

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

624
(2350)



From: Executive Office

SUBMITTAL DATE:
September 8, 2016

SUBJECT: Report from Legislative Platform Ad Hoc Committee, regarding a letter to the Governor requesting a veto of SB 958 (Lara and Hall).

RECOMMENDED MOTION: That the Riverside County Board of Supervisors: Receive and Concur with the Board Legislative Ad Hoc Committee and its action to oppose and request for veto of SB 958 (Lara and Hall)

BACKGROUND:

Summary

On January 5, 2016 the Board adopted the 2016 state and federal legislative platform. During discussion on the item, Supervisor Benoit pointed out the problem of legislative changes that occur without sufficient time for the item to be brought to the full board for discussion. Thereby an Ad Hoc committee comprised of the Board Chair and Vice Chair was appointed. The Ad Hoc committee would act on legislation, per the request of the executive office, in the form of a letter in support or opposition signed by the Chair and Vice Chair. The executive office is directed to bring the item to the next Board meeting for consent.

Departmental Concurrences



Brian Nestande
Deputy County Executive Officer

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$	\$	\$	\$	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$	\$	\$	\$	

SOURCE OF FUNDS: _____ **Budget Adjustment:** _____
For Fiscal Year: _____

C.E.O. RECOMMENDATION: APPROVE
BY: 
George A. Johnson
County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA

FORM 11: Report from Legislative Platform Ad Hoc Committee, regarding opposition and request for veto of SB 958 (Lara and Hall)

DATE: September 8, 2016

PAGE: 2 of 2

BACKGROUND:

Summary (continued)

On September 9, 2016 the Ad Hoc committee sent a letter to Governor Edmund G. Brown, Jr. requesting the veto of SB 958 (attached).

Current law allows counties and non-charter cities to appoint an advisory committee of residents to study and to make recommendations on changes to supervisorial or city council district boundaries following the decennial U.S. Census. However, counties and non-charter cities are not authorized to create a citizens redistricting commission to independently redraw supervisorial or council districts, unless expressly provided in statute.

SB 958 would mandate the establishment of a new Los Angeles County Citizens Redistricting Commission (CRC), consisting of 14 members that meet specified criteria, to adjust the boundaries of the Los Angeles County supervisorial districts after each U.S. Census.

This measure is unnecessary because Los Angeles County already has a redistricting process in place that provides fair and effective representation on the Board of Supervisors to all County residents. The argument that SB 958 is needed has no basis because Los Angeles County is in full compliance with all Federal and State redistricting requirements. Since the Federal government imposed remedial redistricting measures on Los Angeles County in *Garza v. County of Los Angeles* (1991), the County has Instituted a rigorous public redistricting process to ensure full compliance with the U.S. and State Constitutions, the Federal Voting Rights Act, and all relevant court decisions.

Under the existing redistricting process, a broad range of diverse perspectives are presented from across Los Angeles County to determine how the boundaries of each district should be drawn. A vital part of the redistricting process is a "Public Access Plan" to educate the public about the County's process, and to encourage public participation in public hearings and in Board deliberations.

The redistricting commission proposed by SB 958 lacks the positive attributes of the California Citizens Redistricting Commission created by the passage of Proposition 11 of 2008. Instead of emulating the bipartisan balance of the Proposition 11 Commission, SB 958 would mandate that the political party affiliation of the CRC membership be proportional to the total number of voters who are registered with each political party in Los Angeles County. A commission that reflects the current partisan affiliation of registered voters would draw districts that bolster the current majority party at the expense of the minority party.

The setting of such a precedent would be detrimental to every County in the State of California as it would set off a chain reaction throughout the state regarding an issue that would be extremely harmful to the sovereignty of local governments.

Impact on Residents and Businesses

The opposition of such legislation would help ensure local control for Riverside County.

SUPPLEMENTAL:

Additional Fiscal Information

N/A

Contract History and Price Reasonableness

N/A



California
LEGISLATIVE INFORMATION

SB-958 County of Los Angeles Citizens Redistricting Commission. (2015-2016)

ENROLLED SEPTEMBER 02, 2016
PASSED IN SENATE AUGUST 30, 2016
PASSED IN ASSEMBLY AUGUST 18, 2016
AMENDED IN ASSEMBLY JUNE 21, 2016
AMENDED IN ASSEMBLY JUNE 08, 2016
AMENDED IN SENATE APRIL 26, 2016

CALIFORNIA LEGISLATURE— 2015–2016 REGULAR SESSION

SENATE BILL

No. 958

Introduced by Senators Lara and Hall

February 08, 2016

An act to add Chapter 6.3 (commencing with Section 21530) to Division 21 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 958, Lara. County of Los Angeles Citizens Redistricting Commission.

Existing law requires the board of supervisors of each county, following each decennial federal census, and using that census as a basis, to adjust the boundaries of any or all of the supervisorial districts of the county so that the districts are as nearly equal in population as possible and comply with applicable federal law, and specifies the procedures the board of supervisors must follow in adjusting those boundaries. Existing law establishes the Independent Redistricting Commission in the County of San Diego, which is charged with adjusting the supervisorial district boundaries for the county.

This bill would establish the Citizens Redistricting Commission in the County of Los Angeles, which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Los Angeles. The commission would consist of 14 members who meet specified qualifications. This bill would require the commission to adjust the boundaries of the supervisorial districts in accordance with specified criteria and adopt a redistricting plan, which would become effective 30 days following its submission to the county elections official. By increasing the duties on local officials, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the unique circumstances facing the County of Los Angeles.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6.3 (commencing with Section 21530) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.3. County of Los Angeles Citizens Redistricting Commission

21530. As used in this chapter, the following terms have the following meanings:

- (a) "Board" means the Board of Supervisors of the County of Los Angeles.
- (b) "Commission" means the Citizens Redistricting Commission in the County of Los Angeles established pursuant to Section 21532.
- (c) "Immediate family member" means a spouse, child, in-law, parent, or sibling.

21531. There is, in the County of Los Angeles, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

21532. (a) The commission shall be created no later than December 31, 2020, and in each year ending in the number zero thereafter.

(b) The selection process is designed to produce a commission that is independent from the influence of the board and reasonably representative of the county's diversity.

(c) The commission shall consist of 14 members. The political party preferences of the commission members, as shown on the members' most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in the County of Los Angeles, 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 political party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

- (1) Be a resident of the County of Los Angeles.
- (2) Be a voter who has been continuously registered in the County of Los Angeles with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of his or her appointment to the commission.
- (3) Have voted in at least one of the last three statewide elections immediately preceding his or her application to be a member of the commission.
- (4) Within the 10 years immediately preceding the date of application to the commission, neither the applicant, nor an immediate family member of the applicant, has done any of the following:
 - (A) Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing the County of Los Angeles, including as a member of the board.
 - (B) Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing the County of Los Angeles.
 - (C) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of Los Angeles.

(D) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.

(E) Been a registered state or local lobbyist.

(5) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.

(6) Possess experience that demonstrates an ability to be impartial.

(7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Los Angeles.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of the County of Los Angeles shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(h) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the commission.

(2) 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, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose. The eight commissioners shall also consider political party preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21533. (a) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) (1) The commission shall not retain a consultant who would not be qualified as an applicant pursuant to paragraph (4) of subdivision (d) of Section 21532.

(2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(e) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Los Angeles pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21534. (a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the Internet Web site of the County of Los Angeles.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the Internet Web site of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official before August 15 of the year following the year in which each decennial federal census is taken.

(2) The plan shall be effective 30 days after it is filed with the county elections official.

(3) The plan shall be subject to referendum in the same manner as ordinances.

(4) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

21535. A commission member shall be ineligible for a period of five years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this state. A commission member shall be ineligible for a period of three years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state or local lobbyist in this state.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the County of Los Angeles.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.