

Item 10: Discussion and Possible Approval of Special Voting Rights Act Counsel Procurement Proposal and Process, Including Possible Formation of Ad Hoc Committee

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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 contractor to advise the Commission regarding compliance with the federal Voting Rights Act;
- Review and preparation of legal memoranda related to applicable legal issues; and,
- Advice to the Commission, Commission staff and consultants.

SPECIAL VOTING RIGHTS ACT COUNSEL

| | OPTION 1: NIELSEN MERKSAMER SUBCONTRACTOR | OPTION 2: NIELSEN MERKSAMER SUBCONTRACTOR & AHC | OPTION 3: NEILSEN MERKSAMER |
|---------------------------|--|--|---|
| Summary of options | <ul style="list-style-type: none"> • Authorizes NM to subcontract Special VRA Counsel services. • NM would be responsible for the procurement process and would bring forward two recommendations for the selection of Special VRA Counsel to the IRC. | <ul style="list-style-type: none"> • Authorizes NM to subcontract Special VRA Counsel services. • NM would be responsible for the procurement process and an IRC AHC would be formed with a purpose to develop a recommendation to the IRC for selection of Special VRA Counsel. | <ul style="list-style-type: none"> • Authorizes NM to provide Special VRA Counsel services. |
| Strengths | <ul style="list-style-type: none"> • NM has a firm understanding of what is required for these services. • IRC will review two recommendations for selection. • Beneficial to the IRC have an opinion from qualified independent Counsel. | <ul style="list-style-type: none"> • AHC provides the Commission an independent recommendation for Special VRA Counsel. • Beneficial to the IRC have an opinion from qualified independent Counsel. | <ul style="list-style-type: none"> • No impact on mapping timeline. • General Counsel is familiar with the IRC and vice versa. • General Counsel is familiar with the San Diego County 2011 supervisorial redistricting and all elements to date of the current process. |
| Challenges | <ul style="list-style-type: none"> • Requires Special Meeting • Any delay to the procurement process will impact mapping timeline. | <ul style="list-style-type: none"> • Requires Special Meeting. • Requires the AHC to complete the entire process <u>within eight (8) days including the weekend.</u> • Any delay to the procurement process will impact mapping timeline. | <ul style="list-style-type: none"> • Limits opportunity to receive an opinion from a separate qualified independent Counsel. |
| Contract Execution | Tentatively: Tuesday, October 5 | Tentatively: Wednesday, October 6 | Friday, September 17 |
| Cost | Will accept proposals up to \$60,000 | Will accept proposals up to \$60,000 | \$50,000 |