



# COUNTY OF SAN DIEGO

## Independent Redistricting Commission

### COMMISSIONERS

David Bame, Chair  
Sonia Diaz, Vice Chair  
Colleen Brown  
Amy Caterina  
Chris Chen  
Elidia Dostal  
Rosette Garcia  
Barbara Hansen  
Kenneth Inman  
Kristina Kruglyak  
Arvid Larson  
Fernandez Ponds  
John Russ  
Rameses Surban

### AGENDA ITEM

**DATE:** March 11, 2020

**Item 5**

**TO:** Independent Redistricting Commission

**SUBJECT: DISCUSS REDISTRICTING BUDGET AND POSSIBLE APPOINTMENT OF AD HOC COMMITTEE TO DEVELOP A REDISTRICTING BUDGET RECOMMENDATION**

#### **OVERVIEW:**

On February 25, 2021 (Item 5) the Independent Redistricting Commission (“Commission”) received a monthly budget status update and approved the redistricting line-item budget for February 2021. At that time, the Commission discussed the potential for increased costs associated with the contract for legal services.

Today’s item provides the Commission with an opportunity to further discuss the redistricting budget and recommends the consideration of an Ad Hoc Committee to review the budgetary impact of changes to the contract with legal counsel and to develop a recommendation to the Board of Supervisors for increased appropriations, for the Commission’s consideration.

#### **BACKGROUND:**

Contracted Services is the largest category of expenditures anticipated in the Commission’s line-item budget. Currently, this includes only legal services under the County’s contract with Nielsen Merksamer Parrinello Gross & Leoni LLP.

The initial budgeted amount of \$150,000 for Legal in the Contracted Services category reflects what was anticipated for expert legal services prior to the formation of the full Independent Redistricting Commission and only includes what was anticipated for expert legal services. Since the redistricting budget was established by the Board of Supervisors, the responsibilities of contracted legal counsel have increased significantly from the initial project estimate, notably in the areas of general counsel services and procurement advisory services for the Commission and County staff. It was initially estimated that the County’s contracted legal services would include only specialized redistricting counsel, with the other responsibilities addressed internally by County Counsel (general and procurement) at no direct cost to the Commission’s budget.

In addition to the expanded scope of services, the creation of Subcommittees has increased the amount of time needed to perform the services under the legal services contract.

**SUBJECT: DISCUSS REDISTRICTING BUDGET AND POSSIBLE APPOINTMENT OF AD HOC COMMITTEE TO DEVELOP A REDISTRICTING BUDGET RECOMMENDATION**

The following table summarizes the increased responsibilities of redistricting counsel:

<b>Legal Service</b>	<b>Initial Estimate of Responsibilities</b>	<b>Responsibilities as of February, 2021</b>
Redistricting General Counsel	Internal	Contractor
Redistricting Specialized Counsel	Contractor	Contractor
Procurement Counsel	Internal	Contractor

Due to the additional responsibilities, the work of redistricting counsel has increased significantly. The legal services agreement specifically contemplates the ability to revisit the general counsel fee for the remainder of the contract to address unforeseen work. County Counsel is working with outside counsel on a revised payment structure through a contract amendment that would better align compensation with the hours required to fulfill increased responsibilities.

As a result of the change in scope of counsel responsibilities, actual costs for contracted legal services are anticipated to increase significantly from initial estimates. Although discussions are ongoing, the preliminary estimate of additional costs for increased responsibilities of redistricting counsel is \$400,000–\$600,000 total through December 2021.

**AD HOC COMMITTEE:**

We recommend the Commission establish an Ad Hoc Committee for the purpose of reviewing the current legal services agreement, the proposed amendment to increase the monthly retainer and determine the impact of changes to the contract with legal counsel. The Ad Hoc Committee would also consider the specific proposed redistricting line-item budget and make a recommendation on whether to establish a standing budget review committee. The Ad Hoc Committee would return to the Commission with its recommendations at a future meeting.

County redistricting staff will continue to communicate internally with appropriate County Counsel staff and fiscal management regarding an amended contract and will continue to coordinate internally on the process of making a request to the Board of Supervisors, as desired by the Commission.

**RECOMMENDED ACTIONS:**

1. Discuss and consider formation of an Ad Hoc Committee to Develop a Redistricting Budget Recommendation, with the purpose to review the budgetary impact of changes to the contract with legal counsel, to develop recommendations for an update to the redistricting budget as a basis for a request to the Board of Supervisors and return to the Commission for consideration.
2. If approved, select Commissioners to serve on the Ad Hoc Committee to Develop a Redistricting Budget Recommendation.

**SUBJECT: DISCUSS REDISTRICTING BUDGET AND POSSIBLE APPOINTMENT OF AD HOC COMMITTEE TO DEVELOP A REDISTRICTING BUDGET RECOMMENDATION**

**ATTACHMENTS:**

None