



COUNTY OF SAN BENITO  
OFFICE OF THE COUNTY COUNSEL

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December 6, 2021

Ms. Mickie Solorio Luna  
San Benito County Latino Coalition

sent via email: [vmluna@sbcglobal.net](mailto:vmluna@sbcglobal.net)

Mr. Richard Perez, Sr.  
San Benito County LULAC Council 2890

sent via email: [sbclulac2890@gmail.com](mailto:sbclulac2890@gmail.com)

Dear Madam and Sir:

Thank you for your recent correspondence to members of the San Benito County Board of Supervisors concerning the supervisorial redistricting process. Your letters and attachments have been forwarded to me for response as the County's legal advisor for the supervisorial redistricting process.

Your correspondence and proposed maps will be considered by the Board of Supervisors at the next regular meeting on December 14, 2021, as among the alternative maps presented for final section at that meeting. Your correspondence and proposed maps are being posted on the County redistricting website so that the map that you have labeled as SBC Unity 1 & 2 2021 will be eligible for consideration as required by Elections Code section 21508 (d).

The requirements of Government Code section 54956 for calling a special meeting by the Board of Supervisors next week as you requested have not been satisfied. Your request for a special meeting is therefore respectfully declined. This does not preclude full discussion of all the draft maps by all concerned parties, and we invite you and any other interested parties to appear personally or by zoom or telephone to participate in that discussion on December 14, 2021, before the Board of Supervisors makes a final decision on which map to adopt, taking into account all of the factors in order of priority as listed in Elections Code section 21500 (b) – (d).

All of the compliant draft maps that will be considered will be in compliance with federal and state Constitutions, the federal Voting Rights Act, and the California Fair Maps Act, and are therefore eligible for selection. Each is designed to provide for sufficient Hispanic citizen voting age population in at least three supervisorial districts to provide for the opportunity for the election of a Hispanic or Latino representation on the Board of Supervisors in proportion to the 61% Hispanic/Latino population of San Benito County as a whole, and therefore are fully in accordance with Section 2 of the Voting Rights Act.

Perhaps I can dispel some common misconceptions about the law applicable to supervisorial redistricting. Discussion of the residency of incumbent supervisors in relation to district map alternatives is not "illegal." That limitation only applies to members of the California Citizens

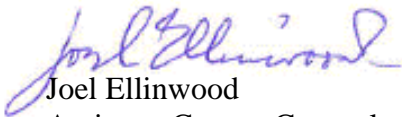
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Redistricting Commission in establishing Congressional and State Assembly, Senate and Board of Equalization Districts, pursuant to California Constitution, Article XXI, Section 2 (e). That limitation was excluded in the statute that governs county supervisorial district boundary adoption in the Fair Maps Act, Elections Code section 21500, et seq. Consideration of the relative continuity of district boundaries may be a factor that promotes voter interests in awareness and participation in local government and knowing which supervisor to turn to with their concerns. Consideration of factors not enumerated in federal law or the Fair Maps Act specified in Elections Code section 21500 (b)-(d) must come only after those factors have been fully evaluated and reasonably satisfied, but are not prohibited. To some extent a balancing and consideration of all factors inherent in the redistricting process is in the discretion of the Board of Supervisors.

Based on the data that you supplied with the Latino Coalition draft map, staff has determined that the maximum population deviation between districts in that plan is 8%. That figure is calculated by adding the deviation below average in District 2 (-4.67%) and the deviation above average in District 1 (3.33%). It is therefore greater than the other alternative maps that are under consideration for adoption on December 14, 2021. That factor alone is not determinative, as it is below the generally accepted safe harbor standard of 10% deviation.

Thank you again for your interest and participation in the redistricting process. Be assured that both the NDC2 map preferred by LULAC, and the Latino Coalition "Unity 2021" map will be given full and fair consideration by the Board of Supervisors on December 14. If you or your attorneys or advisors have any questions about the above, please feel free to contact me by email or my county mobile phone, (831) 313-3060.

Sincerely,



Joel Ellinwood  
Assistant County Counsel

cc: Supervisors Dirks, Gonzales, Hernandez, Kozmicki, and Tiffany  
Barbara J. Thompson, County Counsel  
Joe Paul Gonzalez, County Clerk-Auditor-Recorder-Registrar of Voters  
Steven A. Ochoa, National Redistricting Coordinator Mexican American Legal Defense and Educational Fund (MALDEF)  
Mayra Valadez, Western Regional Redistricting Coordinator, Mexican American Legal Defense and Educational Fund (MALDEF)  
Giovany Hernandez, NALEO California Redistricting Program Manager  
Pedro Hernandez (he/him) Legal and Policy Director, California Common Cause