



**COUNTY OF LOS ANGELES
DEPARTMENT OF AUDITOR-CONTROLLER**

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RECEIVED
April 05, 2021
**Commission on
State Mandates**

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April 5, 2021

Via Drop Box

Ms. Heather Halsey
Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

Dear Ms. Halsey:

**COMMENTS ON THE COMMISSION ON STATE MANDATES'
DECISION ON SB 958 TEST CLAIM 19-TC-04**

The County of Los Angeles ("Claimant") submits its comments to the Commission on State Mandates' Decision on the *SB 958, Citizens Redistricting Commission* Test Claim.

If you have any questions please call me, or your staff may contact Fernando Lemus at (213) 974-0324 or via e-mail at flemus@auditor.lacounty.gov.

Very truly yours,

Arlene Barrera
Auditor-Controller

AB:OV:CY:EB:EW:FL

Attachment

**COMMENTS ON THE COMMISSION ON STATE MANDATES'
DECISION ON SB 958 TEST CLAIM 19-TC-04**

The Claimant agrees with the Commission on State Mandate (Commission) staff's conclusion to approve the Test Claim and find that Elections Code sections 21532 and 21534 impose a reimbursable State-mandated program, within the meaning of Article XIII B, Section 6 of the California Constitution, on the County of Los Angeles (County) to create, staff, and fund the County's independent Citizens Redistricting Commission (CRC) to adjust the boundary lines of the supervisorial districts in the County in the year following the decennial federal census.

The Claimant, however, respectfully disagrees with the Commission staff's conclusion to deny reimbursement for the hiring of consultants, as the County is required to provide reasonable funding to the CRC under Elections Code section 21534(c)(8), and the Commission staff has concluded to approve the Test Claim for various costs under Elections Code section 21534(c)(8), because the activities to be performed by the CRC "mandate a new program or higher level of service on the claimant."

Although Senate Bill (SB) 958 does not expressly mandate the hiring of consultants, the required activities of the CRC, as supported by the statutory framework of SB 958, compel the hiring of consultants, which the County must provide reasonable funding to support. First, the CRC creation process, as set forth in Elections Code section 21532, is intended to establish an independent body of 14 citizen commissioners. Second, Elections Code section 21533 contemplates the engagement of consultants to support the CRC in its work. Third, Elections Code section 21534(d)(4) requires the CRC to issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria set forth in (a) and (b) (e.g., compliance with United States Constitution and federal Voting Rights Act, adjusting boundaries that take into account "population equality," "geographic contiguity," "geographic integrity" of any city, local neighborhood, or "communities of interest," and "geographic compactness"). Each of the criteria set forth in (a) and (b) of Elections Code section 21534 requires an understanding of applicable law, legal and geographical concepts and practical applications, and subject matter expertise that compels the engagement of consultants in order to comply with the reporting requirements of Elections Code section 21534(d)(4).

Indeed, the need for consultants is self-evident. The CRC has approved a solicitation to engage a demographer/mapping consultant and is considering engaging an additional consultant on voter polarization analysis to aid the CRC in performing the mandated activities.¹ CRC commissioners have also expressed appreciation and need for the CRC to have its own counsel and executive director from the start.²

¹ See CRC's 3/24/21 agenda, meeting minutes, Request for Proposals materials, and meeting comments available at <https://redistricting.lacounty.gov/virtual-meetings/>

² See CRC's 1/13/2021 and 2/24/2021 recorded meetings, available at <https://redistricting.lacounty.gov/virtual-meetings/>

As to the County, to provide reasonable funding and support to the CRC would necessarily mean funding the hiring of consultants to support and enable the CRC to complete its work as required under Elections Code section 21534. The adjustment and re-drawing of boundary lines is an enormous responsibility of significant consequence that the law has placed on the 14 citizen commissioners of the CRC. This charge is made more difficult by the six-month delay in the delivery of census data caused by the COVID-19 pandemic, which is forcing the CRC to complete its work with an even more compressed timeline. To not provide reasonable funding for consultants, or to deny the reimbursement of such reasonable funding, especially when requested by the CRC, would place the CRC at a great risk of not meeting its charge and further subject the adopted boundary map to legal challenge. This is distinguishable from circumstances where the engagement of a consultant is a nice option, but unnecessary. Here, the engagement of consultants for the CRC to comply with the express requirements of Elections Code section 21534 is essential, especially given the compressed timeline confronting the CRC.

CONCLUSION

To the extent that Commission staff have concluded Elections Code sections 21532 and 21534 impose a reimbursable State-mandated program, the County respectfully urges the Commission to find the County's reasonable funding and support of the hiring of CRC consultants to also be a reimbursable State-mandated cost within the meaning of Article XIII B, Section 6 of the California Constitution.

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On April 5, 2021, I served the:

- **Claimant's Comments on the Draft Proposed Decision filed April 5, 2021**

County of Los Angeles Citizens Redistricting Commission, 19-TC-04
Elections Code Sections 21530, 21531, 21532, 21533, 21534, and 21535 as added by
Statutes 2016, Chapter 781 (SB 958)
County of Los Angeles, Claimant

by making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on April 5, 2021 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 3/12/21

Claim Number: 19-TC-04

Matter: County of Los Angeles Citizens Redistricting Commission

Claimant: County of Los Angeles

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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