICULT BECAUSE OF LIMITED INTERNET ACCESS. THE FOCUS WAS ON RESIDENTIAL HOUSEHOLDS, RATHER THAN GROUP QUARTER FACILITIES (ONE GROUP QUARTER FACILITIES WHERE FARMWORKERS ARE HOUSED, HAD A COVID OUTBREAK).

VIVIANA MARSANO, UCSB, WORKED CLOSELY WITH THE ISLA VISTA COMMUNITY CENTER ON THE STUDENT COUNT. SHE EXPLAINED THAT COLLEGE STUDENTS ARE SUPPOSED TO ANSWER THE CENSUS WHERE THEY GO TO SCHOOL. OUTREACH INCLUDED EMAILING 26,000 STUDENTS AND 24,000 PARENTS, VIDEO RELEASED BY THE CENSUS FOR STUDENTS, AND PROFESSORS INCLUDED CENSUS SLIDES IN THE CLASS LECTURE. THE COUNT INCLUDED DORMITORIES, TROPICANA APARTMENTS, GREEK FRATERNITY HOUSES, SANTA BARBARA CO-OP HOUSING, AND GROUP QUARTERS (FAMILIES NOT INCLUDED IN GROUP QUARTERS). OUTREACH ALSO INCLUDED PAID ENGLISH AND SPANISH RADIO AND TV ADS. THE ESTIMATED SELF-RESPONSE RATE IN ISLA VISTA IS 55.5% - 58.5%, COMPARED TO 65% IN 2010.

MR. JOHNSON REITERATED THAT THE COUNTY MUST USE THE POPULATION DATA PROVIDED BY THE STATE.

COMMISSIONER KATZ INQUIRED ABOUT OUTREACH TO THE GREEK ORTHODOX CHURCH. MS. MARSANO EXPLAINED THAT THE FORMER GREEK ORTHODOX CHURCH IS NOW THE ISLA VISTA COMMUNITY CENTER AND THEY WORK WITH THE HOMELESS POPULATION.

COMMISSIONER OLMEDO ASKED ABOUT MOBILITY BETWEEN COUNTIES, OUT OF THE AREA, AND OUT OF STATE. MR. ESPINOSA COMMENTED THAT SOME FARMWORKERS ARE SEASONAL, FOLLOW THE WORK, TRAVEL BETWEEN COUNTIES, AND OTHER PARTS OF THE COUNTRY. MS. MARSANO ALSO COMMENTED THAT STUDENTS ALSO TRAVEL BETWEEN COUNTIES AND STATES FOR SCHOOL AND HOME.

COMMISSIONER OLMEDO ASKED ABOUT INCARCERATED INDIVIDUALS HOME OF RECORD. MR. JOHNSON COMMENTED ABOUT THE DIFFERENCE IN FEDERAL (CENSUS COUNTS THEM WHERE THEY ARE INCARCERATED ON APRIL 1), THE STATE (HOME ADDRESS), AND THE COUNTY JAIL (HOME ADDRESS), HE WILL DOUBLE CHECK WHETHER FEDERAL PRISONERS WILL BE REMOVED FROM THE COUNT BY THE STATE.

COMMISSIONER KATZ ASKED ABOUT USING ENROLLMENT NUMBERS FOR SCHOOL COUNT. MS. MARSANO STATED THAT THE ENROLLMENT DATA IS NOT ACCURATE TO USE FOR THE CENSUS.

COMMISSIONER BRADLEY ASKED IF THIS COINCIDED WITH HTC AREAS IN AND AROUND ISLA VISTA AND GOLETA, DID THEY OVERLAP, OR WERE ANY MISSED. MS. MARSANO ESTIMATED A 58.5% SELF-RESPONSE RATE FOR ISLA VISTA. SHE WILL

PROVIDE HER NOTES TO MR. JOHNSON, AND A LINK TO THE SELF-RESPONSE RESULTS.

MR. ESPINOSA PROVIDED THE LINK FOR THE 2010 CALIFORNIA INDIGENOUS FARM WORKERS STUDY <http://www.indigenousfarmworkers.org/demographics.shtml#Population>, AND HE NOTED THIS INFORMATION DOESN'T NECESSARILY PERTAIN TO THE 2020 CENSUS.

7. Interview finalists for Independent Legal Counsel services:
  - a) Nielsen Merksamer Parrinello Gross & Leoni LLP
  - b) Scott J. Rafferty, Attorney at Law
  - c) Strumwasser & Woocher LLP

COMMISSIONER MORRIS GAVE AN OVERVIEW OF THE INTERVIEW PROCESS, STATED THE FINALISTS WILL BE CALLED IN ALPHABETICAL ORDER, GIVEN A TWO MINUTE SELF-INTRODUCTION, FIVE GENERAL QUESTIONS ASKED OF EACH FIRM, AND TWO TO FOUR QUESTIONS SPECIFIC TO EACH FIRM. THE INTERVIEWS WILL BE FOLLOWED BY CLARIFYING/FOLLOW-UP QUESTIONS FROM COMMISSIONERS, CLOSING STATEMENTS (IF TIME ALLOWS), PUBLIC COMMENT, AND CLOSED SESSION.

QUESTION #1 – ASKED BY COMMISSIONER KATZ

- PLEASE CLARIFY THE ROLES OF THE MEMBERS OF YOUR PROPOSED TEAM. SPECIFICALLY, WHICH TEAM MEMBER WILL BE OUR “GO TO” LAWYER DURING PUBLIC MEETINGS AND AS QUESTIONS ARISE RELATING TO ANY LEGAL MATTERS?

QUESTION #2 – ASKED BY COMMISSIONER BRADLEY

- BASED ON YOUR INTEREST IN WORKING WITH THE SANTA BARBARA COUNTY INDEPENDENT REDISTRICTING COMMISSION AND WHAT YOU ALREADY KNOW ABOUT SANTA BARBARA COUNTY, WHAT ARE A FEW SANTA BARBARA COUNTY-SPECIFIC CHALLENGES AND BIGGEST PITFALLS THAT YOU ANTICIPATE WITH REDISTRICTING?

QUESTION #3 – ASKED BY COMMISSIONER MCCLINTOCK

- HOW WILL YOU PRIORITIZE THE COMMISSION’S WORK TO PROTECT “COMMUNITIES OF INTEREST”, “PARTISAN FAIRNESS” AND “ELECTORAL COMPETITIVENESS?”

QUESTION #4 – ASKED BY COMMISSIONER OCHOA

- WHAT IS YOUR RELATIONSHIP WITH THE DEMOGRAPHY FIRM CURRENTLY ENGAGED BY THE COMMISSION?

QUESTIONS #5 – ASKED BY COMMISSIONER MORRIS

- THE COUNTY’S PROJECTED BUDGET FOR THE REDISTRICTING COMMISSION WAS SET AT \$500,000. GIVEN THAT \$100,000 HAS BEEN DESIGNATED FOR DEMOGRAPHY AND ADMINISTRATIVE SERVICES – AND GIVEN THAT THE COMMISSION DESIRES TO

RESERVE AS MUCH OF THE BUDGET AS POSSIBLE FOR OUTREACH AND COMMUNITY ENGAGEMENT – DO YOU ANTICIPATE BEING ABLE TO KEEP LEGAL FEES WITHIN THE COUNTY’S INITIAL ESTIMATES OF \$200,000, LESS WHATEVER HAS ALREADY BEEN BILLED BY OUR ORIGINAL COUNSEL? IF NOT, WHICH PART OF THE LEGAL PROCESS DO YOU EXPECT IS MOST LIKELY TO OVERRUN COSTS?

THE COMMISSIONERS INTERVIEWED NIELSEN MERKSAMER PARRINELLO GROSS AND LEONI LLP. IN ADDITION TO THE FIVE GENERAL QUESTIONS, THE FOLLOWING SPECIFIC QUESTIONS WERE ASKED:

QUESTION ASKED BY COMMISSIONER HUDLEY:

- THERE HAVE BEEN CONCERNS RAISED DURING PUBLIC COMMENT REGARDING REPRESENTATION AND POSSIBLE POLITICAL ACTION COMMITTEE INVOLVEMENT BY YOUR LEGAL TEAM’S PROPOSED MEMBERS. CAN YOU ADDRESS THESE CONCERNS AND DESCRIBE STEPS YOU WILL TAKE TO ENSURE THE TEAM ASSIGNED TO THIS COMMISSION IS FREE OF ANY ACTUAL OR PERCEIVED CONFLICTS OF INTEREST?

QUESTION ASKED BY COMMISSIONER BRAY:

- ALSO DURING PUBLIC COMMENT, CONCERNS WERE RAISED ABOUT YOUR REQUEST FOR AN EXEMPTION TO THE COMMISSION’S CONFLICT OF INTEREST POLICY. MS. LEONI STATED IN HER RESPONSE TO THOSE CONCERNS, THAT THE COUNTY’S CONFLICT OF INTEREST CODE WAS ADOPTED *AFTER* THEIR RESPONSE WAS SUBMITTED. CAN YOU CLARIFY YOUR POSITION ON THIS ITEM?

QUESTION ASKED BY COMMISSIONER TURLEY:

- PLEASE DESCRIBE YOUR EXPERIENCE WITH REDISTRICTING LITIGATION AND WHAT YOUR FIRM HAS TAKEN FROM THOSE EXPERIENCES.

QUESTION ASKED BY COMMISSIONER HUDLEY:

- IN YOUR FEE STRUCTURE, YOU SUBMITTED A PROPOSAL WITH CAP RATES THAT DID NOT INCLUDE LITIGATION FEES. ARE YOU WILLING TO REVISE YOUR FEE PROPOSAL TO INCLUDE LITIGATION COSTS AND UPDATED NOT-TO-EXCEED RATES?

THE COMMISSIONERS INTERVIEWED SCOTT J. RAFFERTY, ATTORNEY AT LAW. IN ADDITION TO THE FIVE GENERAL QUESTIONS, THE FOLLOWING SPECIFIC QUESTIONS WERE ASKED:

QUESTION ASKED BY COMMISSIONER OLMEDO:

- GIVEN THAT YOU ARE THE SOLE ATTORNEY, DO YOU FEEL THAT YOU WILL BE ABLE TO PROVIDE EVERYTHING THAT IS NEEDED DURING THE REDISTRICTING PROCESS? WHAT CONTINGENCIES DO YOU HAVE IN PLACE IF YOU ARE UNAVAILABLE OR UNABLE TO FULFILL SPECIFIC DUTIES? DO YOU HAVE A PLAN TO REACH OUT TO OUTSIDE CONSULTANTS IF ANY ISSUES ARISE?

QUESTION ASKED BY COMMISSIONER TWIBELL:

- PLEASE GIVE US A SENSE OF YOUR EXPERIENCE ADVISING PUBLIC COMMISSIONS, PARTICULARLY RELATED TO PROCEDURAL SUPPORT DURING LIVE SESSIONS. HOW WOULD YOU RATE YOUR COMMAND OF RELEVANT REGULATORY ISSUES LIKE THE BROWN ACT, CONFLICT OF INTEREST LAW, EX-PARTE COMMUNICATION, ETC.?

QUESTION ASKED BY COMMISSIONER BRAY:

- YOUR EXPERIENCE AND PASSION FOR VOTING RIGHTS IS IMPRESSIVE; HOWEVER, YOUR EXPERIENCE WITH REDISTRICTING, WORKING WITH REDISTRICTING COMMISSIONS AND HELPING TO CREATE REDISTRICTING PLANS DOES NOT APPEAR TO BE AS STRONG. CAN YOU SITE CASES WHERE YOUR FIRM SPECIFICALLY HELPED CREATE A COUNTY REDISTRICTING PLAN, IF THAT PLAN WAS CHALLENGED IN COURT, AND IF SO, WHAT WAS THE RESULT?

QUESTION ASKED BY COMMISSIONER OLMEDO:

- IF THERE IS A NEED FOR LITIGATION, WOULD THAT BE SOMETHING YOU CAN HANDLE IN HOUSE OR WOULD YOU RECOMMEND THAT THE REDISTRICTING COMMISSION CONTRACT WITH ANOTHER LAW FIRM FOR LITIGATION?

THE COMMISSIONERS INTERVIEWED STRUMWASSER & WOOCHEER LLP. IN ADDITION TO THE FIVE GENERAL QUESTIONS, THE FOLLOWING SPECIFIC QUESTIONS WERE ASKED:

QUESTION ASKED BY COMMISSIONER HUDLEY:

- IN YOUR PROPOSAL, IT IS STATED THAT PROFESSOR JUSTIN LEVITT WOULD SERVE IN AN ADVISORY ROLE. COULD YOU DESCRIBE HOW THAT CONSULTATION WOULD WORK AND HOW MUCH THE COMMISSION WOULD BE ABLE TO SOLICIT QUESTIONS ON ISSUES TO HIM DURING THE PROPOSED SERVICE ENGAGEMENT?

QUESTION ASKED BY COMMISSIONER BRAY:

- YOU MENTION IN YOUR RFP THAT YOU SUCCESSFULLY DEVELOPED AND IMPLEMENTED LA COUNTY'S REDISTRICTING PLAN WITHOUT LEGAL CHALLENGE, AND SUCCESSFULLY DEFENDED SBC'S 2001 REDISTRICTING PLAN. ARE THERE OTHER INSTANCES WHERE YOUR REDISTRICTING WORK WAS LEGALLY CHALLENGED, AND IF SO, THE RESULTS OF THAT CHALLENGE?

PUBLIC COMMENT:

CHRISTIAN ALONSO, HEARD IN SUPPORT OF STRUMWASSER & WOOCHEER.

ANDY CALDWELL, HEARD REGARDING CONCERNS ABOUT BID AMOUNT MODIFICATIONS, SCOTT RAFFERTY STAFFING, STRUMWASSER & WOOCHEER COSTS,

AND IN SUPPORT OF NIELSEN MERKSAMER PARRINELLO GROSS AND LEONI LLP.

LEE HELLER, HEARD IN SUPPORT OF STRUMWASSER & WOOCHEER, AND CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER PARRINELLO GROSS AND LEONI LLP.

SPENCER BRANDT, HEARD IN SUPPORT OF STRUMWASSER & WOOCHEER, AND CONCERNS ABOUT CONFLICT OF INTEREST WITH NIELSEN MERKSAMER PARRINELLO GROSS AND LEONI LLP.

LATA MURTI, HEARD IN SUPPORT OF STRUMWASSER & WOOCHEER.

RECESSED FOR CLOSED SESSION AT 9:08 PM.

THE CLOSED SESSION WAS CALLED TO ORDER AT 9:15 PM.

8. Consideration of the appointment of an independent contractor who functions as an officer or an employee of a local agency pursuant to Section 54957(b) of the Government Code.

Title: Independent Legal Counsel

THE MEETING RECONVENED IN OPEN SESSION AT 9:53 PM.

9. Announcement of any reportable action taken in closed session.

MR. CHURCHWELL ANNOUNCED THE COMMISSION RANKED THE LEGAL FIRM FINALISTS IN THE FOLLOWING ORDER:

|               |  |
|---------------|--|
| FIRST PLACE:  | STRUMWASSER & WOOCHEER LLP                       |
| SECOND PLACE: | NIELSEN MERKSAMER PARRINELLO GROSS AND LEONI LLP |
| THIRD PLACE:  | SCOTT J. RAFFERTY, ATTORNEY AT LAW               |

PUBLIC COMMENT:

CHARLES BELL, HEARD REGARDING THE LETTER PREVIOUSLY SUBMITTED BY THE CALIFORNIA HISPANIC CHAMBERS OF COMMERCE, AND SANTA BARBARA REPUBLICAN PARTY ABOUT THE COMMISSION'S FAILURE TO MEET THE ETHNIC, RACIAL AND PARTISAN COMPOSITION REQUIREMENTS OF THE ORDINANCE.

BOBBI MCGINNIS, SANTA BARBARA REPUBLICAN PARTY GOP, HEARD REGARDING CONCERNS ABOUT LATINO AND REPUBLICAN REPRESENTATION ON THE COMMISSION.

ROBERT MERCADO, LOMPOC, HEARD REGARDING CONCERNS ABOUT LATINO REPRESENTATION ON THE COMMISSION.

LEE HELLER, HEARD REGARDING THE CORRECTION IN DIVERSITY OF THE COMMISSION FALLS WITHIN THE FRAMEWORK OF THE ORDINANCE, AND THERE IS NO MECHANISM IN THE ORDINANCE FOR CHANGES REQUESTED DURING PUBLIC COMMENT.

RECESSED FOR CLOSED SESSION AT 10:02 PM.

THE CLOSED SESSION WAS CALLED TO ORDER AT 10:03 PM.

10. Conference with Legal Counsel—Anticipated Litigation  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9 of the Government Code. A point has been reached where, in the opinion of the legislative body of the local agency on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the local agency.

Number of cases: One

RECONVENED THE MEETING IN OPEN SESSION AT 10:33 PM.

11. Announcement of any reportable action taken in closed session.

NO REPORTABLE ACTION.

12. Discussion, deliberation, and possible action regarding the Republican Party / Hispanic Chamber letter.

NONE.

13. Discussion and possible action regarding future agenda items.

NONE

14. Discussion and possible action regarding scheduling future meetings.

NONE

ADJOURNMENT – The next meeting is scheduled for Wednesday, February 3, 2021, at 6:30 p.m.

Agenda Packet Items:

Item 04 Minutes of January 25 and 27, 2021.

Item 07 Proposals Submitted for Independent Legal Counsel

Item 12 Republican Party / Hispanic Chamber letter

Item 14 Proposed Future Agenda Items