

WEST CONTRA COSTA UNIFIED SCHOOL DISTRICT INDEPENDENT REDISTRICTING COMMISSION

Request for Statement of Qualifications and Proposal to Serve as Independent Legal Counsel for the West Contra Costa Unified School District's Independent Redistricting Commission

INTRODUCTION

The West Contra Costa Unified School District's Independent Redistricting Commission ("Commission") is soliciting statements of qualifications and proposals from law firms to serve as special legal counsel ("Legal Counsel") for the Commission.

The Commission is an independent body tasked with creating trustee areas for the 2022 election, which will be used for the subsequent elections until the next United States Census is completed in 2030-2031, for the Board of Education. The Commission, authorized by California Elections Code sections 23000 et seq., consists of seven members representing each of the West Contra Costa Unified School District's five trustee areas and two members who are residents of Contra Costa County but live outside of the district boundaries. The Commission was established and is guided by the Stipulated Judgment from the case of *Ruiz-Lozito, et. al. v. West Contra Costa Unified School District* that resulted in the creation of the Commission.

A link to the Stipulated Judgment from the litigation can be found here:

<https://www.wccusd.net/cms/lib/CA01001466/Centricity/Domain/16/Joint%20Ex%20Parte%20Application%20for%20Entry%20of%20Judgment.pdf>

More information about the Commission is located at the following web site:

<https://www.wccusd.net/redistrictingcommission>.

SCHEDULE

Submissions are due on **Thursday, August 5, 2021, by 4:30 PM**. The submissions will be posted on the Commission's web site as part of the agenda materials for the Commission meeting on August 10, 2021. Once a firm is selected, a contract will be submitted to the Governing Board of the West Contra Costa Unified School District for approval.

SCOPE OF SERVICES

Legal Counsel shall provide independent legal counsel to the Commission, including providing independent legal advice and helping with setting the agenda and Brown Act compliance, when requested from time to time.

Under the general direction of the Commission, Legal Counsel shall:

- Serve as the legal advisor for the Commission and consultants and staff assigned to the Commission.

- Advise the Commission at meetings, public hearings, and other legal proceedings, and also assist in the logistics of setting up all the meetings, public hearings, and proceedings.
- Ensure that all constitutional, statutory, and regulatory requirements and court decisions governing the Commission’s activities are properly interpreted, including but not limited to the Stipulated Judgment, the Ralph M. Brown Act, the Public Records Act, the California Elections Code, and the federal Voting Rights Act of 1965.
- Provide legal representation administratively.
- Render written and verbal legal advice.
- Render legal advice regarding policies within the Commission’s legal areas of responsibility, if any.
- Ensure that any administrative policies adopted by the Commission are consistent with law and are implemented fairly and impartially.

Legal Counsel shall ensure that information relating to Legal Counsel’s support of the Commission is protected as required by Business and Professions Code section 6068(e); this includes Legal Counsel’s preserving the confidentiality of that information from legal counsel for the West Contra Costa Unified School District, except that Legal Counsel may communicate with the school district’s attorneys as would be appropriate between attorneys who represent opposing parties at “arm’s-length.”

ESSENTIAL KNOWLEDGE AND ABILITIES

Responses must demonstrate the ability to perform high-level analysis of the legal issues associated with administration of the Commission as well as the redistricting process. Such overall ability requires that the primary service provider as the Legal Counsel possess the following:

- Active membership in the State Bar of California.
- Ability to communicate effectively in writing and in oral presentations with a variety of contacts, including the Commissioners, outside attorneys, public officials, the public, press and staff.
- Ability to accurately appraise legal problems, perform legal research, and correctly apply legal principles, evidentiary rules and precedents to proposed solutions.
- Ability to write and edit correspondence, pleadings, briefings, talking points, and legal opinions.
- Ability to represent the Commission at meetings, public hearings, and other legal proceedings.
- Ability to synthesize, clarify, and disseminate complex information.
- Ability to defend the final trustee area map ultimately adopted against legal challenge.
- Knowledge of California Elections Code sections 14025-14045, 23000-23004, and 21500-21509, including as amended by AB 1276, effective January 1, 2021. Sections 21500-21508 are the Fair Maps Act criteria for counties. The Stipulated Judgment incorporates similar language.

- Knowledge of the Ralph M. Brown Act, Political Reform Act, and Public Records Act requirements.
- Demonstrated experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965.

PROPOSAL REQUIREMENTS

To assist the Commission in selecting Legal Counsel, please ensure that your proposal includes the following information:

1. **Firm Description.** Provide a brief description of your firm and qualifications in the area of state and federal laws governing redistricting in California. Indicate the location of your main California office.
2. **Assigned Personnel.** Identify your firm's team for the assignment, specifically identifying the individual who would serve as the overall lead for the engagement and primary service provider in the Legal Counsel role. Include only those persons who are actually expected to work on the engagement. Provide resumes for each participating team members, highlighting relevant experience to meet essential knowledge and abilities.
3. **Experience.** Briefly describe the firm's experience as Legal Counsel in California for local government entities or states related to state and federal laws governing redistricting and voter rights. Indicate where the proposed primary service provider contributes to the firm's experience.
4. **Additional Information.** Please confirm that your firm has run a conflicts check and does not have any potential conflicts of interest. For example, potential conflicts of interest shall include, but not be limited to, representing, contracting with, or providing legal advice, to the West Contra Costa Unified School District. Also, please review Elections Code section 23003, and confirm that anyone assigned to provide services under the contract would not be disqualified under Elections Code section 23003.
5. **Fees.** Please indicate your firm's fees for the Legal Counsel role. To the extent hourly fees are proposed, please include an estimate of the total fee and/or expected range, and not-to-exceed amount. Also, please indicate what expenses you would bill in addition to the fee and a proposed cap.
6. **Form Contract.** Please propose a form of contract with your proposal.

SUBMISSION

Please provide your proposal by e-mail to derik.hilliard@wccusd.net no later than **August 5, 2021, by 4:30 PM.**

DISCLAIMERS

It is noted that the Commission reserves the right to: reject any and all responses; cancel, modify or re-issue the RFP; negotiate with any, all or none of the respondents; and solicit best and final offers from any, all or none of the respondents. This RFP does not commit the Commission to negotiate a contract, nor does it obligate them to pay for any costs incurred in the preparation and submission of your responses or in the anticipation of a contract. The Commission reserves the right to recommend that the West Contra Costa Unified School District Governing Board contract with any of the firms responding to this RFP based on the Commission's judgment in evaluating the firm's proposal, including but not limited to its qualifications, capabilities and fee quote.

COMMUNICATIONS

So that we do not need to post and share responses to questions with proposers, we do not plan to have substantive conversations with any proposers.

Thank you in advance for your participation in this process.