February 1, 2012

TO: Santa Clara County Committee on School District Organization

FROM: Charles Weis, Ph.D.
County Superintendent of Schools

SUBJECT: Report on Redistricting Consultant Contract and Potential Conflict of Interest

The legal standard for determining Conflict of Interest:

Government Code 1090. Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

Background:

The County Committee’s Process:

It is my understanding that at the beginning of the County Committee’s process, the Committee developed a set of criteria to be used in creating the various redistricting maps the Committee would consider. The Committee then directed Tom Griffin, and his subcontractor, Josh Newman, to create a set of redistricting maps that would balance the population between the various trustee areas and also be consistent with the Committee’s criteria. After the initial set of maps was created by Mr. Griffin and Mr. Newman, a member of the public raised questions about the racial/ethnic make-up of the various trustee areas which prompted Mr. Griffin to look into the requirements of the California Voting Rights Act in greater depth, and to present information on that topic to the County Committee. His presentation prompted the Committee to ask that the potential trustee area maps be redrawn in order to ensure compliance with the California Voting Rights Act. This effort yielded a new set of maps, which were then considered by the Committee. The Committee has now asked Mr. Griffin and Mr. Newman for addition maps identifying additional options for the Committee to consider.
Mr. Newman’s Role in the County Committee Process:

Mr. Newman’s role in this above process has been to take direction from Mr. Griffin and from the Committee, and to create maps identifying the redistricting options available for consideration by the Committee based on that direction. My understanding is that he has not provided any advice or direction to the Committee, nor has he been able to exercise discretion in creating the maps that he has presented to the Committee.

Mr. Newman’s Relationship with Bullis Charter School:

Mr. Newman was a founder and worked for EdTec until July 2011, and still does some work for EdTec on a contract basis. EdTec does some work for Bullis Charter School. Mr. Newman worked for Bullis Charter School, as part of his work for EdTec, five or six years ago. He has not done any work for Bullis Charter School since that time.

CONCLUSION:

County Counsel was not able to identify a conflict of interest of Joshua Newman’s role in the County Committee redistricting process under Government Code section 1090, the Political Reform Act, or any other relevant California law as Mr. Newman’s role in the County Committee’s process appears to be limited to creating draft redistricting maps at the direction of the Committee and he does not provide legal advice or direction on the redistricting process or any redistricting scenario.

Additionally, County Counsel does not find that Mr. Newman’s former connection with Bullis Charter School gives rise to a conflict of interest under the contract with Mr. Griffin.
February 1, 2012

TO: Santa Clara County Committee on School District Organization

FROM: Charles Weis, Ph.D.  County Superintendent of Schools

SUBJECT: Report on a County Committee Member’s Potential Conflict of Interest by Participating in the Construction of Redistricting Maps

---

The legal standard for determining Conflict of Interest:

**Government Code 1090.** Members of the Legislature, state, county, district, judicial district, and city officers or employees shall not be financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Nor shall state, county, district, judicial district, and city officers or employees be purchasers at any sale or vendors at any purchase made by them in their official capacity.

As used in this article, "district" means any agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries.

**Background:**

It is my understanding that County Board Member Leon Beauchman’s wife, Dr. Nejleh Abed, serves on the County Committee and, until recently, has participated in the Committee’s discussions relating to redistricting. As of the date of this report, the County Committee has not taken any action to select a specific redistricting proposal and is still discussing various map options. It is my understanding that Nejleh Abed has now recused herself from any further participation on redistricting matters.

**CONCLUSION:**

With respect to Member Nejleh Abed’s participation on the County Committee, County Counsel was not able to identify a conflict of interest under California law that would render the redistricting work of the County Committee to this date invalid.