

August 18, 2021 Special Meeting of the
County of San Diego Independent
Redistricting Commission
Agenda Item # 4.

**Discussion and Possible Approval of Retaining Special
Counsel, Including Possible Approval of Statement of Work**

Retention of Special Redistricting Counsel

The following is a list of various redistricting commissions in California and if they have or plan to retain special redistricting counsel for the purpose of rendering an opinion on the legal sufficiency of maps.

Redistricting Commission	Special Counsel (Yes/No)
California Redistricting Commission	Yes
City of Chula Vista	No
City of Long Beach	Yes
City of Los Angeles	Yes
City of San Diego	Yes
City of Santa Barbara	Yes
County of Santa Barbara	Yes
County of Los Angeles	Yes
County of Tulare	Yes

Statement of Work to be Performed

Legal support to the Commission, staff and consultants regarding the redistricting process, ... including but is not limited to:

- review of documents including proposed and final district maps;
- use and analysis of Racially Polarized Voting (“RPV”) data developed by the Commission’s demographic consultant’s subcontractor to advise the Commission regarding compliance with the federal Voting Rights Act;
- review and preparation of legal memoranda related to applicable legal issues;
- advice to the Commission, Commission staff and consultants; and
- virtual attendance from time to time at Commission meetings.

Qualifications of Applicants

1. Advise the Commission and Commission legal staff as to the legality of draft maps and the Commission's adopted map, and specifically work with Commission and Commission legal staff in connection with drawing new district boundaries.
2. Advise the Commission and Commission legal staff regarding the requirements of State and Federal laws relevant to redistricting activities and demonstrate expertise and experience with Section 2 of the Voting Rights Act, and relevant cases. This advice will require the use and analysis of Racially Polarized Voting data developed by the Commission's consultant through its subcontractor.

Qualifications of Applicants

3. Advise the Commission and Commission legal staff of litigation risks associated with draft redistricting maps and the Commission's final adopted map and approaches to limit such risks.
4. Attend various Commission public meetings and hearings as requested by the Commission or Commission legal staff.
5. Prepare a written opinion on the legal sufficiency of the final map adopted by the Commission to be made part of the report the Commission is required to issue with its final map explaining the basis on which the Commission made its decisions in achieving compliance with the criteria described in Elections Code section 21552.

Goals in Retention of Special Counsel

- Independent evaluation of legal sufficiency of maps
- Consistent with the Commission approach of “going the extra mile” to ensure compliance with AB 801 & AB 1276
- Consistent with the Commission’s independence
- Important addition to the Commission’s final report:
 - 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). (Elec Code. § 21552(d)(3).)
- Protective of the Commission’s final map in the event of legal challenge

Possible Motion(s)

Moved: That the Commission retain Special Counsel to perform legal services relative to draft and final redistricting maps as set forth in the draft Statement of Work presented to the Commission.