

Board Members

Joe Neves, District 1, Vice-Chairman
Richard Valle, District 2
Doug Verboon, District 3
Craig Pedersen, District 4, Chairman
Richard Fagundes, District 5



Staff

Rebecca Campbell, County Administrative Officer
Lee Burdick, County Counsel
Catherine Venturella, Clerk of the Board

**Board of Supervisors
Regular Meeting Action Summary**

Date: Tuesday, March 9, 2021
Time: 9:00 a.m.
Place: Board of Supervisors Chambers, Kings County Government Center
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19

California Governor Gavin Newsom issued Executive Orders N-25-20 and N-29-20 on March 12, 2020 and March 17, 2020, respectively, relating to the convening of public agency meetings in light of the COVID-19 pandemic. On December 3, 2020, the State announced a regional Stay-at-Home order to slow the spread of COVID-19. In response to the State’s additional restrictions, and for the protection of the public’s health, the Board of Supervisors will convene their public meetings via video and teleconference as detailed below, and will close its Board Chambers to the public until further notice.

Pursuant to the Executive Orders, and to maintain the orderly conduct of the meeting, Kings County will allow the Board Supervisors, County staff and interested members of the public to attend the meeting telephonically or by the Internet, and to participate in the meeting to the same extent as if they were present in the Board’s Chambers.

Members of the public who wish to observe the meeting virtually can do so via the worldwide web at:

<https://youtu.be/DCDHULm7rp0> or go to www.countyofkings.com and click on the “Join Meeting” link.

Members of the public who wish to comment may submit written comments on any matter within the Board’s subject matter jurisdiction, regardless of whether it is on the agenda for Board consideration or action, and those comments will be entered into the administrative record of the meeting. To submit written comments by U.S. Mail or email for inclusion in the meeting record, they must be received by the Clerk of the Board of Supervisors no later than 9:00 a.m. on the morning of the noticed meeting. To submit written comments by email, please forward them to either bosquestions@co.kings.ca.us. To submit such comments by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230

To comment during the meeting by telephone or the Internet, E-mail the Clerk of the Board at any time before or during the meeting at bosquestions@co.kings.ca.us for a phone number, access code and meeting link.

- I. **9:00 AM** **CALL TO ORDER**
ROLL CALL – Clerk of the Board
INVOCATION – Pastor Andrew Cromwell – Koinonia Church
PLEDGE OF ALLEGIANCE
ALL MEMBERS PRESENT

- II. **UNSCHEDULED APPEARANCES**
Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.
Sally Kim Westlake, California Department of Insurance presented information to the Board on the possibility of holding a virtual town hall for their constituents to learn about fire preparedness, homeowner’s insurance and resources available.



Catherine Venturella, Clerk to the Board of Supervisors stated that the the following letters were received and will become part of the permanent record: Daniel C. Salas Harvesting Inc., Scott J. Rafferty Attorney at law, Valley Voices signed by Ruth Lopez, Central California Coalition for Equitable Realignment, and Valley Voices with multiple people listed as signatories.

III. APPROVAL OF MINUTES

A. Approval of the minutes from the March 2, 2021 regular meeting.

ACTION: APPROVED AS PRESENTED (DV, JN, RV, RF, CP -Aye)

IV. CONSENT CALENDAR

A. Assessor/Clerk-Recorder:

1. Consider adopting a Resolution authorizing the Assessor/Clerk-Recorder to enter into and execute Agreements with individuals and entities that allows remote access to the Clerk-Recorder database of certain public property records. **[Reso. #21-012]**

B. Human Services Agency:

1. Consider authorizing the Chairman to sign an Amendment to Board Agreement Number 18-112 with Kings Community Action Organization for child care services related to the California Work Opportunity and Responsibility to Kids and the Emergency Child Care Bridge Program for Foster Children retroactively for Fiscal Year 2019-2020. **[Agmt. #18-112.1]**

C. Registrar of Voters/County Counsel:

1. Consider appointing Dan Boswell, Gabe Cooper, Phil Hansen, Jim Razor, Michael Sullivan, Dominic Sween, Mark Unruh, George Wurzel, and Jeof Wyrick to four-year terms as Directors of the Tulare Lake Basin Water Storage District in lieu of election, with each to qualify, take office, and serve exactly as if elected at a general district election.

D. Administration/Risk Management:

1.
 - a. Consider approving substitution of the County's Master Crime Bond for individual public official bonds; and
 - b. Approving the amounts in the declaration as the amounts required for faithful performance bonds of each elected official.

E. Administration:

1.
 - a. Consider approving participation in the 2021 Dry Year Water Transfer Program; and
 - b. Authorizing the County Administrative Officer or her designee to execute the Buyer-Seller Agreement(s) upon receipt from State Water Contractors, Inc. subject to County Counsel review.

ACTION: APPROVED CONSENT CALENDAR AS PRESENTED (DV, JN, RV, RF, CP-Aye)

V. REGULAR AGENDA ITEMS

A. County Counsel - Lee Burdick/Diane Freeman

1.
 - a. Consider selecting National Demographics Corporation as the redistricting consultant to assist the Board through County Counsel's Office in all phases of the redistricting process; and
 - b. Authorizing County Counsel to enter into an agreement to retain that consultant's services; and **[Agmt. #21-019]**
 - c. Adopt the budget change **(4/5 vote required)**

ACTION: ITEM WAS TABLED UNTIL MARCH 23, 2021 AND STAFF WAS DIRECTED TO SEEK INFORMATION FROM CITIES AND SCHOOL DISTRICTS WITHIN KINGS COUNTY FOR INCLUSION IN THE REDISTRICTING PROCESS. (RV, JN, RF-Aye, DV, CP-No)



**B. Administration – Rebecca Campbell
Department of Public Health – Edward Hill**

1. Receive an update on the local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary.

ACTION: THE BOARD RECEIVED AN UPDATE AND NO OFFICAL ACTION WAS TAKEN.

VI. 10:00 AM PUBLIC HEARING

A. Community Deveopment Agency – Greg Gatzka/Chuck Kinney

1. a. Conduct a Public Hearing to receive public comments on what types of eligible activities the County should apply for under the Community Development Block Grant - Coronavirus Response Round 2 and 3 program; and
- b. Direct staff on which eligible activity to pursue.

SUPERVISOR PEDERSEN OPENED THE PUBLIC HEARING, TESTIMONY WAS RECEIVED FROM: LANCE LIPPINCOTT, DIRECTOR OF JOB TRAINING OFFICE; SANJA BUGAY, DIRECTOR OF HUMAN SERVICES AGENCY; JESSICA HOFF BERZAC, UPHOLDINGS, INC. AND THE PUBLIC HEARING WAS CLOSED.

ACTION: THE BOARD VOTED TO SUPPORT UTILIZING THE FUNDING FOR SMALL BUSINESS ASSISTANCE THROUGH THE ECONOMIC DEVELOPMENT CORPORATION AND FOR STAFF TO BRING BACK AN ITEM ON A FUTURE AGENDA FOR THE BOARD TO APPROVE HOW THE PROGRAM FUNDING WILL BE ADMINISTERED. (DV, RV, JN, RF, CP-Aye)

VII. BOARD MEMBER ANNOUNCEMENTS OR REPORTS

On their own initiative Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).

Supervisor Neves participated in South Fork Kings Groundwater Management meeting, Valley Voice Outreach meeting, CalViva meeting, California Identification System Remote Acesss Network (CAL-ID/RAN) Board meeting and Lemoore High School Bond Oversight Committee meeting.

Supervisor Valle thanked Public Health Director, Ed Hill and the staff of all the entities who helped to with the vaccine clinic in Corcoran and stated that it was a good event.

Supervisor Pedersen participated in the virtual National Association of Counties kickoff meeting and chaired the Agriculture and Natural Resources meeting.

- ◆ **Board Correspondence: Rebecca Campbell stated that the Board received a Final Audit Report from the California Department of Insurance for the Insurance Fraud Grant Programs. She stated that the Board received a notice from Fish and Game for their Recreational Crab Trap Fishery Maine Life Protection Measures and regulations, and information from the State Board of Equalization for Proposed Tax Rule 462.520, exclusion from change in ownership intergenerational transfers. She stated that the Board received a Notice of Public Forum from Southern California Edison regarding a request to increase water and electricity rates.**
- ◆ **Upcoming Events: Rebecca Campbell stated that Central California Blood Center will have a Blood Drive on March 26, 2021 from 9:00 a.m. to 1:00 p.m. in the parking lot by Lacey Boulevard and Mather Drive and an email will go out to County employees with information for signing up.**



- ◆ Information on Future Agenda Items: **Rebecca Campbell stated that the following items would be on a future agenda: Administration – COVID-19 update and Women’s History Month recognition, Behavioral Health – Agreement with the California Department of Public Health Care Services for the County Mental Health Services Plan. Information Technology – Enhanced email system purchase, County Counsel and Elections – Appointment of Director in Lieu of Election to the Kaweah Delta Water Conservation District. Human Services Agency – Internship/Field Experience Agreement with Brandman University, Homekey Program Stardust Motel Conversion Project, Homekey Courtyard Green Galaxy Agreement, Veterans Services – Veteran and Military History Week and Public Works – Local Transportation Funds Claim Resolution for Unmet transit needs.**

VIII. CLOSED SESSION

- ◆ **Personnel Matter: [Govt. Code Section 54957]**
Public Employee Appointment
Title: Fire Chief
- ◆ **Conference with Labor Negotiator/Meet and Confer: [Govt. Code Section 54957.6]**
 Negotiators: Rebecca Campbell, Kyria Martinez, Henie Ring, Che Johnson of Liebert Cassidy Whitmore
 - Deputy Sheriff’s Association

REPORT OUT: Lee Burdick, County Counsel stated she did not anticipate any reportable action being taken in closed session today.

IX. ADJOURNMENT

The next regularly scheduled meeting will be held on Tuesday, March 16, 2021, at 9:00 a.m.

<i>FUTURE MEETINGS AND EVENTS</i>		
March 16	9:00 AM	Regular Meeting
March 23	9:00 AM	Regular Meeting
March 30	9:00 AM	Regular Meeting
April 6	9:00 AM	Regular Meeting
April 13	9:00 AM	Regular Meeting
April 20	9:00 AM	Regular Meeting
April 27	9:00 AM	Regular Meeting

Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.



1500 Enterprise Dr. Suite 107
Lemoore, CA 93245
Phone: (559)924-2290
Fax: (559) 924-2297

March 8, 2021

Ed Hill
Director, Kings County Department of Public Health
330 Campus Drive
Hanford, CA 93230

Dear Director Hill,

On behalf of Daniel C. Salas Harvesting Inc., I want to express our great appreciation for your efforts and those of your staff in making the COVID-19 vaccines available for our essential agriculture and food safety workforce.

As you are aware, frontline essential workers, including those in the agriculture and food industry, have been the backbone of our food supply chain and our rural economy. We are pleased California agriculture and food workers are now eligible for a COVID-19 vaccination because getting the vaccine is essential for their health and safety, the safety of their communities, and the stability of our food supply chain in California.

I especially appreciate your collaboration with our team and the Kings County Farm Bureau in coordinating the event in Corcoran this past Sunday. Your staff was professional, courteous, and welcoming to our entire team, as well as the hundreds of agriculture and food safety employees who were administered the vaccine on the day of the event.

We look forward to many more events and would like to offer our assistance if we can be an asset to your success.

Again, thank you so much for your help. I greatly appreciate the assistance you have provided our team!

Sincerely,

Daniel C. Salas
President/CEO

SCOTT J. RAFFERTY

ATTORNEY AT LAW

1913 WHITECLIFF COURT
WALNUT CREEK CA 94596

(202)-380-5525
RAFFERTY@GMAIL.COM

March 9, 2021

Kings County Board of Supervisors
1400 W. Lacey Boulevard
Hanford, California 93230

Re: Agenda Item 5A (March 9, 2021)

Dear Board:

I urge the Board not to award NDC a contract to provide demographic services or to administer the redistricting process. There are better choices.

NDC has been hostile to minority voting rights. In West Contra Costa USD, NDC cost the District over \$650,000 by spending over a year producing map after map without a Latino majority trustee area. When WCCUSD proposed one of NDC's maps to the Contra Costa committee on school district organization, it was rejected. This had not previously happened to any one of hundreds of district proposals made anywhere in California. NDC's "impeccable reference" from WCCUSD declined to produce public records during the litigation and is no longer employed by the District. Ultimately, NDC's own client stipulated: "if this case were to go to trial, the Plaintiffs would likely prevail on their [California Voting Rights Act] and Section 2 [of the federal Voting Rights Act of 1965] claims as pled in the Complaint." The stipulated judgment adopted plaintiffs' map and imposed an independent redistricting commission, apparently the nation's first for a school district. Exhibit 1.

NDC tells incumbents that "Districting Rules" include "continuity in office" and "avoid pairing" (Exhibit 2), but its extreme measures often backfire. In San Ramon Valley USD, NDC "cracked" the Asian community in Dougherty Valley, using what district staff called a "tentacle" to connect juts enough Asians to maintain a 51% majority with a very different census tract six miles away in Danville. The Board called this gerrymander the "puzzle piece." Exhibit 3. It allowed a strong white incumbent to run in 2020, but he failed to do so.

New Jerusalem USD, a small rural school district with a statewide charter network, decided to preemptively district its population of just 1840 people. NDC's Shalice Tilton divided the white San Joaquin River Club three ways to help the cluster of white incumbents surrounded by Latinos on the other edge of the district – and still

had to cross I-5 to move a single home into Trustee Area 1. Exhibit 4. The incumbent who lived there was also apparently too embarrassed to run for reelection. Former NJESD deputy superintendent Jeff Tilton now works for NDC.

Almost all the experience that NDC cites predates the Fair Maps Act, which was enacted in response to excesses such as NDC's gerrymander of Martinez. Exhibit 5. NDC has proven incapable of working with the new law. It prepared a compact map (103c) with a Latino majority open seat for the Richmond City Council. But once it advised the Council that Section 2 compliance is a matter of risk tolerance, the Council made a last minute change to Map 115b, eliminating both the Latino majority and its open seat and creating a noncontiguous district with a Reock score of almost 1.0 (indicating maximum non-compactness). Exhibit 6. These are precisely the abuses that the Fair Maps Act made unlawful.

Legally required public outreach and disclosure has also proved too much for NDC. As you may know, the Fair Maps Act also requires extensive hearings, public outreach, and proactive disclosure on a website maintained for 10 years. Santa Barbara's County Code supplements these provisions. When the League of Women Voters attached its well documented account of Dr. Johnson's experience to an email dated January 6, 2021 (Exhibit 7), he used his role as administrator to interdict the document, accused the LWV of a "slanderous hatchet job," and misleadingly posted the email with an entirely different document attached.

Last spring, City of Napa became the second jurisdiction to create districts under the Fair Maps Act. Unlike Richmond, the exercise was a model in public engagement and consensus building, thanks largely to the combination of the engaging manner of Paul Mitchell (Redistricting Partners) and the extraordinary efforts of City Clerk Tiffany Carranza. The contrast could not be more startling.

NDC is a litigation magnet, which explained why it omits Richmond, San Ramon Valley USD, and West Contra Costa USD from its list of former clients. WCCUSD is only the fifth jurisdiction in California found to have unlawfully diluted minority voters due to its districts or at-large system, and two of the prior cases were prosecuted by the federal Civil Rights Division.¹ Latinos in Richmond and Asians in San Ramon Valley USD were simply unable to pursue Section 2 litigation, which is costly and prolonged.

Kings County should also consider Dr. Johnson's courtroom experiences since he last served the county ten years ago. Last year, a three-judge panel in Common Cause

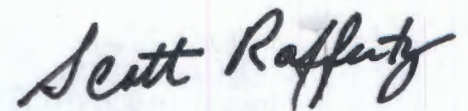
¹ US v. Santa Paula (2000); US v. Upper San Gabriel MWD (2000), Watsonville (1988); Kern County (2016)

v. Lewis (¶647) summarized Dr. Johnson's performance, reporting that every court before which he appeared in person "rejected his methodologies, analogies and conclusions," adding: "This Court joins those other courts."²

NDC ignores the strongest injunctions from the California Courts. NDC's inflated "Latino Est." measures of voting strength plagued the WCCUSD litigation. In Garrett v. City of Highland, – one of the cases cited by Common Cause v. Lewis - Judge Cohn explained Dr. Johnson's use of an arbitrary 11% inflation of his measure of Latino voting strength. Exhibit 8. Undeterred, Dr. Johnson had a deputy use the same methodology last December in Robles v. City of Ontario. The solution, which may not end well for NDC, was to have the lawyers recuse Judge Cohn for alleged bias.

Kings County should not consider complying with the Voting Rights Act of 1965 and the new Fair Maps Act as an exercise in risk management, but as an absolute public duty. To retain NDC is to disrespect the rights of minority voters and to accept that public input from institutions such as the League of Women Voters may be intimidated or censored.

Sincerely,



Scott J. Rafferty

² <https://www.commoncause.org/north-carolina/wp-content/uploads/sites/22/2019/09/Common-Cause-v.-Lewis-trial-court-decision-9.3.19.pdf>

EXHIBIT 1

1 **SPINELLI, DONALD & NOTT**
A Professional Corporation
2 Domenic D. Spinelli, SBN: 131192
601 University Avenue, Suite 225
3 Sacramento, CA 95825
Telephone: (916) 448-7888
4 Facsimile: (916) 448-6888
Email: domenics@sdnlaw.com

5
6 Attorneys for Defendants
West Contra County Unified School District

7 Scott Rafferty, Esq.
1913 Whitecliff Court
8 Walnut Creek, CA 94596
Telephone: (202) 380-5525
9 Email: rafferty@gmail.com

10 Attorney for Plaintiffs
Linda Ruiz-Lozito and Bay Area Voting
11 Rights Initiative

12 IN THE SUPERIOR COURT OF CALIFORNIA
13 IN AND FOR THE COUNTY OF CONTRA COSTA

14 LINDA RUIZ-LOZITO
15 AYANA YOUNG
16 BAY AREA VOTING RIGHTS INITIATIVE

Case No.: C18-00570
Case assigned to Dept. 12 for all purposes

17 Plaintiffs,
18 vs.

**STIPULATION AND [PROPOSED]
JUDGMENT**

19 WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT

20 Defendants,

21 **[FEES EXEMPT PURSUANT TO
GOVERNMENT CODE SECTION 6103]**

22
23 The parties to the above-entitled action, Plaintiff: LINDA RUIZ-LOZITO and BAY AREA
24 VOTING RIGHTS INITIATIVE, and Defendant, WEST CONTRA COSTA UNIFIED SCHOOL
25 DISTRICT, by and through their respective attorneys of record, set forth their stipulations to resolve
26 this matter and hereby request judgment be entered under the following terms and conditions:
27

3 Rights Act of 2001, Elections Code §14025 et seq: ("CVRA"), and Section 2 of the Voting Rights
4 Act of 1965, as amended, 52 U.S.C. §10301 ("Section 2"), to the current method of the West Contra
5 Costa Unified School District ("WCCUSD" or "Defendant") for electing its trustees. Under the
6 current system, trustees are elected "at- large" by all of the voters in WCCUSD. Plaintiffs claim that
7 racially polarized voting in at-large trustee elections dilutes the voting strength of Latino and African-
8 American citizens and thereby impairs their ability to participate in the political process, to elect
9 candidates of their choice, and to influence the outcome of elections. Plaintiffs claim that the at-large
10 system results in a denial or abridgement of their right to vote, and that WCCUSD must elect each of
11 its trustees from distinct trustee areas, which are mutually exclusive and collectively exhaust its
12 territory.

13 B. On March 21, 2018, the Board of Trustees ("Board") for West Contra Costa Unified School
14 District passed a resolution (Resolution No.: 64-1718), stating the Board's intent to move to trustee
15 area elections. (See Exhibit A attached hereto.)

16 C. Defendant filed its Answer, generally denying the allegations and asserting affirmative defenses
17 on July 6, 2018.

18 D. On August 13, 2018, the parties stipulated that the three trustee seats that were to be elected at
19 the state-wide general election on November 6, 2018 would be for two-year terms, so that elections
20 by trustee area could be implemented through the entire district at the state general election of
21 November 3, 2020. (See Exhibit B attached hereto.)

22 E. On September 12, 2018, the Court entered an Order upon the parties' Stipulation in accordance
23 with these terms. (See Exhibit B attached hereto.)

24 F. As a result of the continued negotiations, and in exchanging various proposals, the parties have
25 agreed on a trustee area map to be used for the November 2020 election, attached hereto as Exhibit

26 C.
27 //
//

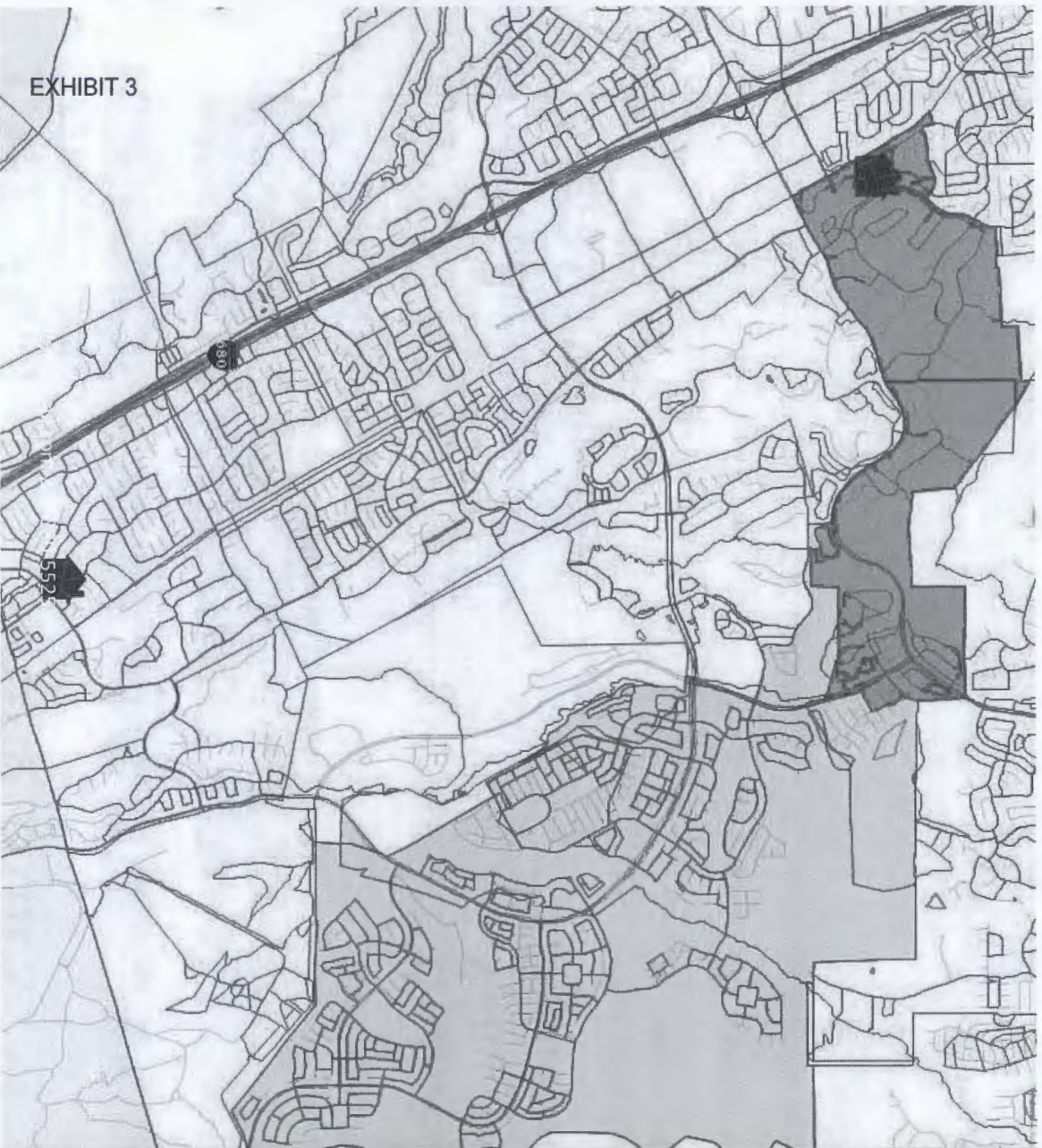
1 succeeding his or her election. On September 12, 2018, upon application of the parties
2 to this action, this Court ordered that trustees elected on November 6, 2018 would serve
3 shortened terms, so that trustees would be elected from each of the five trustee areas on
4 November 3, 2020.

- 5 4. Board elections are conducted by an "at-large method of election" within the meaning of
6 Elections Code § 14026(a)(1). All voters, regardless of where they reside within
7 WCCUSD, vote for their preferred trustee candidates, and candidates who receive the
8 most votes are elected to Board.
- 9 5. Plaintiff Linda Ruiz-Lozito is registered to vote and resides within the boundaries of
10 WCCUSD. Plaintiff is a member of a "protected class" as the term is defined in
11 California Election Code § 14026.
- 12 6. WCCUSD acknowledges that the plaintiffs demonstrated that a protected class is
13 sufficiently large and geographically compact to constitute a majority of citizens of
14 voting age within one trustee area.
- 15 7. The community referred to in paragraph 7 is cohesive and capable of electing its
16 candidate of choice within this trustee area.
- 17 8. During the negotiation process, the parties have jointly developed the remedial map
18 attached hereto as Exhibit C, which is compliant with state and federal voting rights
19 laws, and will be used on November 3, 2020, when residents of WCCUSD will elect
20 trustees from each area using the attached remedial map. The Trustee Areas [4] and [5]
21 on this map will elect trustees to two-year terms in November of 2020. Trustee Areas
22 [1], [2], and [3] will continue to serve four-year terms.
- 23 9. WCCUSD acknowledges that if this case were to go to trial, the Plaintiffs would likely
24 prevail on their CVRA and Section 2 claims as pled in the Complaint.
- 25 10. As a result of this litigation, the Board's Resolution (Exhibit A), the Stipulation and
26 Order between the parties (Exhibit B), and the agreed and legally compliant remedial
27 map (Exhibit C), the parties agree that these elements combined provide a conversion of
-- WCCUSD's existing at-large method of electing trustees into a system in which each of

Federal Laws (Requirements)	Traditional Redistricting Goals
<ul style="list-style-type: none"> ❑ Equal Population <ul style="list-style-type: none"> ❑ No more than a 10% difference between the total population of the largest and smallest zones ❑ Federal Voting Rights Act <ul style="list-style-type: none"> ❑ Neighborhoods that are heavily Latino, Asian-American, African-American, or Native American cannot be divided in a way that dilutes their voting strength ❑ No Racial Gerrymandering <ul style="list-style-type: none"> ❑ Race cannot be the “predominate” factor 	<ul style="list-style-type: none"> ❑ Respect “communities of interest” ❑ Compact, Contiguous, and following Visible (Natural & man-made) boundaries <ul style="list-style-type: none"> ❑ Keep the zone borders relatively easy for voters to understand ❑ Respect voters’ choices / continuity in office <ul style="list-style-type: none"> ❑ Try to avoid pairing current Board members, where possible ❑ <i>Accommodate Planned future growth*</i>

EXHIBIT 2

** Planned future growth will be a factor in 2021 redistricting, but is not a factor this year (since little growth will occur before 2020 election).*



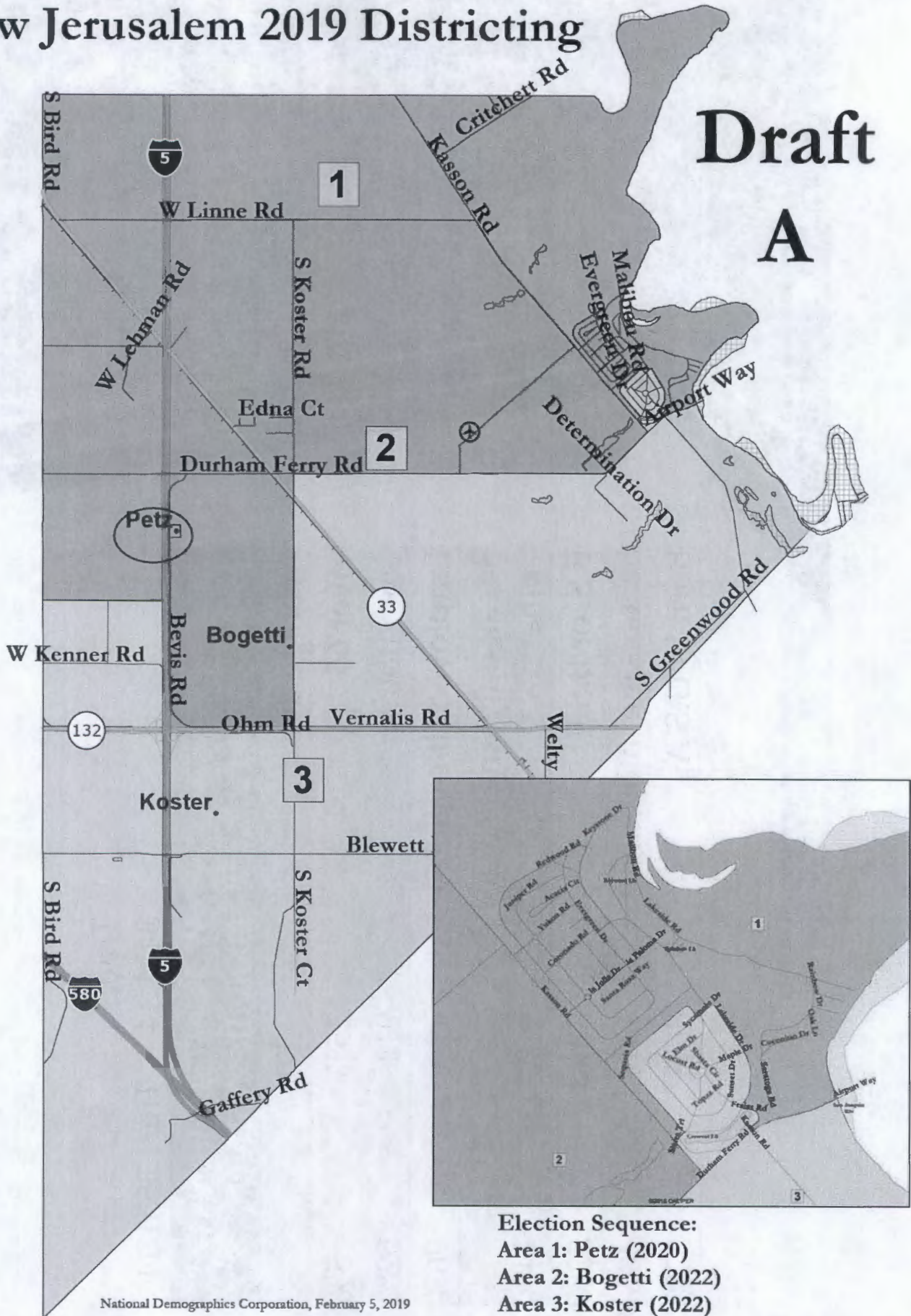
Area 3 combines an incumbent's high-turnout neighborhood (Southwest Danville) with just enough of Dougherty Valley to create a majority Asian trustee area.

These two areas have no community of interest.

	Tract 3451.14 W Danville	Tract 3551.11 Dougherty Valley
Average age	50	33
-over 65	25%	5%
Own home	91%	52%
Employed (if over 25)	49%	96%
Speak only English at home	91%	41%
B.S. or B.S.E.	38%	53%
School-age in home	14%	30%
Born in U.S.A.	86%	52%

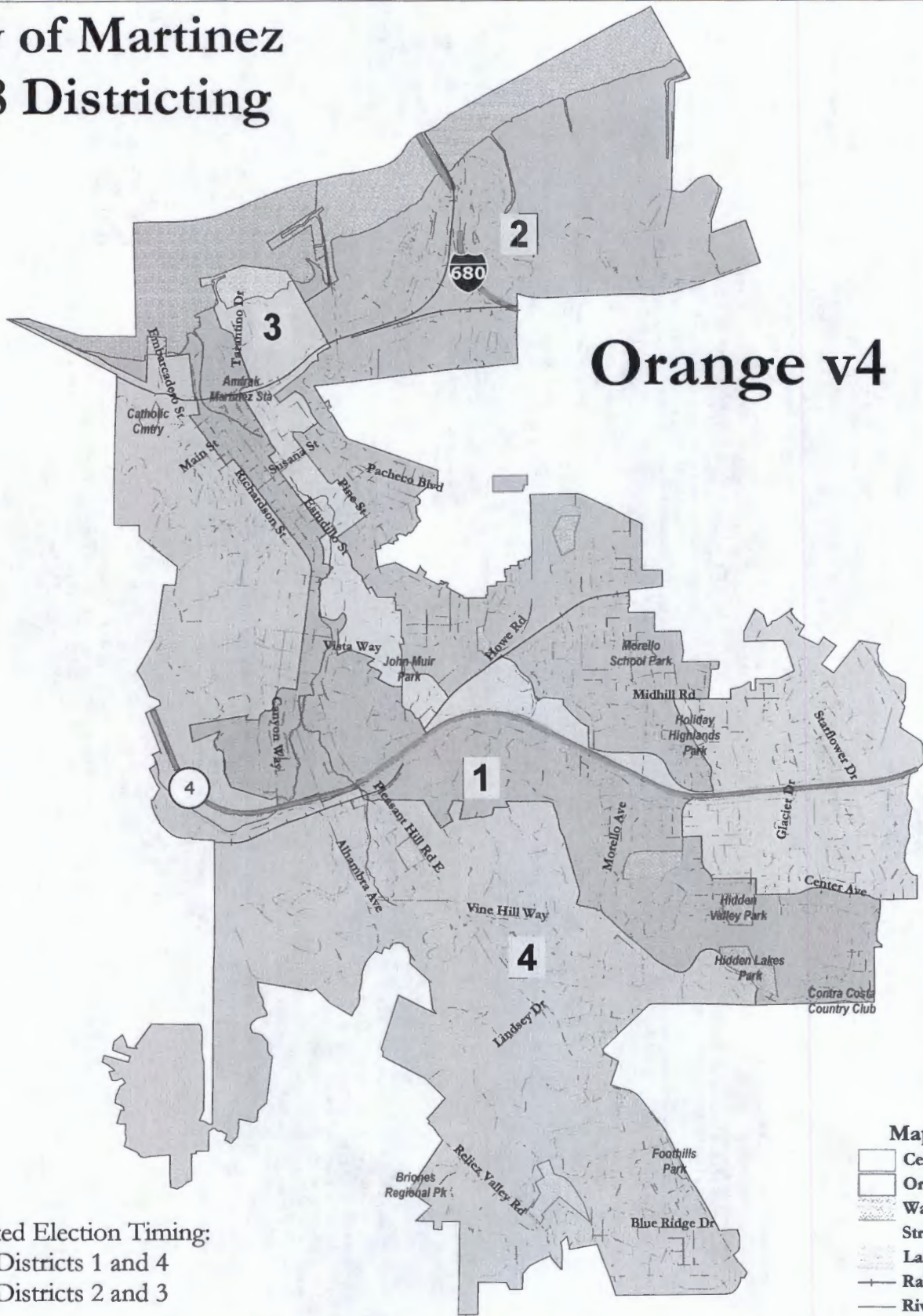
New Jerusalem 2019 Districting

Draft A



Election Sequence:
Area 1: Petz (2020)
Area 2: Bogetti (2022)
Area 3: Koster (2022)

City of Martinez 2018 Districting



Orange v4

Suggested Election Timing:
2018 - Districts 1 and 4
2020 - Districts 2 and 3

- Map layers**
- Census Block
 - Orange v4 Split
 - Water Area
 - Streets
 - Landmark Area
 - Railroad
 - River

**City of Richmond
2019-2020 Districting**

115B

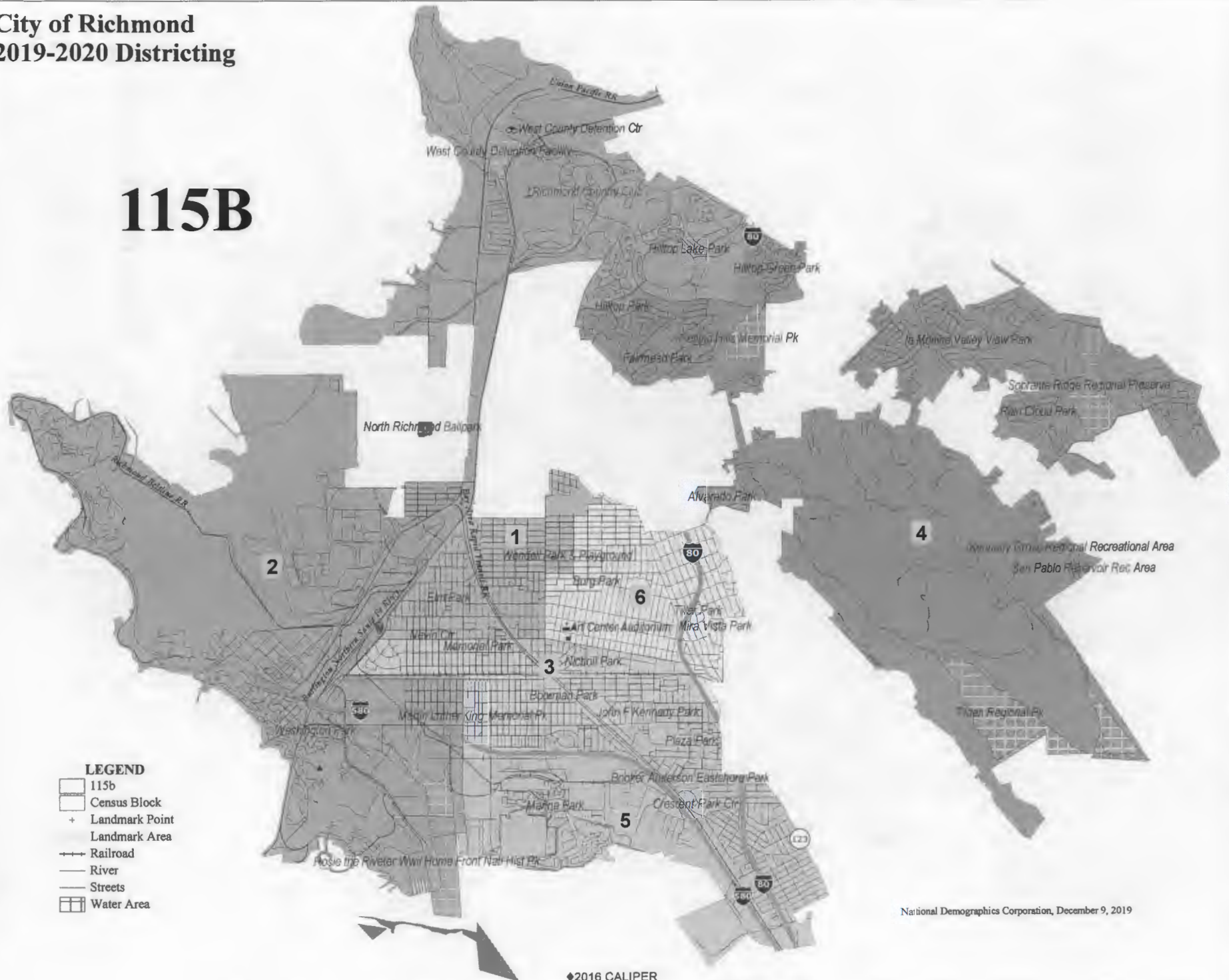
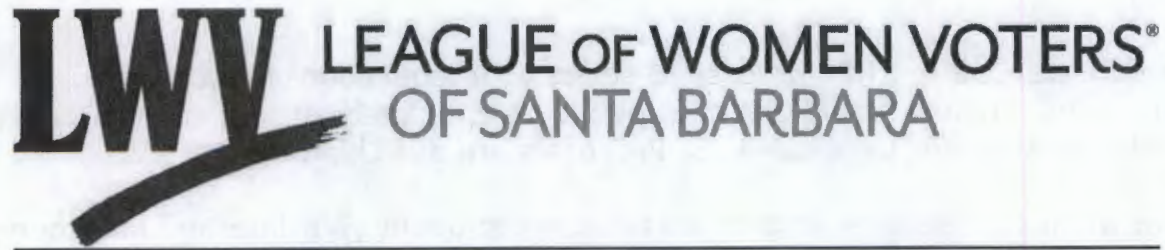


EXHIBIT 7



January 6, 2021

Santa Barbara Redistricting Commission
County Executive Office
105 E. Anapamu Street, Suite 406
Santa Barbara, CA 93101
Via email: redistricting@countyofsb.org

SUBJECT: Selection of Counsel and Demographer

Dear Commissioners,

The League of Women Voters of Santa Barbara (LWVSB) is a non-partisan, political organization. We encourage informed and active participation in government, work to increase understanding of major public policy issues, and influence public policy through education and advocacy.

On behalf of LWVSB, I would like to congratulate you on your selection of the additional commissioners to serve on the first ever Santa Barbara County Independent Redistricting Commission. This is a great responsibility which will have impacts for the next decade and beyond.

As you begin your terms, I call upon you to review the language of County Code Sec. 2-10.9A establishing the commission, the state Fair Maps Act under California Elections Code § 21500, and best practices from other counties and cities that have implemented independent redistricting processes. The first step is engaging in an open, transparent process to identify the best legal counsel and demographic services available through the solicitation of proposals through a Request for Proposals/Request for Qualifications process.

We have the following comments regarding the upcoming selection of your Legal Counsel:

Last year, we and others called your attention to the fact that Santa Barbara County is the only county independent redistricting commission that has not

used a transparent RFP process to select your legal counsel and demographer. As a result, the Board of Supervisors appointed interim counsel, and solicited RFP's for legal services. Proposals are due this week.

We will just raise one concern we have heard about your interim legal counsel. Churchwell White LLC is a firm that has stood against the California Voting Rights Act (CVRA), denying claims by minority communities as they seek to use districting as a means to empower their community in local elections. Their work in the City of Santa Clara has sought to diminish the voting power of the growing Asian American community.

<https://www.svvoice.com/santa-clara-had-expert-voting-rights-litigator-on-contract-but-trusted-600000-defense-to-attorney-with-limited-cvra-experience-and-a-lucrative-municipal-law-practice/>

We hope you agree that the commission should have legal counsel that shares a common goal of empowering communities and strengthening voting rights – not one that is actively fighting against the laws created to protect these rights.

We have the following comments regarding the selection of the demographer:

After hearing numerous concerns from the public regarding the County's issuance of a sole source/no bid contract for demographic services to National Demographic Corporation, the initial five commissioners stated their interest in using an RFP process for demographic services but deferred the question until all members of the commission had been chosen.

As you likely know, redistricting can serve to empower communities, sometimes at the expense of others. Given the inherent push-pull nature of redistricting, it becomes even more important that all participants share a common belief that the process was open, transparent and most of all fair. It could be very unfortunate to enter into this redistricting with a demographer and legal counsel, when the public has raised serious concerns about their ability to be fair, open, and impartial, without a review of all possible options.

As to your demographer, the issue is multilayered, and even more critical as they will be the ones holding the pen as you draw lines.

You have already received input from the community about hidden Republican ties of your current Demographer, Doug Johnson of National Demographics Corporation and the Rose Institute. During the 2011 California Redistricting process, the submission from Johnson and NDC (applying under

their Rose Institute banner) was rejected because of omissions in their application regarding partisan conflicts and failure to disclose their partisan activities and funding. A simple Google search will find descriptions of your demographer, such as:

Santa Maria Times: "Rose Institute advises Republicans on redistricting."

Sacramento Bee: "The conservative Rose Institute."

The Los Angeles Times: "The Republican-oriented Rose Institute."

California Journal: "Rose was a group used by Republicans and largely shunned by Democrats." and even Johnson himself stated "We have a reputation for being conservative."

Since 2011, the work done by Doug Johnson and National Demographics has become even more partisan. In their most egregious work to come public (and it is noteworthy that most partisan work is not public), the Republican Party of North Carolina hired Johnson in a case, *Covington v State of North Carolina*, which was a clear case of both racial and partisan gerrymandering. The media widely reported on Johnson's misleading testimony that had to be thrown out by a three-judge panel. <http://pulse.ncpolicy-watch.org/2019/07/25/did-hofeller-draw-nc-maps-before-redistricting-process-judges-throw-out-expert-testimony-claiming-he-didnt/#sthash.J1dgAu9H.dpbs>

While this should be a major red flag, the greater problem has been NDC and Doug Johnson's reputation within their local redistricting.

Like Churchwell, NDC and Johnson have been the primary opponents of the California Voting Rights Act, taking millions of taxpayer dollars in challenges to the state law, which have often been settled out of court, with huge costs to the local jurisdictions that they represented.

There are dozens of cases in which Johnson and NDC have led cities in efforts to fight against districted elections. The only silver lining is that in every single case they have lost, or the jurisdiction settled before the court was required to issue a final ruling.

Johnson and NDC have also fought empowerment of the Latino community in California. Most recently, Johnson testified in support of Kern County in a lawsuit against Latino civil rights groups which were calling for an additional Latino Majority Minority district in their supervisorial lines. This case, led by the Mexican American Legal Defense and Education Fund (MALDEF) and civil rights leader Dolores Huerta, was successful in finding that the County of Kern and Johnson, had misled the court and supported plans which diluted

the voting power of the minority Latino community, forcing a mid-decade re-districting, an unprecedented delay in an election, and creation of a new Latino seat. <https://www.latimes.com/local/lanow/la-me-kern-county-voting-rights-20180331-story.html>

In another case of denying the Latino Community proper representation, Johnson and NDC failed to create a second Latino district in **Redwood City**: <https://climaterwc.com/2019/03/20/latino-group-decries-lack-of-representation-in-redwood-city-district-election-map/>. In this case, Johnson told the city that a second Latino majority-minority district could not be created and so, upon his advice, the city moved forward with maps. Then, after a threat from civil rights attorney Kevin Shenkman, Johnson was forced to reverse his prior statements, causing the city to have to reopen the process and begin considering maps that reflected the need for proper Latino representation. Ultimately, two majority-minority districts were drawn, after much delay and added cost to the city and the community.

Again, in **West Contra Costa**, Johnson and NDC drew lines that had to be redone after a court found he had intentionally weakened the voting power of Latinos. <https://richmondconfidential.org/2019/03/07/a-final-trustee-area-map-emerges-as-lawsuit-resolves/>. Like in Redwood City, this change was only made after another attorney, Scott Rafferty sued the agency.

The behavior of Johnson and NDC has become so predictable in regards to these Civil Rights violations that when the City of Alhambra entered a settlement agreement after facing a lawsuit over the creation of districts, that agreement specifically stated "Parties recognize that the City will require the services of a qualified demographer to assist that process; and that demographer will not be National Demographics Corporation or its principals, officers or employees." It is amazing that a specific firm's non-participation has been a condition of a legal settlement.

Aside from their partisanship, and their opposition to the state and federal voting rights acts, Johnson and NDC have one last and potentially most important calling card: incumbent protection.

In dozens of redistricting plans and CVRA conversions Johnson and his team have sought to draw districts with one singular goal: allowing incumbent lawmakers to retain their political power.

The most outlandish of all these is the districting in the **City of Martinez** that a judge said was such a gerrymander that it "verges on self-parody"

and was drawn only to protect incumbents: <https://www.mercuryn-ews.com/2020/02/05/judge-may-force-martinez-to-change-its-city-council-districts-lawsuit-headed-to-trial/>

You can see the Martinez map, and the where four of the incumbents live within 1/8th of a mile of each other, here:
<https://www.facebook.com/297781150711778/photos/a.323325638157329/323326121490614/?type=3&theater>.

This work protecting incumbents continued in the **City of Roseville** where a Johnson created plan was found to be devised entirely for the purposes of protecting incumbents. <https://www.sacbee.com/article237968189.html>
Both Martinez and Roseville, in reaction to their incumbent gerrymanders, have since been forced to use an independent redistricting commission. And they will be required to follow the Fair Maps Act, a policy that forbids incumbent gerrymandering and was written largely in response to the work being done around the state by NDC. It would be horribly ironic if this same individual was brought into our community to run a redistricting that is supposed to be seen as "independent."

It should be recognized that your commission did receive a very positive letter in support of Johnson and NDC as your demographer from the Mayor of the **City of Lompoc**. So, we did some research. And, yet again, this was a CVRA conversion in which multiple public plans were submitted, some of which put incumbents into the same district. But every map created by NDC, including the final approved map, protected every incumbent council member. In their own presentations, they would state that one of the objectives was "continuity in office" – specifically protecting incumbents. It is no surprise that the Mayor would have good things to say about Johnson and NDC – regrettably for the wrong reasons.

If you want to have your independent redistricting process be respected by the public, you should take immediate action.

An open transparent RFP process will allow you to obtain additional information about your prospective counsel and demographer, and alternatives available to you. We would also encourage you to invite attorneys like Kevin Shenkman and Scott Rafferty, and members of the public to provide you with information regarding qualified counsel and demographers. It is undeniably better to get this feedback now rather than wait for them to bring a lawsuit later.

The League of Women Voters of Santa Barbara is asking you to please open a public RFP process for your demographer as you have done with your legal counsel, and to please move quickly. There is still time to do a robust search and interview your options for a demographer, as other independent commissions have done. There are several very qualified law firms and demographic service companies in California and nationally who would likely bid if there is an open, transparent and competitive process.

Please contact league member Mary Rose at mary.rose@maryrose.cc if you have questions or need more information.

Thank you for your attention to this very important matter.



Vijaya Jammalamadaka
President, LWVSB

7

EXHIBIT 8

2016 WL 3693498 (Cal.Super.) (Trial Order)
Superior Court of California.
San Bernardino County

Lisa GARRETT, Plaintiff,

v.

CITY OF HIGHLAND, California; and does 1-100. Inclusive, Defendants.

No. CIVDS 1410696.
April 6, 2016.

Corrected Judgment

Kevin L. Shenkman (SBN 223315), Mary R. Hughes (SBN 226622), John L. Jones II (SBN 225411). Shenkman & Hughes, 28905 Wight Road, Malibu, California 90265, Telephone: (310) 457-0970.

R. Rex Parris (SBN 96567), Ashley Parris (SBN 239537). R. Rex Parris Law Firm, 43364 10th Street West, Lancaster, California 93534, Telephone: (661) 949-2595, Facsimile: (661) 949-7524.

Milton C. Grimes (SBN 59437), Law Offices of Milton C. Grimes, 3774 West 54th Street, Los Angeles, California 90043, Telephone: (323) 295-3023, Attorneys for Plaintiff.

David S. Cohn, Judge.

9. To estimate the Latino proportion of the voters who cast ballots in recent elections in Highland experts offered by both Plaintiff and Defendant started with matching the names of voters with the U.S. Census Department's list of Spanish surnames. This is an accepted method of estimating the proportion of Latinos in a large group. While the parties agree that this method of Spanish surname matching tends to underestimate the Latino proportion of a group, they disagree on the amount of that underestimation. Defendant's expert, Douglas Johnson, increased his estimates of the Latino proportion of voters by approximately 11% based on the 1990 Colby-Perkins study that investigated the error rates of Spanish surname matching in each State. Plaintiff's expert, David Ely, criticized that 11% adjustment because it is based on an outdated study that was not focused on the City of Highland, and the demographics of Highland in 2016 are significantly different than those of California, or any other State, in 1990, in ways that impact the accuracy of Spanish surname matching. The Court agrees with Mr. Ely. Adjusting the estimates from Spanish surname matching, for the purpose of comparing those estimates to the thresholds of exclusion is inappropriate. Nonetheless, even if the Spanish surname matching estimates of the Latino proportion of the electorate were increased as suggested by Mr. Johnson, the conclusions of this Court would be the same.



VALLEY VOICES

March 8, 2021

Submit via bosquestions@co.kings.ca.us

The Honorable Board of Supervisors
County of Kings
1400 W Lacey Blvd
Hanford, CA 93230

Re: March 9, 2021 Board of Supervisors Meeting, Agenda Item V. A. 1. a.

Dear Kings County Board of Supervisors:

I am writing on behalf of Valley Voices, a 501c3 nonpartisan, nonprofit organization established to increase civic engagement and voter education in Kings County. In this endeavor, we are committed to ensuring that districts are redrawn to accurately reflect the interests of our community and are created in such a manner so as to be in compliance with the California Voting Rights Act. Valley Voices encourages the County to undertake a purposeful analysis into local demographic population shifts and future areas of growth. With this in mind, we respectfully oppose the selection of Dr. Johnson and National Demographics Corporation as Kings County's consultant for this purpose.

The testimony of National Demographics Corporation and its President Douglas Johnson has been stricken by a North Carolina three judge panel for misleading information.¹ This censure was because Dr. Johnson misrepresented population data. Dr. Johnson's analysis was also rejected in *Luna v. Cnty. of Kern* because it was found to "lack merit."²

In the case of *Jauregui v. City of Palmdale*, 226 Cal.App.4th 781, 172 Cal.Rptr.3d 333 (2014), the Court referenced how Dr. Johnson was responsible for creating districts in violation of the Voting Rights Act and with the sole intent to protect sitting incumbents.

As a young organization, we have already undertaken outreach related to Census, COVID-19, and voter turn-out projects. As a trusted messenger organization, we have built trust with our monolingual Spanish language community members. We are uniquely qualified to raise concerns about the proposed selection of NDC and the appointment of Dr. Johnson. Dr.

¹ The News & Observer, July 29, 2019.

<https://www.newsobserver.com/news/politicsgovernment/article233105817.html>.

² *Luna v. Cnty. of Kern*, 291 F. Supp. 3d 1088 (E.D. Cal. 2018). <https://casetext.com/case/luna-v-cnty-of-kern-4>.

Johnson's credibility has repeatedly been questioned, he has demonstrated a failing track record as a demographer, misrepresented data to California courts, and has been reprimanded by several courts as an expert witness.

We, as citizens of Kings County, fear that any districts and maps designed and recommended by Dr. Johnson will undoubtedly expose the County to litigation, the expenditure of taxpayer dollars in the form of legal fees, and the denial of equal protection and representation to disenfranchised Kings County voters.

We ask that you reconsider the selection of NDC as a consultant for any Kings County redistricting efforts.

Thank you for your consideration of our views. We look forward to working with you to ensure that districts are redrawn to accurately reflect the interests of our community.

Sincerely,



Ruth López
Acting Executive Director
Board President
Valley Voices

CCCFER

CENTRAL CALIFORNIA COALITION FOR EQUITABLE REALIGNMENT

1095 N. Fulton St. • Fresno, CA 93728 | 559-203-2299

March 8, 2021

Kings County Board of Supervisors
1400 W. Lacey Blvd.
Hanford, CA 93230

Re: Redistricting

Honorable Supervisors:

The Central California Coalition for Equitable Realignment (CCCFER) is regional nonprofit organization that is focused on ensuring the fair, transparent and equitable drawing of districts for elective bodies in their 2021–2022 redistricting initiatives.

We encourage the Kings County Board of Supervisors to redraw its districts to accurately reflect communities of interest and to comply with the California Voting Rights Act.

As such, we are greatly concerned with the Board’s consideration of National Demographics Corporation as the consultant for its redistricting efforts.

A sampling of concerns with this vendor:

- National Demographics Corporation and its president, Dr. Douglas Johnson, had testimony stricken by a judicial panel in North Carolina for misleading information (*News & Observer*).
- Dr. Johnson’s input was rejected in *Luna v. County of Kern* because his analysis was found to “lack merit.”
- In the 2018 *Jauregui v. City of Palmdale*, the Court referenced how Dr. Johnson was responsible for creating districts in violation of the Voting Rights Act and with the sole intent to protect sitting incumbents.

The community would be better served with a competent consultant that focuses on accuracy and trustworthiness rather than a biased entity with a track record of fanning disinformation.

We respectfully ask that you open the process for the consideration of more respective vendors.

Sincerely,



Michael D. Evans
Chair, CCCFER

March 9, 2021

Submit via bosquestions@co.kings.ca.us

The Honorable Board of Supervisors
County of Kings
1400 W Lacey Blvd
Hanford, CA 93230

Re: Kings County Proposed Redistricting Consultant National Demographics Corporation

Dear Kings County Board of Supervisors:

We the undersigned object to the hiring of National Demographics Corporation as the consulting agency for Kings County 2021 decennial redistricting because they and their President have misrepresented data that cost taxpayers money during legal proceedings.

In 2017, Dr. Douglas Johnson, President of NDC, testified in *Luna v. Cnty. of Kern* and his testimony was rejected because his testimony "lacked merits." The Board of Supervisors had originally been notified of the redistricting issues in August of 2011. Ignoring the warning, the county faced a legal battle in 2016 and hired NDC in 2017 in which Dr. Johnson was discredited for his testimony (see <https://casetext.com/case/luna-v-cnty-of-kern-4>).

Also, in 2001 Dr. Johnson obtained information regarding the location of the incumbent which was a prohibition set forth in § 15 in Arizona law (see <https://azredistricting.org/2001/2004legfinal/2004legcourtorder.pdf>)

Again, cited in a letter by the League of Women Voter of Santa Barbara 2021 Dr. Johnson and NDC failed to create a second Latino district in Redwood City, stating that a second district could not be created. The city went ahead with the proposed maps by Dr. Johnson. Only after a threat from civil rights attorneys was Dr. Johnson forced to reverse his previous statement (see <https://climaterwc.com/2019/03/20/latino-group-decries-lack-of-representation-in-redwood-city-district-election-map/>).

Similarly, Dr. Johnson's testimony has been stricken by North Carolina's three judge panel for misleading information because he misrepresented data in population shifts (see <https://www.newsobserver.com/news/politics-government/article233105817.html>)

Finally, we the undersigned object to the hiring of National Demographics Corporation as the consulting agency for Kings County 2021 decennial redistricting because they and their President have had a history of misrepresented data that cost taxpayers money and opens the county up to possible litigation.

Signed by:

Barbara	Hill	Lemoore
Ashley	Neely	Hanford
Suzanne	Willis	Hanford

Norberto	Gonzalez	Hanford
Bianca	Pravongviengkham	Hanford
Mary Claire	Fitiausi	Hanford
Steven	Pravongviengkham	Hanford
Caryn	Spriggs	Hanford
Stephen	Tarr	Hanford
Ivette	Chaidez	Hanford
Josh	Morgan	Hanford
Lori	Stafforini	Hanford
Susan	Ross	Hanford
Celina	Boelter	Lemoore
Carlos	Tafolla	Armona
Cathleen	Jorgensen	Hanford
Isla	Dudley	Hanford
Monica	Jimenez	Bakersfield
Crystal	Jackson	Lemoore
Connie	Wlaschin	Lemoore
Daniel	Rivas	Lemoore
Julie	Atkinson	Lemoore
Cayd	Richert	Hanford
Haley	Herbrand	Hanford
Central Labor	Council	Fresno-Madera-Tulare-Kings
Terry	Norris	Lemoore
Joan	Howard	Hanford
Fabiola	DeCaratachea	Lemoore
Carol	Gallegos	Lemoore
Angela	Amith	Lemoore
Andrew	Westall	Los Angeles
Oralia	Vallejo	Hanford
Margaret	Lirones	Corcoran
Kathleen	Salyer	Hanford
Jaqueline	Lowe	Hanford
Kristy	Ly	Fresno
Cesar	Caratachea	Lemoore
Hallie	Spence	Hanford
Kristine	Allison	Hanford