



**AD HOC COMMITTEE ON  
BOARD OF SUPERVISORS COMPENSATION**

**February 5, 2019  
3:00 P.M.**

**651 Pine Street, Room 101, Martinez**

Larry Hendel, Central Labor Council of Contra Costa County, AFL-CIO  
Terri Montgomery, East Bay Leadership Council  
Angie Coffee, East Bay Leadership Council  
Tom Hansen, Building Trades Council  
Clifford Bowen, Public At Large

Facilitator: David Twa, Contra Costa County Administrator

<b>Agenda Items:</b>	Items may be taken out of order based on the business of the day and preference of the Committee
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1. Call to Order and Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. REVIEW applicable provisions of the Ralph M. Brown Act and the County's Better Government Ordinance.
4. REVIEW December 18, 2018 order of the Board of Supervisors (Item C.93), appointing the Ad Hoc Committee on Board of Supervisors Compensation and provide direction to staff on next steps.
5. REVIEW the Final Report of July 7, 2015 on Board of Supervisors Compensation.
6. REVIEW the Board of Supervisors Calendar of Meetings for 2019 and List of Committees.
7. ELECT Committee Chair, DETERMINE meeting schedule and REVIEW administrative procedures.
8. PROVIDE direction to staff on next steps.
9. Adjourn

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*The Ad Hoc Committee on Board of Supervisors Compensation will provide reasonable accommodations for persons with disabilities planning to attend the Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.*

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*Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Ad Hoc Committee on Board of Supervisors Compensation less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.*

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*Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

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For Additional Information Contact:

David Twa, County Administrator  
Phone (925) 335-1080, Fax (925) 646-1353  
david.twa@cao.cccounty.us



# Contra Costa County Board of Supervisors

## Subcommittee Report

### AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION

**Meeting Date:** 02/05/2019  
**Subject:** Ralph M. Brown Act and The County's Better Government Ordinance  
**Submitted For:** Ad Hoc Committee On BOS Compensation,  
**Department:** County Administrator  
**Referral No.:** 12/18/18 C.93  
**Referral Name:** Ad Hoc Committee on Board of Supervisors Compensation  
**Presenter:** David Twa **Contact:** David Twa (925)  
335-1080

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#### **Referral History:**

The Ad Hoc Committee on Board of Supervisors Compensation is a public body that conducts public meetings. As such, its members are required to comply with the provisions of the Brown Act and the County's Better Government Ordinance (BGO).

The Ralph M. Brown Act was an act of the California State Legislature, authored by assembly member Ralph M. Brown and passed in 1953, that guaranteed the public's right to attend and participate in meetings of local legislative bodies. The Brown Act was enacted in response to mounting public concerns over informal, undisclosed meetings held by local elected officials who were avoiding public scrutiny by holding secret "workshops" and "study sessions." The Brown Act solely applies to California city and county government agencies, boards, and councils.

The BGO is a local law enacted by the Board of Supervisors that applies specifically to Contra Costa County government. Committee members and County staff are required to operate within its guidelines. The Ordinance mandates a higher level of transparency and availability of information to the public than does the Brown Act.

#### **Referral Update:**

A summary of the Brown Act and Better Government Ordinance along with selected provisions is attached hereto. In addition, a video presentation of the Brown Act and the County Better Government Ordinance as they apply to this Committee is available on the County's website at:

[http://contra-costa.granicus.com/MediaPlayer.php?publish\\_id=a095afa0-d332-11e4-b5ce-00219ba2f017](http://contra-costa.granicus.com/MediaPlayer.php?publish_id=a095afa0-d332-11e4-b5ce-00219ba2f017)

#### **Recommendation(s)/Next Step(s):**

REVIEW applicable provisions of the Ralph M. Brown Act and the County's Better Government Ordinance.

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#### **Attachments**

[Summary of Open Meeting Requirements](#)

[Key Provisions of Brown Act and BGO](#)

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**Office of the County Counsel**  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

**IMPORTANT-  
BROWN ACT FUNDAMENTALS**

Date: July 10, 2002

To: County Boards, Commissions and Committees and their  
Administrative Officers and Secretaries

From: Silvano B. Marchesi, County Counsel  
By: Mary Ann McNett Mason, Deputy County Counsel *M.A.M.*

Re: Brief Summary of Open Meeting Requirements

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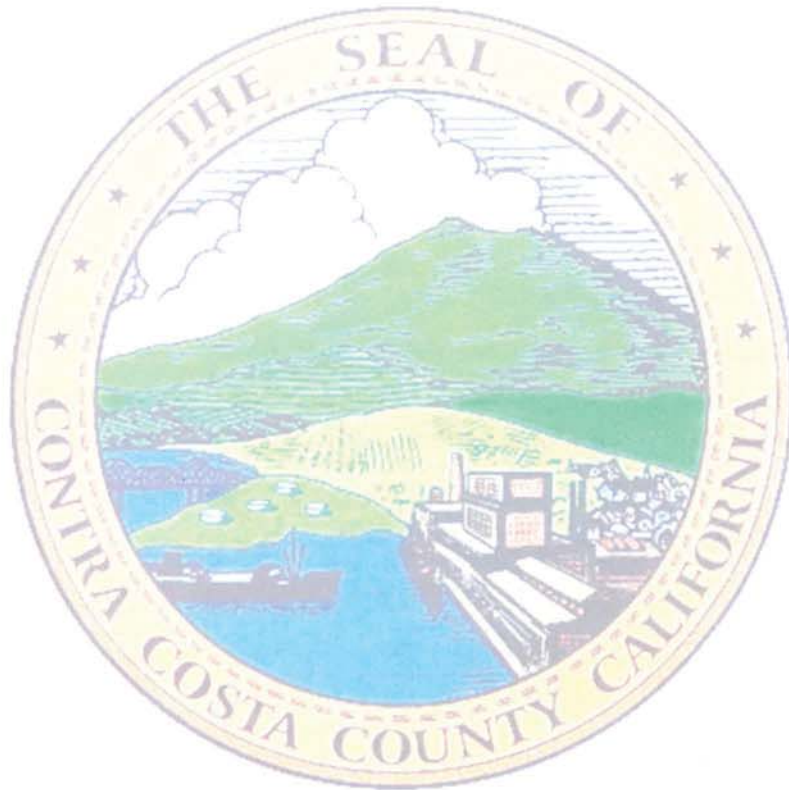
For your reference, we provide this brief summary of the fundamentals of the Brown Act and Better Government Ordinance. All County commissions, councils and advisory groups subject to the Brown Act and Better Government Ordinance must comply with the following every time a public meeting is held:

1. At least 96 hours in advance of a scheduled meeting of the county body, an agenda containing a general description of each item of business to be transacted, including items to be discussed, and the time and location of the meeting must be posted. (Gov. Code, § 54954.2(a); Ord. § 25-2.206(a).)
2. Meetings of county bodies must be open and accessible to the public. (Gov. Code, § 54950, 54961; Ord. § 25-2.602.)
3. If an item is not included on the agenda, the county body may not act on or discuss that item, or add that item to the meeting's agenda as an urgency item, subject to limited exceptions. (Gov. Code, § 54954.2(a), (b); Ord. § 25-2.205.)
4. During each meeting, the public body must allow public comment on each agenda item and on other matters within the jurisdiction of the public body. (Gov. Code, § 54954.3(a); Ord. § 25-2.205(c).)
5. At least 96 hours before a scheduled meeting, all supporting written staff materials which concern agenda items and are provided to a majority of the body, must be made available to the public and to the members of the body, subject to limited exceptions. (Ord. § 2.206(a).)

This memorandum is only a brief summary of the open meeting requirements. A detailed description of open meeting requirements is provided in our memorandum of July 10, 2002, captioned "Selected Brown Act and Better Government Ordinance Provisions," copy attached.

MAM/am

cc: Board of Supervisors, District Offices  
John Sweeten, County Administrator  
Jim Sepulveda, Senior Deputy District Attorney  
Department Heads



## **Appendix 1**

**Key Provisions of Brown Act,  
Better Government Ordinance  
and Agenda Requirements**

*Office of the County Counsel*  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

*Date:* January 15, 2014

*To:* David W. Twa, County Administrator,  
Attn: Tiffany Lennear, Chief Clerk of the Board of Supervisors,  
County Boards, Commissions, and Committees and their Administrative  
Officers and Secretaries

*From:* Sharon L. Anderson, County Counsel  
By: Mary Ann McNett Mason, Assistant County Counsel

*M.A.M.*

*Re:* **Ralph M. Brown Act Amendment Requires Detailed Public Report of  
Individual Votes**

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For your information, we discuss a recent amendment to the Ralph M. Brown Act, the open meeting law, Statutes of 2013, Chapter 257, effective January 1, 2014. Government Code section 54953, subsection (c) (2) now provides:

“The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.”

Previously, the law prohibited public bodies from voting by secret ballot, but did not expressly require that individual votes be reported on open session items, unless the meeting involved a teleconference location.<sup>1</sup> Thus, some agencies would state in their minutes that an item passed, without specifying how the various board members voted. This made it hard for members of the public either not attending the meeting, or watching the meeting of a very large body, to know with certainty how individual members voted on any given item. Government Code section 54953 (c) (2) was added to improve public accountability by requiring agencies to clearly report the vote or abstention of each member present at the meeting.<sup>2</sup>

#### **A. Specificity in Minutes/Record of Actions Now Required**

To comply with this new public reporting requirement, each time a board, committee, or commission votes on an agenda item, the minutes or record of actions must

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<sup>1</sup> Gov. Code, § 54953 (b) (2).

<sup>2</sup> Senate Floor, Bill Analysis, SB 751 (5/28/13); Assembly Committee on Appropriations, Bill Analysis, SB 751 (7/3/13).

state how each individual board or committee member voted. If the member did not vote, the minutes/record of actions must specify whether the member was absent or abstained. To do this, include the following information in the minutes/record of actions for every vote:

AYES: (list names of members voting aye)  
NOES: (list names of members voting no)  
ABSENT: (list names of members absent)  
ABSTAIN: (list names of members who abstained)

A written record of the body's actions must be made available for public review. This is usually done by posting approved minutes or a record of actions.

If bodies pass resolutions or otherwise reflect their actions by annotating individual board orders, these documents must detail the vote in the form shown above. A simple statement of the number of votes pro and con on a resolution or an annotated board order will not suffice. Each board member's name and vote, absence, or abstention also must be listed on the resolutions or board orders.

#### **B. Enhancing Transparency in Open Session**

Sometimes when a vote taken in open session is not unanimous, it can be difficult for members of the public attending the meeting to follow. To enhance transparency in this circumstance, it is a good practice to publicly announce the vote immediately after it occurs. After a vote in open session that either is not unanimous or from which a member abstains, the chair may summarize the vote and action taken as follows:

"The motion passes 3-2, with Smith and Jones dissenting. Item x is approved." or

"The motion passes 4-0, with Smith abstaining. Item x is approved."

"The motion fails 3-2, with Smith, Jones, and Black voting against. Item x is not approved."

#### **C. Report of Vote following Closed Session**

Not all boards, committees, and commissions are authorized by the Brown Act to meet in closed session. Legal counsel must always be consulted before listing a closed session item on an agenda. When a closed session is authorized, and the body reports an

David W. Twa, County Administrator  
Attn: Tiffany Lennear, Chief Clerk of the Board of Supervisors  
January 15, 2014  
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action taken in closed session in the minutes/record of actions or other written document, the same format described in Section A above must be used to describe the vote.<sup>3</sup>

In an oral report of action taken or direction given in a closed session, the vote or abstention of every member present for the closed session must be reported. This applies even if the vote is unanimous.<sup>4</sup> For example, the chair or counsel may state:

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*.” or

“In closed session, the board voted 3-2, to seek appellate review in the case of *Green v. Miller*, with Smith, Jones, and Black voting aye, and White and Rose dissenting.” or

“In closed session, the board voted unanimously to seek appellate review in the case of *Green v. Miller*, with Black abstaining.

MAM/am

cc: Members, Board of Supervisors  
County Administrator  
Attn: Terry Speiker, Chief Assistant County Administrator  
Julie Enea, Senior Deputy County Administrator  
Department Heads  
Steven Moawad, Senior Deputy District Attorney

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<sup>3</sup> Gov. Code, §§ 54953, 54957.1.

<sup>4</sup> Gov. Code, § 54957.1.



*Office of the County Counsel*  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

*Date:* March 29, 2012

*To:* County Boards, Commissions and Committees and their  
Administrative Officers and Secretaries

*From:* Sharon L. Anderson, County Counsel  
By: Mary Ann McNett Mason, Assistant County Counsel *M. A. M.*

*Re:* Selected Brown Act and Better Government Ordinance Provisions

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County advisory bodies are subject to both the Ralph M. Brown Act (Government Code, sections 54950 et. seq.) and the County's expanded open meeting law, the Better Government Ordinance (Contra Costa County Code, Chapter 25-2.) For your information, we provide this summary of the critical provisions of these open meeting laws.

A. Open Meetings. The Brown Act and Better Government Ordinance generally require that all County Board, commission and committee ("County body") meetings be open for public attendance, that all interested persons be permitted to attend and participate, and that meetings be held on noticed dates at fixed times and places and in accordance with posted agendas. Most county bodies provide for regular fixed times and places for meetings. Meetings generally must be held within the jurisdictional limits of the Board of Supervisors and at locations accessible to the public, including disabled persons. (Gov. Code, §§ 54950, 54954(a),(b), 54961; Ord. § 25-2.602.)

B. County Bodies Subject to Open Meeting Laws. The Brown Act applies to all "legislative bodies" of a local agency, i.e., the County. Legislative bodies include: 1) the governing body of the local agency, (e.g., the Board of Supervisors); 2) committees created by statute; 3) committees created by formal action of the Board, whether composed of lay persons or a combination of lay persons and board members; 4) standing committees composed solely of members of the Board which have a continuing subject matter jurisdiction (e.g., permanent subcommittees such as the "Internal Operations" committee); 5) standing committees created by a Board appointed committee and composed solely of members of that body (e.g., a Mental Health Commission subcommittee). (Gov. Code, § 54952 (a), (b).)

The Better Government Ordinance applies to all County bodies subject to the Brown Act *and* to all other Board or committee created County bodies, including temporary, ad hoc advisory committees composed solely of Board members or committee members and appointed to deal with a single topic for only one meeting or a small number of unscheduled meetings. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) County bodies that are not subject to the Brown Act nevertheless must comply with comparable provisions under the Ordinance. (Ord. § 25-2.202(a), 25-2.204(a), 25-2.205.) We caution that very few committees will be exempt from both the Act

and the Ordinance and that the safer course of action is to assume that both open meeting laws apply.

Bodies subject to the Brown Act and the Ordinance do not include advisory committees to a single individual which are formed by the unilateral action of that individual, e.g., a committee to assist the County Administrator or a single Supervisor and do not include committees made up entirely of County staff. (56 Ops.Cal.Atty.Gen. 14 (1973); Ord. § 25-2.202.) However, unless composed entirely of County staff, a permanent advisory committee created by the County Administrator or a department head must permit the public to attend its meetings upon request to the extent possible consistent with the facilities and the purpose of the gathering. Meetings of these committees need not be formally noticed or provide for public comment. (Ord. § 25-2.204 (d), (e).)

C. Definition of "Meeting". "Meetings" include:

\* Any congregation of a majority of members of a County body at the same place and location (including teleconference locations) to hear, discuss, deliberate or take action on any item within the body's subject matter jurisdiction. (Gov. Code, 54952.2 (a).)

\* Any serial use of communication, personal intermediaries, or technological devices through which a majority of the body's members discuss, deliberate, or take action on an item. (For example, for a five person body, such an illegal "serial" meeting could occur where committee member A e-mails committee member B about his position on a committee issue and B forwards A's e-mail to committee member C.) A mere series of e-mails or telephone calls by a majority of the body about one of its business items violates the Brown Act. (Gov. Code, § 54952.2 (b).)

D. Social and Ceremonial Occasions. Meetings generally do not include social or ceremonial occasions, provided that a majority of the members do not discuss among themselves business within the subject matter jurisdiction of the legislative body of the local agency. (Gov. Code, § 54952.2(c)(5).) However, when a County body, as a body, sponsors a social, recreational or ceremonial occasion, such as a holiday party, and a majority of the body is invited to attend, the occasion must be accessible to the public upon request, to the extent possible consistent with the facilities and the purpose of the gathering. The occasion need not be noticed formally, conducted at a particular location or provide for public comment. (Ord. § 25-2.204 (d) (2), (e).)

E. Regular Meetings- Agenda Posting Requirements and Related Provisions.

1. Enhanced Agenda Notice Requirement. Under the Brown Act, agendas must be posted at least 72 hours before each scheduled regular meeting. (Gov. Code, § 54954.2

(a.) However, the Better Government Ordinance extends this posting period an additional day. (Ord. § 25.2-206 (a).) Thus, at least 96 hours before each scheduled regular meeting, an agenda containing a brief general description of each item of business to be transacted at the public body's meeting, including items to be discussed in closed session, must be posted. The description generally need not exceed 20 words. The agenda must specify the time and location of the regular meeting.

The agenda must be physically posted in a location freely accessible to members of the public during the entire 96 hour period. (Gov. Code, § 54954.2(a); Ord. § 25.2-206 (a); 78 Ops.Cal.Atty.Gen.328 (1995).) In addition, certain bodies must *also* post their agendas on the their website, or arrange for posting on the County's website 96 hours in advance of the meeting. (Gov. Code, § 54951, 54954.2 (d); see attached memorandum, **Internet and Physical Agenda Posting Required for Certain Bodies.**)

If an item is not specified on the agenda, the County body may not act on or discuss that item, or add that item to the agenda as an urgency item, except as set forth below in subsections 3 and 4. (Gov. Code, § 54954.2 (a), (b); Ord. § 25.2-205.)

2. Deadline for Staff Materials. At least 96 hours in advance of a regular scheduled meeting, all staff reports and other materials prepared or forwarded by staff that provide background information and recommendations on agenda items must be made available to the public and to members of the body. (Ord. § 25-2.206 (a).) In the case of items that are placed on the agenda for a scheduled meeting at a prior meeting occurring not more than seven days before the scheduled meeting, supporting written staff materials may be made available 24 hours before the scheduled meeting. (Ord. § 25-2.206 (a).)

3. Exceptions to the Better Government Ordinance 96 hour agenda notice and staff material deadline. Under limited circumstances, the County body may waive the requirement that an agenda and supporting staff reports must be made available to the public and to members of the body at least 96 hours before the meeting. Upon a determination by *three-fourths* vote of the body that it is essential to waive the time limits *and* after receiving from staff a written explanation as to why the agenda and/or staff reports could not be made available 96 hours in advance, the body may waive the time limits. (Ord. § 25-2.206 (a).) *Notwithstanding a waiver of the Better Government Ordinance requirements, the 72 hour agenda notice requirements and exceptions thereto of the Brown Act continue to apply to all County bodies covered by the Act.*

4. Exceptions to Brown Act 72 hour agenda notice.

a. "Brief Response" to Public Comment; Reference to Staff. (Gov. Code, § 54954.2 (a).) A County body may engage in certain limited activities that are not discussion of

or action on, non-agenda items. If an item not on the agenda is raised by a member of the public during the "public comment" portion of the meeting, members of the County body may "briefly respond." Until a court has construed "briefly respond," we recommend that County bodies interpret the right to respond narrowly, and keep responses limited. On any matter, either in response to questions posed by members of the public or on their own initiative, members of County bodies may ask questions for clarification. In addition, subject to the body's rules or procedures, members of County bodies may provide a reference to staff or other resources for factual information, may request that staff report back at a subsequent meeting on a matter, or may request that staff place a matter on a future agenda. (Gov. Code, § 54954.2 (a).)

b. Limits on Discussion and Action on Non-Agenda Items. (Gov. Code, § 54954.2 (b). Discussion may occur and action may be taken on items which are not set forth on the posted agenda where, prior to discussion or action, the body publicly identifies the item and:

(1) The majority of members of the body vote and find that an emergency exists which involves a work stoppage or other activity which severely impairs public health, safety or both or a crippling disaster which severely impairs public health and safety or both, or

(2) Upon a determination by a two-thirds vote of the body (or, if less than two-thirds of the members are present, a unanimous vote of the members present) that there is a need to take immediate action and that the need for action *came to the attention of the local agency after the agenda was posted*, or

(3) The item was posted for a prior meeting, but action on the item was continued to the present meeting, which is not more than five calendar days after the meeting for which the item was posted. (Gov. Code, § 54954.2 (b).)

*We caution that these exceptions will rarely apply in the case of County advisory bodies.*

F. Special Meeting Notice Requirements. The Brown Act law requires that notice of a special meeting be provided by 24 hour advance written notice to each member of the public body (unless notice has been appropriately waived) and to each local newspaper, radio or television station which had requested notice in writing. Notice may be given by personal delivery or *by any other means* (i.e., facsimile or e-mail). In addition, the call and notice of the special meeting must be physically posted at least 24 hours prior to the meeting in a location that is freely accessible to members of the public. Bodies subject to the internet posting requirement must also simultaneously post the special meeting agenda on their website, or if they don't have a website, on the County's website. The notice must identify the time and place of the meeting and the business to be transacted. Only the business set forth in the notice may be transacted at the

meeting. (Gov. Code, § 54956.)

1. Public Input. The notice for the special meeting must provide an opportunity for public comment on the item which is the subject of the special meeting before the public body acts on that item. (Gov. Code, § 54956.)

G. Emergency Meeting Notice Requirements. The Brown Act allows the calling of emergency meetings in specified circumstances (work stoppages, crippling disasters, or other activities which will severely impair public health, safety or both, as determined by a majority of the public body) without complying with the special meeting 24 hour notice or 24 hour posting requirements. If telephone services are functioning, each newspaper and radio or television station that has filed a request for special notice must be noticed by telephone at least one hour prior to the emergency meeting. (Gov. Code, § 54956.5 (a) (1), (b).)

In the case of dire emergencies (crippling disaster, mass destruction, terrorist act, threatened terrorist act that poses immediate and significant peril as determined by a majority of the public body), even the one hour notice to media outlets is eliminated. If telephone services are functioning, telephone notice of the meeting must be given to the media outlets at or near the time that the chair notifies members of the body of the meeting. (Gov. Code, § 54956.5 (a) (2), (b).)

As to any emergency meeting, if telephone services are not functioning, as soon after the meeting as possible, newspapers and radio or television stations must be notified of the meeting, of its purpose, and of any action taken at it. In addition, as soon after the meeting as possible, the minutes of the emergency meeting must be posted for a minimum of 10 days in a public place. (Gov. Code, § 54956.5 (e).)

#### H. Public Input.

1. Provide Opportunity to Comment. Every agenda must provide an opportunity for members of the public to directly address the body on 1) items that are within the subject matter jurisdiction of the body, even if they are not on the agenda and 2) items on the agenda. The opportunity to comment on agenda items must be afforded *before or during* the body's consideration of the item. (Gov. Code, § 54954.3(a); Ord. § 25-2.205 (c).) To ensure that the public is not denied the opportunity to comment on specific agenda items, and to enhance the flow of the meeting, we suggest that the public comment period as to all items usually be scheduled for the beginning of the meeting.

If a member of the public addresses an item not appearing on the posted agenda, no response, discussion, or action on that item may occur except as set forth in section E,

subparts 3 and 4 above.

2. No Prohibition of Criticism. During a meeting, the County body may not abridge or prohibit public criticism of the County's policies, procedures, programs, or services, and may not abridge or prohibit public criticism of acts or omissions of the body. However, the body may apply its adopted rules of procedure concerning time per speaker. (Gov. Code, § 54954.3 (a); Ord. § 25-2.604.)

3. Overflow Capacity. If the number of spectators at a meeting of the Board of Supervisors, or of a permanent board or commission, or of a permanent subcommittee of the Board, exceeds the legal capacity of the meeting room, the public address system must broadcast into an adjacent area to permit the overflow audience to hear the meeting. If this is not possible, the meeting must be adjourned to a facility with sufficient capacity to accommodate the entire audience. (Ord. § 25-2.602.)

I. Teleconferencing. A body may hold meetings by "teleconference," that is, a meeting of a body whose members are in different locations, connected electronically through audio and/or video. During the teleconference, at least a quorum of the members of the body must participate from locations within the boundaries of the body. Teleconferencing may be used for all purposes in connection with a public meeting, including voting. All votes taken during a teleconferenced meeting must be by roll call. Each teleconference location must be identified in the agenda for the meeting, and each teleconference location must be accessible to the public. The agenda must permit members of the public to address the body directly at each teleconference location. Agendas must be posted at all teleconference locations. (Gov. Code, § 54953 (b).)

J. Record of Meetings. Each County body must keep a record of its meetings. Though the record need not be verbatim, i.e., a tape-recording, it must accurately reflect the agenda and the decisions made in the meeting. (Ord. § 25-2.205 (d).)

K. Assistance for Persons with Disabilities on Request. Upon request, agendas, agenda packets, and other writings distributed to the public body must be made available in appropriate alternative formats to persons with disabilities as required by the federal Americans with Disabilities Act. In addition, every public body agenda, including all subcommittee agendas, must include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aides or services, may be made by a person with a disability who requires a modification or accommodation to participate in a meeting. (Gov. Code, §§ 54954.1; 54954.2 (a); 54957.5 (b).)

L. Distributed Materials as Public Records. Except for certain writings exempt

from disclosure under the California Public Records Act, documents distributed to the County body by staff or any other person for consideration at a public meeting are public records. If presented during a meeting during discussion on an agenda item, such records must be immediately available for public inspection. If presented during a meeting prior to commencement of discussion on the agenda item to which the records relate, such non-exempt documents must be made available to the public for inspection before and during discussion on the agenda item. (Gov. Code, § 54957.5(a),(c); Ord. § 25-2.206 (c).)

Before a meeting, except for records that are exempt by law from disclosure, any county record that is intended for distribution to the body, even if not yet distributed to the body, must be available for public inspection and copying upon request. (Ord. § 25-2.206 (b).)

*M. Provision of Agenda Materials Required.*

1. Written Request for Packet. The Brown Act permits a member of the public to place a standing request that copies of the agenda or of the agenda packet be mailed to him. Such request must be made in writing and will apply for the entire calendar year in which it is filed. The body must mail the requested materials at the time the agenda is posted, or upon distribution to a majority of the members of the County body, whichever is first. Thus, if the agenda packet is mailed to members of the county body a week before the meeting, the packet must be mailed simultaneously to a requestor. (Gov. Code, § 54954.1.)

2. Materials Distributed Less Than 72 Hours Before Meeting. If a document related to an open session agenda item on a regular meeting agenda is distributed to a majority of the body less than 72 hours before the meeting, the document must be made available to the public at a specified location at the same time it is provided to the body. Each meeting agenda must specify the location where such documents will be available for public inspection. (Gov. Code, § 54957.5 (b) (2).) Inasmuch as the County's Better Government Ordinance requires that the agenda and supporting staff reports be made available to the public and members of the body at least 96 hours before a regular meeting, there should be few occasions on which a document is distributed less than 72 hours before a meeting.

Please note that these two State law requirements apply, even if a legislative body subject to the Better Government Ordinance acts by a three-fourths vote to waive ordinance requirements that the agenda and supporting staff reports must be made available to the public 96 hours in advance of the meeting. (Ord. § 25-2.206 (a).)

2. Fees for Provision of Packet. The County body may establish a fee for provision of agenda packets. (Gov. Code, § 54954.1.) However, the Better Government Ordinance imposes a limitation on fees for duplication of agendas and related materials. Bodies considering establishment of a fee for mailing of the agenda or agenda packet should be sure

such fee conforms to these limitations. While a body may charge actual mailing costs, a body may not charge for copying meeting agendas and related materials that are twenty or fewer pages per document. A fee of one cent per page may be charged for a copy of agendas and related materials that contain more than twenty pages per document. (Ord., §§ 25-2.206 (d); 25-4.610.)

N. Closed Sessions. There are a number of express grounds (to receive legal advice concerning threatened or pending litigation, etc.) authorizing adjournment of a County body from a public meeting to a closed session. However, this office envisions only the rarest of situations arising in which the public bodies that it advises other than the Board of Supervisors or legislative special district bodies would be permitted to go into closed session. For this reason, we suggest that if the County body feels a closed session may be justified the body should authorize its chairperson or staff to contact this office to discuss whether a closed session is appropriate, how it should be noticed, and how action taken should be reported out.

1. Agenda Notice Requirements. Regular meeting agendas and special meeting notices must include a brief, general description of the matters to be discussed in closed session. (Gov. Code, §§ 54954.2, 54956.) The Brown Act provides agenda descriptions for each of the various closed session topics. While the Act does not require use of these descriptions, their use provides a “safe harbor” against challenges to the adequacy of the notice. (Gov. Code, § 54954.5.)

2. Announcing and Reporting Out. Before conducting a closed session, the body must announce in open session the items to be discussed. Disclosure may be made by reference to the agenda item number or letter. (Gov. Code, § 54957.7(a).) After completing closed session, the public body must reconvene in open session and make a public report of certain specified actions. The content of the report depends upon the nature of the closed session. Generally, in addition to other matters, where action is taken the County body must report out the vote or abstention of every member present. (Gov. Code, §§ 54957.1.)

3. Closed Session Prohibited for Temporary Bodies. A County body subject to the Better Government Ordinance, but not otherwise subject to the Brown Act, (i.e., a temporary ad hoc committee composed solely of members of the county body) may not hold a closed session. It must conduct all meetings in open session. (Ord., § 25-2.205 (a).)

O. Procedure to Void Actions Taken in Violation of the Brown Act's Requirements. The Brown Act sets forth a procedure for invalidating actions of a covered public body taken in violation of that Act. (Gov. Code, § 54960.1.) The procedure provides that before any interested person may initiate legal action to obtain a judicial determination of whether the public body has violated the Act and that any action taken is null and void, the person must make a written demand on the public body to cure the alleged defect. If your body received such a demand, it



immediately should be brought to the attention of the County Counsel's Office.

Should the interested party file and succeed in litigation, the court can award costs and reasonable attorneys fees against the County body. (Gov. Code, § 54960.5.)

P. Criminal Penalty for Unlawful Meeting. Each member of a body who attends a meeting of that body where action is taken in violation of any provision of the Brown Act, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under the Brown Act, is guilty of a misdemeanor. (Gov. Code, § 54959.)

Conclusion. As can be seen from the foregoing, it is very important that your County body properly prepare agendas and provide required notice of its meetings. If these procedural matters are not done correctly, interested parties may use legal process to void actions taken at an improperly noticed meeting. If your body has any particular questions concerning these requirements, please have your chairperson or administrative staff contact this office for clarification.

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices  
County Administrator  
Clerk of the Board  
Thomas Kensok, Senior Deputy District Attorney  
County Department Heads

*Office of the County Counsel*  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

*Date:* February 21, 2012  
*To:* County Boards, Commissions, and Committees  
*From:* Sharon L. Anderson, County Counsel  
By: Mary Ann McNett Mason, Assistant County Counsel *M. A. M.*  
*Re:* Internet and Physical Agenda Posting Required for Certain Bodies

---

For your information, we summarize a recent amendment to the Ralph M. Brown Act, the open meeting law.

#### **PHYSICAL AND INTERNET AGENDA POSTING REQUIRED**

Effective January 1, 2012, State law requires that certain public bodies post regular and special meeting agendas on their websites. **This is not a substitute for physically posting the agenda. Agendas must be posted both on the website and on the building.** (Gov. Code, §§ 54954.2, 54956.) County bodies must post regular meeting agendas at least 96 hours before the regular meeting and must post special meeting agendas at least 24 hours before the special meeting. The same time limits apply to both physical and internet posting.

This new internet posting requirement applies to governing bodies of local agencies such as the Board of Supervisors or a joint powers agency governing board. Additionally, the new requirement applies to statutory bodies such as the County Planning Commission and Municipal Advisory Councils, and to certain bodies whose membership is compensated for service *and* includes a Supervisor or other member of a statutory body, such as the Internal Operations Committee. (Gov. Code, §§ 54951, 54954.2 (d), 54956 (c).) A comprehensive list of County bodies subject to the new internet posting requirement is attached. (See list, **Bodies That Must Post Agendas Physically and on Website.**)

If a listed body does *not* have its own website, it must arrange to have its agenda posted on the County's website 96 hours before regular meetings and 24 hours before special meetings. A body without a website must deliver a hard copy of its agenda to the Clerk of the Board, attention Arsenio Escadero, Senior Management Analyst, **at least one full business day** before the required posting deadline. Bodies that have websites should forward links for their websites to the Clerk of the Board who will create a master index of such websites on the County's website.

#### **NO POSTING, NO MEETING**

If a body on the attached list fails to timely post its agenda physically in a location

that is freely accessible to the public *and* on its website (or the County's website,) the body may not hold its meeting. (Gov. Code, §§ 54954.2 , 54956 .)

H:\BRNACT2-12update.wpd

MAM/am

attachment

cc: Members, Board of Supervisors

County Administrator

Attn: Terry Speiker, Chief Assistant County Administrator

Attn: Lara Delaney, Senior Management Analyst

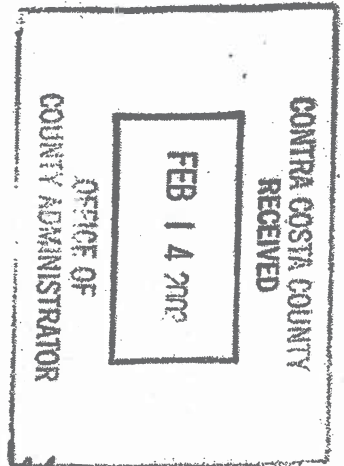
Department Heads and Fire Chiefs

Executive Director, Housing Authority

Office of the County Counsel  
651 Pine Street, 9th Floor  
Martinez, CA 94553

Contra Costa County  
Phone: (925) 335-1800  
Fax: (925) 646-1078

**IMPORTANT  
New Brown Act  
Agenda Requirement**



**Date:** February 13, 2003

**To:** County Boards, Commissions and Committees and their  
Administrative Officers and Secretaries

**From:** Silvano B. Marchesi, County Counsel  
By: Mary Ann McNett Mason, Deputy County Counsel

*M.A.M.*

**Re:** Brown Act Requirements for Assistance for Persons with Disabilities

---

Effective January 1, 2003, the Brown Act contains requirements designed to ensure that public bodies foster participation by persons with disabilities. (Gov. Code, §§ 54954.1; 54954.2 (a); 54957.5 (b).)

*I. New Agenda Requirement*

The Brown Act now requires that every advisory body meeting agenda include information regarding how, to who, and when a request for disability-related modification or accommodation, including auxiliary aides or services, may be made by a person with disabilities. (Gov. Code, § 54954.2 (a).) To ensure that your advisory body meets this requirement, you should include the following statement *on the front page* of your agenda:

**"The (insert name of advisory body, or subcommittee of advisory body) will provide reasonable accommodations for persons with disabilities planning to attend (insert name of advisory body or subcommittee) meetings who contact (insert name of chair or, if committee has staff, name of staff to committee) at least 24 hours before the meeting, at (insert telephone number for chair or staff person named above.)"**

Be sure to include this statement on every meeting agenda, whether the agenda is for a meeting of the advisory body itself, or for a meeting of one of the body's subcommittees. To ensure that the statement is visible, you may want to print it in bold or italic type, or you may want to enlarge the type.

*2. Provision of Documents for Persons With Disabilities on Request*

The Brown Act now requires that, *upon request*, agendas, agenda packets, and other writings distributed to your advisory body be made available in appropriate alternative formats to persons with disabilities as required by the federal Americans with Disabilities Act. (Gov. Code, §§ 54954.1, 54954.2 (a), 54957.5 (b).) For example, a person with a vision problem may contact you and ask for an enlarged copy of the agenda packet. Please note that when responding to such a request, your advisory body may not charge a person with a disability any more than it would charge any other person for providing copies of the documents requested. (Gov. Code, § 54957.5 (c).)

A requestor may make a standing request that the agenda and agenda packets always be made available in an appropriate alternative format. Such request will be good for the entire calendar year in which it is made. (Gov. Code, § 54954.1.)

Please note that an advisory body is only required to provide a document in an appropriate alternative format when there is a request for such modification. Advisory bodies are not required to provide documents in alternative formats in the absence of a request.

*3. What To Do if You Receive a Request for Either a Meeting Access Accommodation or a Document in an Alternative Format*

If you are an advisory body chair, or staff to an advisory body, and you receive a request for an accommodation to attend a meeting, i.e., for an assistive listening device, a sign language assistant, or wheelchair access, or you receive a request for a document in an alternative format, i.e., large print or braille, you should do the following:

A. Do not ask the requestor about the nature of their disability. Inquire only about the nature of the accommodation needed.

B. Do not ask the requestor to put the request in writing. An oral request is sufficient. Make sure you understand the request.

C. For every request, complete the attached "Disability Access Request Form." Be sure to get a telephone number where you can contact the requestor. Tell the requestor that you will respond as soon as possible.

D. Immediately call Gina Martin, Chief Clerk, Clerk of the Board at 925-335-1900. Tell her about the access request, and fax a copy of the completed Disability Access Request Form to her at 925-335-1913. Ms. Martin has sources for provision of accommodations and will assist you in identifying an appropriate source for the accommodation.

E. Before the meeting, inform the requestor of the outcome of the request, i.e., that the advisory body will provide the requestor an audio tape of the agenda contents.

F. Complete the "outcome" section of the Disability Access Request Form.

*4. What To Do if You Receive a Complaint about Your Response to a Request from a Person with a Disability*

If you receive a complaint about your response to a request to assist a person with disabilities, immediately refer the matter to the Assistant Risk Manager/Liability, Sharon Hymes-Offord, at 925-335-1442 or to the County's Risk Manager, Ron Harvey, at 925-335-1443.

MAM/am

attachment

cc: Members, Board of Supervisors, District Offices  
County Department Heads ✓  
Clerk of the Board  
Attn: Gina Martin, Chief Clerk,  
Ron Harvey, Risk Manager  
Jim Sepulveda, Senior Deputy District Attorney  
Emma Kuevor, Affirmative Action Officer  
Susan Skamser, ADA Coordinator

**DISABILITY ACCESS REQUEST FORM**  
**INTAKE FORM**

1. **DATE OF MEETING(S)** If more than one meeting or reoccurring meeting, please list specifics as to dates:  
\_\_\_\_\_
2. **NAME OF MEETING, EVENT AND/OR COMMITTEE** (include County department) \_\_\_\_\_
3. **CONTACT PERSON** \_\_\_\_\_
4. **TELEPHONE NUMBER OF CONTACT PERSON** \_\_\_\_\_
5. **LOCATION OF EVENT** (include room number or location) \_\_\_\_\_  
\_\_\_\_\_

**ACCESS REQUEST**

1. **Who made the request for access?** \_\_\_\_\_  
Contact phone number and/or address \_\_\_\_\_
2. **What access accommodation was requested?** \_\_\_\_\_
3. **Did the requestor identify a disability?** \_\_\_\_\_
4. **What date was the request received and by what means (phone call, letter, etc.)?** \_\_\_\_\_

**OUTCOME**

1. **REQUEST GRANTED** \_\_\_\_\_ Describe access accommodation \_\_\_\_\_  
Were any problems encountered? \_\_\_\_\_  
Were accommodations successful? \_\_\_\_\_  
Were there any comments/complaints from the person receiving the accommodation? \_\_\_\_\_
2. **Was request for access denied?** \_\_\_\_\_  
Describe reason for denial or alternative offered \_\_\_\_\_
3. **Comments/complaints from person requesting access?** \_\_\_\_\_
4. **Suggestions for future accommodations** \_\_\_\_\_

# BETTER GOVERNMENT ORDINANCE

Contra Costa County, California, Ordinance Code >> Title 2 - ADMINISTRATION >> Division 25 - BETTER GOVERNMENT ORDINANCE >> Chapter 25-2 - MEETINGS >>

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## Chapter 25-2 - MEETINGS

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### Sections:

#### Article 25-2.2. General

25-2.202 - Application to policy bodies—Definitions.

25-2.204 - Meetings to be open and public.

25-2.205 - Expansion of open meeting requirements.

25-2.206 - Agendas and related materials—Public records.

25-2.402 - Closed sessions—Pending litigation.

25-2.404 - Closed sessions—Employee salaries and benefits.

25-2.406 - Report of closed session actions.

25-2.602 - Barriers to attendance prohibited.

25-2.604 - Public testimony at regular and certain special meetings.

25-2.606 - Public comment by members of policy bodies.

#### 25-2.202 - Application to policy bodies—Definitions.

- (a) For the purposes of this division a "policy body" means the board of supervisors, or any permanent or temporary board, committee or commission under the authority of the board of supervisors. Policy bodies do not include committees entirely made up of county staff.
- (b) A "delegated body" is any private entity which receives a grant of governmental authority, financial support or property, pursuant to action by the board of supervisors; and is governed by a multi-member body, which includes one or more members of a policy body.
- (c) "County" includes the county of Contra Costa and all special districts, agencies and authorities of which the board of supervisors is the governing body.
- (d) "Permanent advisory committee" means a permanent committee created by the county administrator, or a department head to advise the county administrator or a department head. "Permanent advisory committee" does not include a committee made up entirely of county staff.

(Ord. 95-6).

#### 25-2.204 - Meetings to be open and public.

- (a) All meetings of any policy body which is not currently governed by the provisions of the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall be held in accordance with Section 25-2.205 of this division.
- (b) The governing body of a "delegated body" shall conduct its meetings pursuant to Section 25-2.205 of this division when it deliberates either the expenditure of funds received from the county or any use of governmental authority delegated by the county.
- (c) To the extent not inconsistent with state or federal law, any contract between the county and a private entity that owns, operates or manages any real property in which the county has a legal interest, including a mortgage, and on which the entity performs a government function related to the furtherance of health, safety or welfare, shall include a requirement that any meeting of the governing board of the entity to address any matter relating to the property, or its



government related activities on the property, be conducted as provided by Section 25-2.205, except that closed sessions may be conducted as provided for by Article 25-2.4.

- (d) The following are considered to be passive access gatherings which the public shall be permitted to attend:
  - (1) Meetings of permanent advisory committees;
  - (2) Social, recreational or ceremonial occasions sponsored by or for the policy body, to which a majority of the body has been invited.
- (e) Such "passive access" gatherings shall be accessible upon inquiry or request to the extent possible consistent with the facilities and the purpose of the gathering. Such gatherings need not be noticed formally, conducted in any particular space open to spectators or provide for comment by spectators.
- (f) Such passive access gatherings may exclude the public if their purpose is to discuss information which is privileged by a specific state or federal statute.

(Ord. 95-6).

### **25-2.205 - Expansion of open meeting requirements.**

- (a) Policy bodies of the county which would not otherwise be subject to the Ralph M. Brown Act (Gov. Code Section 54950 et seq.) shall hold all meetings in open session. No closed sessions shall be allowed.
- (b) No issues which are not included in the agenda may be acted upon or deliberated by the policy body. No urgency items may be added to the agenda.
- (c) Public comment must be allowed on each agenda item and during a general comment period.
- (d) Records or recordings of the meetings must be kept in a manner which accurately reflects the agenda and decisions made at the meeting. These records do not necessarily need to be verbatim records.

(Ord. 95-6).

### **25-2.206 - Agendas and related materials—Public records.**

- (a) Staff material, consisting of agendas of policy body meetings, staff reports and other material prepared or forwarded by staff which provide background information and recommendations regarding agenda items, when distributed to all or to a majority of the members of a policy body in connection with a matter subject to discussion or consideration at a public meeting shall be made available to the public. All such staff material must be distributed to the policy body and be made available to the public ninety-six hours before a scheduled meeting or twenty-four hours prior to a meeting when the agenda item has been added to the agenda at a previous meeting of the policy body not more than seven days prior to the scheduled meeting. However, the policy body may, by a three-fourths vote, waive these time limits when, in its judgment, it is essential to do so, providing that the county administrator, appropriate department head or staff member furnishes to the board of supervisors or other policy body a written explanation as to why the material could not be provided to the board or other policy body and the general public within the above time limits.
- (b) Records which are not exempt from disclosure and intended for distribution to the policy body shall be made available for public inspection and copying upon request whether or not actually distributed to or received by the body at the time of the request.
- (c) Records which are releasable and which are distributed during a public meeting but prior to commencement of their discussion shall be made available for public inspection prior to and during, their discussion.
- (d) A policy body of the county may charge a duplication fee in accordance with Section 25-4.610, for a copy of a public record prepared for consideration at a public meeting. Neither this section

nor the California Public Records Act (Gov. Code § 6250 et seq.) shall be construed to limit or delay the public's right to inspect any record required to be disclosed by this section, whether or not distributed to a policy body.

(Ord. 95-6).

#### **Article 25-2.4. Closed Sessions**

##### **25-2.402 - Closed sessions—Pending litigation.**

- (a) A policy body covered by the Ralph M. Brown Act, based on advice of its legal counsel, may hold a closed session to confer with, or receive advice from, its legal counsel regarding pending litigation when discussion in open session concerning those matters would prejudice the position of the county in that litigation.
- (b) Litigation shall be considered pending when any of the following circumstances exist:
  - (1) An adjudicatory proceeding before a court, administrative body exercising its adjudicatory authority, hearing officer, or arbitrator, to which the county, an officer or employee of the county, or an agency of the county is a party, has been initiated formally;
  - (2) A point has been reached where, in the opinion of the policy body on the advice of its legal counsel, based on existing facts and circumstances, there is a significant exposure to litigation against the county, or the policy body is meeting only to decide whether a closed session is authorized pursuant to that advice;
  - (3) Based on existing facts and circumstances, the policy body has decided to initiate or is deciding whether to initiate litigation.
- (c) Legal advice as to the potential risk of litigation of actions not yet taken, if provided by counsel at a meeting of a policy body, is to be conveyed openly as a matter of public record.
- (d) A closed session may not be held under this section to consider the qualifications or engagement of an independent contract attorney or law firm, for litigation services or otherwise.
- (e) Prior to holding a closed session pursuant to this section, the policy body shall disclose the justification for its closure either by entries in the appropriate categories on the agenda or, in the case of an item added to the agenda based on a finding of necessity and urgency, by an oral announcement specifying the same information.

(Ord. 95-6).

##### **25-2.404 - Closed sessions—Employee salaries and benefits.**

- (a) A policy body with authority concerning employee compensation and benefits may hold closed sessions with the county's designated representatives regarding the salaries, salary schedules or compensation paid in the form of fringe benefits to its represented and unrepresented employees. A policy body shall not discuss or negotiate compensation or other contractual matters in closed session with one or more employees directly interested in the outcome of the negotiations except as follows. The board of supervisors may, in closed session, discuss and provide direction to the county administrator or other negotiators representing the county regarding the salary and benefits of unrepresented management employees. The salary and benefits of members of the board of supervisors, the county administrator and department heads will be discussed and acted on separately by the board of supervisors in open session.
- (b) In addition to the closed sessions authorized by subdivision (a), a policy body subject to Government Code Section 3501 may hold closed sessions with its designated representatives on mandatory subjects within the scope of representation of its represented employees, as determined pursuant to Government Code Section 3504.
- (c) Closed sessions shall be for the purpose of reviewing the county's position and instructing its designated representatives and may take place only prior to and during consultations and

discussions between the county's designated representatives and the representatives of employee organizations or the unrepresented employees.

(Ord. 95-6).

#### **25-2.406 - Report of closed session actions.**

- (a) After every closed session, a policy body may in its discretion and in the public interest, disclose to the public any portion of its discussion the disclosure of which is not prohibited by federal or state law. The body shall, by motion and vote in open session, elect either to disclose no information or to disclose the information which a majority deems to be in the public interest. The disclosure shall be made through the presiding officer of the body or such other person, present in the closed session, whom he or she designates to convey the information.
- (b) A policy body shall publicly report any final action taken in closed session and the vote or abstention of every member present thereon, as follows:
  - (1) **Real Property Negotiations.** Direction or approval given to the policy body's negotiator concerning real estate negotiations pursuant to Government Code Section 54956.8 shall be reported as soon as the agreement is final. If its own approval renders the agreement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with the other party to the negotiations, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the other party or its agent has informed the county of its approval.
  - (2) **Litigation.** Direction or approval given to the policy body's legal counsel to prosecute, defend or seek or refrain from seeking appellate review or relief, or to otherwise enter as a party, intervenor or amicus curiae in any form of litigation as the result of a consultation under Government Code Section 54956.9 shall be reported in open session as soon as given, or at the first meeting after the adverse parties have been served if, in the opinion of legal counsel, earlier disclosure would jeopardize the county's ability to effectuate service of process or to conclude existing settlement negotiations to its advantage, in a manner that identifies the adverse party or parties, any co-parties with the county, and the substance of the litigation, including the circumstances leading to the dispute.
  - (3) **Settlement.** Approval given to the policy body's legal counsel of a settlement of pending litigation as defined in Government Code Section 54956.9, at any stage prior to or during a judicial or quasi-judicial proceeding, shall be reported as soon as the settlement is final. If its own approval renders the settlement final, the policy body shall report that approval, the substance of the agreement and the vote thereon in open session immediately. If final approval rests with some other party to the litigation, the county shall disclose the fact of that approval, the substance of the agreement and the policy body's vote or votes thereon upon inquiry by any person, as soon as the settlement is final. The county shall neither solicit nor agree to any term in a final settlement which would preclude the release of the text and terms of the settlement itself and any related documentation communicated to or received from the adverse party or parties, or any other materials not originally constituting a confidential communication between the county and its counsel. The county shall oppose any request for confidentiality to which it is proposed the county would be a party.
  - (4) **Claim Payments.** Disposition reached as to claims discussed in closed session pursuant to Government Code Section 54956.95 shall be reported as soon as agreed upon by the claimant, in a manner that discloses the name of the claimant, the substance of the claim, and any monetary amount approved for payment.
  - (5) **Employee Actions.** Action taken by a policy body to appoint, employ, dismiss, transfer, accept the resignation of or otherwise modify the terms or duration of the employment

contract of a public employee in closed session pursuant to Government Code Section 54957, shall be reported immediately in a manner that names the employee and position affected and specifies any change in compensation, job description, assignment or other contract particulars and, in the case of dismissal for a violation of law or of the policy of the county, the reason for dismissal. "Dismissal" within the meaning of this division includes any termination of employment at the will of the employer rather than of the employee, however characterized, including a resignation tendered as an alternative to involuntary termination. The proposed terms of any separation agreement shall be disclosed, along with its final terms, immediately upon final approval by the policy body. Provided, that the report of a dismissal or the nonrenewal of an employment contract shall be deferred until the first public meeting following the exhaustion of administrative remedies, if any.

- (6) Collective Bargaining. Approval of a final agreement concluding labor negotiations pursuant to Government Code Section 54957.6 shall be reported as soon as it has been approved and ratified by all parties in a manner that describes the item approved, and identifies the other party or parties to negotiation. Such disclosure shall include all formal offers and counteroffer made over the term of the negotiations.
- (c) Reports required to be made immediately may be made orally or in writing, but shall be supported by copies of any contracts, settlement agreements, or other affected documents that were finally approved or adopted by both sides after action in the closed session. These documents shall be provided to any person who requested such copies in a written request submitted within twenty-four hours of the posting of the agenda, or who has made a standing request for all such documentation as part of a request for notice of meetings pursuant to Government Code Sections 54944.1 or 54946.

(Ord. 95-6).

#### **Article 25-2.6. Public Participation**

##### **25-2.602 - Barriers to attendance prohibited.**

No policy body shall conduct any meeting, conference or other function in any facility that excludes persons on the basis of actual or presumed class identity or characteristics, or which is inaccessible to persons with physical disabilities, or where members of the public may not be present without making a payment or purchase. Whenever the number of spectators at a meeting of the board of supervisors, or a permanent board or commission, or a permanent sub-quorum committee of the board of supervisors, exceeds the legal capacity of the meeting room, any public address system used to amplify sound in the meeting room shall be extended by supplementary speakers to permit the overflow audience to listen to the proceedings in an adjacent room or passageway. If there be no public address system, or if supplementary speakers are not available at the time, the meeting shall be adjourned to a facility with capacity to accommodate all citizens present and wishing to attend.

(Ord. 95-6).

##### **25-2.604 - Public testimony at regular and certain special meetings.**

A policy body shall not abridge or prohibit public criticism of the policies, procedures, programs or services of the county, or of any other aspect of its proposals or activities, or of the acts or omissions of the policy body, on any basis other than reasonable and uniformly applied time constraints provided in previously adopted rules.

(Ord. 95-6).

##### **25-2.606 - Public comment by members of policy bodies.**

Every member of a policy body retains the full constitutional rights of a citizen to comment publicly on the wisdom or propriety of government actions, including those of the policy body of which he or she is a member. This county shall not sanction, reprove or deprive members of their rights as elected or appointed officials for expressing their judgments or opinions, including those which deal with the perceived inconsistency of nonpublic discussions, communications or actions with the requirements of state or federal law or of this division. The release of factual information made confidential by state or federal law including, but not limited to, the privilege for confidential attorney-client communications, may be the basis for a request for injunctive relief, a complaint to the grand jury seeking an accusation of misconduct, or both.

*(Ord. 95-6).*





**Contra  
Costa  
County**

To: Board of Supervisors  
From: David Twa, County Administrator  
Date: December 18, 2018

Subject: Ad Hoc Committee on Board of Supervisors Compensation

---

**RECOMMENDATION(S):**

DIRECT the County Administrator to appoint an Ad Hoc Committee to review and make recommendations for any increased compensation for 2019 and subsequent years for the Board of Supervisors and report back within 90 days.

**FISCAL IMPACT:**

None.

**BACKGROUND:**

In 2015, the Board of Supervisors appointed an Ad Hoc Committee to review the Supervisors compensation. That Committee consisted of 5 individuals representing labor, business, a past member of the Contra Costa County Civil Grand Jury, and community leaders. A copy of the Committee's Final Report and Recommendations is attached.

On July 7, 2015 the Committee recommended that the Board adjust their base salary by 12% spread over 3 years starting January 1, 2016, with the last increase of 3.855% occurring on January 1, 2018. The Committee also recommended that the Board establish an ongoing review committee, composed of impartial citizens, to review future compensation

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APPROVE
  OTHER  
 RECOMMENDATION OF CNTY ADMINISTRATOR
  RECOMMENDATION OF BOARD COMMITTEE

---

Action of Board On: **12/18/2018**  APPROVED AS RECOMMENDED  OTHER

Clerks Notes:

**VOTE OF SUPERVISORS**

AYE: John Gioia, District I Supervisor  
 Candace Andersen, District II Supervisor  
 Diane Burgis, District III Supervisor  
 Karen Mitchoff, District IV Supervisor  
 Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: December 18, 2018

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: Stephanie Mello, Deputy

Contact: Laura Strobel (925)  
335-1091

cc:

adjustments.



**BACKGROUND: (CONT'D)**

> The Board accepted the recommendations on their salaries, but took no action at that time to establish a committee to review future compensation adjustments. Since the date of the committee report, the County has settled a number of labor contracts regarding wages and benefits for County employees.

It is the recommendation of the County Administrator that the Board of Supervisors consider appointing a new Ad Hoc Committee, composed of impartial citizens representing business, labor, and the general public. To that end, the business community will be represented by the East Bay Leadership Council (EBLC) and asked to select two members; the labor community will be asked to select two members, one from the Contra Costa Building Trades Council and one from the Contra Costa Central Labor Council; and a member at large will be selected from applications received via a public solicitation process.

To provide a reference point, below is the salary information from the 11 Counties that have been referenced in prior years when looking at salaries for the Board of Supervisors and for Elected Department Heads. The information is also shown in Table 1 sorted by Population and Table 2 sorted by Salary. Finally, Table 3 shows those Counties that use a percentage of the Judges' salaries as compensation for Supervisors.

**TABLE 1:**

<b>COUNTY BOARD OF SUPERVISORS MEMBER</b>		
<b>Sorted by Population</b>		
<b>Counties</b>	<b>County Population</b>	<b>Annual Salary</b>
SANTA CLARA	1,938,180	\$165,939
ALAMEDA	1,645,359	\$165,939
SACRAMENTO	1,514,770	\$114,083
CONTRA COSTA	1,139,513	\$116,841
SAN FRANCISCO	874,228	\$125,132
SAN MATEO	770,203	\$140,587
SONOMA	505,120	\$155,568
SOLANO	436,023	\$109,935
SANTA CRUZ	276,603	\$126,000
MARIN	263,604	\$124,454
NAPA	142,408	\$97,676

TABLE 2:

<b>COUNTY BOARD OF SUPERVISORS MEMBER</b>		
<b>Sorted by Salary</b>		
<b>Counties</b>	<b>County Population</b>	<b>Annual Salary</b>
ALAMEDA	1,645,359	\$165,939
SANTA CLARA	1,938,180	\$165,939
SONOMA	505,120	\$155,568
SAN MATEO	770,203	\$140,587
SANTA CRUZ	276,603	\$126,000
SAN FRANCISCO	874,228	\$125,132
MARIN	263,604	\$124,454
CONTRA COSTA	1,139,513	\$116,841
SACRAMENTO	1,514,770	\$114,083
SOLANO	436,023	\$109,935
NAPA	142,408	\$97,676

TABLE 3:

<b>COUNTY BOARD OF SUPERVISORS MEMBER</b>	
<b>Counties using percentage of Judges' salaries for Supervisors<sup>1</sup></b>	
<b>Counties</b>	<b>Calculation</b>
ALAMEDA	80% of Superior Court Judge's Salary
SANTA CLARA	80% of Superior Court Judge's Salary
SONOMA	75% of Judicial salaries
MARIN	60% of Superior Court Judge's Salary + CPI COLA
SACRAMENTO	55% of Superior Court Judge's Salary
SOLANO	53% of Superior Court Judge's Salary
NAPA	47.09% of Superior Court Judget's Salary
<sup>1</sup> Results of 2017 CSAC Survey	

## ATTACHMENTS

2015 Final Report & Recommendations



# Contra Costa County Board of Supervisors

## Subcommittee Report

### AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION

**Meeting Date:** 02/05/2019  
**Subject:** Final Report of July 7, 2016 on Board of Supervisors  
Compensation  
**Submitted For:** Ad Hoc Committee On BOS Compensation,  
**Department:** County Administrator  
**Referral No.:** 12/18/18 C.93  
**Referral Name:** Ad Hoc Committee on Board of Supervisors Compensation  
**Presenter:** David Twa **Contact:** David Twa (925)  
335-1080

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#### **Referral History:**

In 2015, the Board of Supervisors appointed an Ad Hoc Committee to review the Board of Supervisors compensation. The Committee consisted of 5 individuals representing labor, business, a past member of the Contra Costa County Civil Grand Jury, and community leaders. A copy of the Committee's Final Report and Recommendations is attached.

#### **Referral Update:**

#### **Recommendation(s)/Next Step(s):**

REVIEW the Final Report of July 7, 2015 on Board of Supervisors Compensation.

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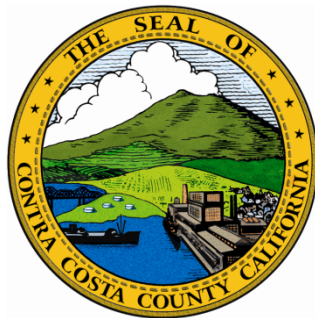
#### **Attachments**

7/7/15 Final Report on Board of Supervisors Compensation

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# Final Report and Recommendations

## Contra Costa County Board of Supervisors Compensation



Prepared by the  
Ad Hoc Committee on Board of Supervisors Compensation

Rick Wise, East Bay Leadership Council, *Chair*

Margaret Eychner, Contra Costa Taxpayers' Association, *Vice Chair*

Michael Moore, Member, Contra Costa County Civil Grand Jury, *Secretary*

Margaret Hanlon-Gradie, Central Labor Council of Contra Costa County, AFL-CIO

Stuart McCullough, Contra Costa Human Services Alliance

Facilitator: Stephen L. Weir, Contra Costa County Administrator's Office

July 7, 2015

**EXECUTIVE SUMMARY OF THE REPORT OF THE  
AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION**

**RECOMMENDATIONS**

- 1) Adjust the Board of Supervisors base salary by 12% spread over three years. Make no other salary adjustment until July 1, 2018 except taking any proportional reduction by ordinance to correspond to any general county employee salary and/or benefit reduction.
- 2) Eliminate intra-County mileage reimbursement for Board members, making the auto benefit “\$600/mo. plus out-of-County mileage reimbursement” only.
- 3) Establish an ongoing Board of Supervisors compensation review committee, composed of impartial citizens, to review future compensation adjustments. This Committee should adopt a peer county review methodology that includes quantifying total compensation and factoring in geographic cost of living differentials. The Board should consider using this methodology in reviewing elected department head salaries.

**FISCAL IMPACT**

100% County General Fund. The recommended increase to base salary would result in a total increased payroll cost of approximately \$91,540, \$22,560 of which is the County contribution to retirement cost. The average annual incremental cost of the proposal is approximately \$30,500 through 2018.

**EXECUTIVE SUMMARY**

The Committee's analysis has taken into consideration that some counties are more or less generous with benefits than Contra Cost County. Therefore, the Committee has worked to quantify and compare total annual compensation as opposed to limiting its review to just base salary data. In addition, we have worked to account for differences in cost of living between Contra Costa and its peer counties.

This Committee has met 9 times and has reviewed over 500 pages of documentation. Agendas, Record of Action notes, and background materials are all available publicly at:

[http://64.166.146.155/agenda\\_publish.cfm?mt=BOSCOMP](http://64.166.146.155/agenda_publish.cfm?mt=BOSCOMP)

Attachment “A” shows our calculation adjusting for differences in cost of living in the seven peer counties in terms of purchasing power in Contra Costa County.<sup>1</sup> Attachment “B” shows the Total Annual Compensation, as so adjusted, and ranked by both average and incremental percentiles for each of the seven peer counties.

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<sup>1</sup>*At the June 11, 2015 Committee Meeting, the Committee decided to exclude the City and County of San Francisco from the peer county review as it was deemed not to be comparable to other peer counties nor to Contra Costa County.*

Attachment "C" illustrates the implementation of the proposed salary in three annual increments, the incremental salary percentage against base salary, and how the cumulative increase impacts Annual Total Payroll costs. The Committee recommends that each adjustment to base salary take place on January 1 of 2016, 2017, 2018. Those adjustments are to be at rate of 3.855% each year, which equates to 12% over three years as a result of compounding.

The Committee would like to note that, prior to June 1, 2015, the Board had not had a raise since July, 2007 (see Attachment "D"). When taking the 7% salary increase that became effective June 1, 2015 into account, the recommended 12% increase, in effect, amounts to a 20% increase over five years from the 2007-2014 salary level of \$97,483.

#### BACKGROUND

At the Board's March 3, 2015 direction, the County Administrator invited the following organizations to nominate a member to the Ad Hoc Committee on Board of Supervisors Compensation: East Bay Leadership Council (Rick Wise, selected as Chair); Contra Costa Taxpayers' Association (Margaret Eychner, selected as Vice Chair); Contra Costa Civil Grand Jury Member (Michael Moore, selected as Secretary); Central Labor Council of Contra Costa County (Margaret Hanlon-Gradie); and Contra Costa Human Services Alliance (Stuart McCullough). This Committee met on April 9, April 16, April 23, May 7, May 12, May 28, June 11, June 18, and June 25, 2015.

A more detailed discussion on the progression towards the Committee's final recommendations is contained in the remainder of this report.

**DETAILED REPORT OF THE  
AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION**

This Commission was asked to (a) review the compensation of the Board of Supervisors; (b) recommend any adjustment to the compensation; (c) recommend a methodology and process by which any future increases would occur; and (d) prepare recommendations in time for consideration by the Board of Supervisors at its July 7, 2015 meeting.

If one looks only at base salary for members of the respective Boards of Supervisors in the nine Bay Area counties, the Contra Costa Board of Supervisors' salary appears to be well below average (See Attachment "E"). However, early on, this Committee concluded that such a review (whether comparing Bay Area salaries or those of the Urban Counties in the State) should be made on total compensation, not just on base salary data. Our review indicated that the benefits accruing to members of the Contra Costa County Board of Supervisors are more generous than those of many of the counties that were reviewed. While quantifying total compensation is not a precise science, we believed that looking at total compensation for comparable counties merited further investigation.

The Committee identified five guiding principles in our pursuit of a salary review:

- 1) The salary must be fair and equitable.
- 2) The salary should be high enough to attract good candidates and should not be a barrier to elected public service.
- 3) A process should be designed to de-politicize the practice of setting a salary for Board members.
- 4) The salary setting mechanism should be designed to "share the pain" when budget considerations require salary and/or benefit reductions for County employees.
- 5) Any major adjustment to salary should be phased in over time.

During our review of Board salaries, we noted that the 7% increase to the Board's salary effective June 1, 2015 was on top of a restoration in 2013 of a previous 2.75% voluntary reduction that had been taken by the Board (see Attachment "D"). While the 2.75% decrease was negotiated as a permanent reduction for employees, the Board matched the reduction by voluntarily waiving that portion of their salary effective October 1, 2011. The voluntary waiver by the Board ended on July 31, 2013, at which time the Board's salary effectively increased by 2.75%. The current effective increase of the 2.75% restoration plus the 7% increase amounts to 9.75%. We also noted that the Board voluntarily waived 2.31% between July 1, 2009 and June 30, 2011 to match temporary salary reductions taken by employees through Agreed-upon Temporary Absences (ATAs) during the same period.

Compensation Model

During our first two meetings, the Committee debated whether Board members should receive a salary with benefits like County employees or simply receive only a salary. In addition, the question arose as to whether the office of County Supervisor should be considered as a full- or part-time position. The

Committee also discussed the common practice of pegging the Board's salary to another position, like that of Superior Court Judge or County executive, an approach which we concluded did not make sense, as the jobs were not truly comparable.

We discussed the merits of having Board members receive a flat salary (no benefits). We did not find a model for compensating a Board member with a flat salary for comparison purposes. If a Board member is a County employee, (i.e. granted a salary with benefits), this places the Board member into a potential conflict of interest, since the Board would be giving themselves benefits for which they have bargained with employee labor groups. Conversely, it was argued that by having the same benefits as their employees, Board members would know how it feels to live within those benefits. Recognizing that the complex day-to-day operations of the County are vested with the County Administrator, the position of County Supervisor is, nonetheless, a complex and challenging job. The Committee, therefore, considers the position of elected office of County Supervisor to be a full-time job meriting both salary and benefits.

There was a general discussion about job performance. While the Committee acknowledged that special knowledge, some gained while serving, is required for Board Members, the consensus of the Committee was that its role was to determine a salary for the position and its job description, rather than to address job performance, which is determined by the election process.

#### Who Should Determine the Board's Compensation?

The Committee recommends that a salary commission be established to address future salary adjustments (up or down). We recommend that this Commission be selected from civic associations and composed of impartial citizens. While there are relatively few examples of salary commissions at the county level, we note that the City and County of San Francisco model addressed our five guiding principles including: setting a fair and equitable salary; addressing salary levels to attract good candidates; removing the salary setting process from the political agenda; providing that the Board "share the pain" during downturns in the County's budget; and allowing for incremental adjustments when warranted. The Committee favors having any downward adjustment in the Board's salary take place by ordinance rather than by voluntary waiver of salary.

Our investigation identified other salary commissions. Apart from the City and County of San Francisco (set by charter amendment November 5, 2002), we reviewed the California Citizens Compensation Commission (established by Proposition 112, June 1990 statewide ballot); and commission in Multnomah County, Oregon (established by Charter Amendment in 1984).

In the California examples, there were statutory provisions for giving the salary commission actual salary setting authority, something that apparently is not available in Contra Costa. The Contra Costa County Board of Supervisors could legislate that authority to an independent commission, but it cannot bind its successors to uphold that authority into perpetuity. Nevertheless, Committee members believe that the advantage of an impartial review of the Board's compensation would provide sufficient incentive to maintain the practice.

The two California salary commissions have granted pay increases and also, during hard times, pay decreases. Several counties, including those with salary commissions, include a Cost of Living



Adjustment (COLA) periodically. We recommend against establishing mid-salary review COLAs, as we are making a clear distinction between the role of the Board as legislators and policy-makers and the role of County employees, whose salaries are negotiated through collective bargaining. We believe that the three-year salary review cycle we are recommending for the Board will be sufficient to keep the Board's compensation current.

#### Elements of Compensation for Comparison

We began our research by agreeing that we would use the nine Bay Area counties as the basis for any comparison and that we would try to quantify total compensation for any such comparison. After reviewing population, budget, number of employees, and general complexity of service, such as having a county hospital, of the nine Bay Area counties, we decided to compare Contra Costa to only Alameda and San Mateo Counties<sup>1</sup> (see Attachment "F"). Over several meetings, staff worked to quantify total compensation for each of the three counties. It appeared to us that Contra Costa County is more generous with its benefits granted to Board Members than the other two counties, but the other two counties have significantly higher base salaries.

To estimate "Annual Compensation" for the purpose of our study, staff added to the "Annual Base Salary" the following other elements of compensation:

- County Health/Dental Contribution. In order to compare the same benefit across peer counties, the Committee used Kaiser Single Coverage plus Dental, which was a plan common to all of the peer counties.
- Auto allowance. This is an allowance per pay period in lieu of a County vehicle. In Contra Costa County, this also includes reimbursement for all business mileage.
- Other. This may include professional development allowance, flexible spending allocation, wellness allocation, cafeteria benefit supplement, and/or other cash allowance.

To determine "Total Compensation" for the purpose of our study, we added the following elements to Annual Compensation:

- County Pension Contribution Based on Normal Cost Only. The Committee determined that total County contribution to a Board member's pension was not a true measure of employee benefit because a county's contribution rate is heavily influenced by the general health of a county's retirement system. County retirement systems that have higher levels of unfunded accrued actuarial liabilities will necessarily have higher contribution rates. Higher contribution rates, however, do not necessarily translate to better employee retirement benefits.

To create a more valid comparison of the pension benefit, the Committee chose to use only a county's contribution to the Normal Basic rate plus COLA. In Contra Costa, that figure is 14.99% for County General Tier 3<sup>2</sup>. (Actual retirement contribution by the County is 36%<sup>3</sup>, which includes paying down unfunded liabilities.)

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<sup>1</sup> *The Committee later decided to expand the list of peer counties, which is discussed further on in this report.*

<sup>2</sup> *CCCERA Actuarial Valuation Report, December 31, 2013.*

<sup>3</sup> *CCCERA Contribution Rate Packet for FY 2015/16.*

- Pension Enhancement/Deferred Compensation. This is a county's contribution to a deferred compensation account in Contra Costa County and for most of the peer counties.

We also gathered data to compare other elements of compensation that did not lend themselves to being included in Total Compensation but are nonetheless significant elements. For example, we estimated what the annual retirement benefit would be for board members in each county based on their pension benefit formula at a retirement age of 55 with eight years of service (two elective terms of office) at Contra Costa's salary plus cash benefits. Contra Costa is right at the average for peer counties.

We excluded statutory benefits, e.g., unemployment insurance, workers compensation insurance, social security, and Medicare from Annual Compensation. (For actual total salary impact on the County Budget, see Attachment "B".)

At our second meeting, the Committee asked staff to quantify any additional income available to the Board to try to determine total compensation. Specifically, staff was asked to quantify stipends for the various boards and commissions assigned to Board members. California Form 806 (Agency Report of Public Official Appointments), which is to be filed yearly, showed the Board assignments and the yearly reimbursement if all meetings are attended. According to the latest filing for Contra Costa County (2-10-15), Board Members average a maximum yearly stipend of \$7,500 (See Attachment "G"). The following is the total available for each Board Member assuming they attend every meeting: Gioia, \$3,600; Andersen, \$7,800; Piepho, \$7,440; Mitchoff, \$9,300; and Glover, \$9,240. These assignments can rotate yearly.

A review of similar Form 806s for peer counties does not provide complete data. It is evident that urban counties are likely to have more boards and commissions than other peer counties. For example, in addition to many local boards and commissions, the Bay Area has several "regional" boards including ABAG (Association of Bay Area Counties); BAAQMD (Bay Area Air Quality Management District); BCDC (Bay Conservation and Development Commission); MTC (Metropolitan Transportation Commission); etc. The Committee considers the stipends for Board members to be significant. However, the Committee chose to exclude stipends from the compensation review because precise data was not readily available from the peer counties and also because the stipends per committee assignment appeared to be similar among the peer counties, irrespective of total compensation from stipends.

#### Adjusting Compensation for Geographic Differences in Cost of Living: Expanding the Peer County Base

The Committee also considered simpler salary setting methodologies such as taking the nine Bay Area counties, disregarding the lowest and highest salaries and setting the Board's salary at the average of the remaining salaries or, alternatively, summing the two highest and two lowest salaries and dividing by four. A quick calculation indicated that the current base salary for the Board was almost 16% below the average of the nine Bay Area counties. This begged the question before the Committee, how do we quantify total compensation for peer counties and what does it really mean in terms of this County's compensation?

At our third meeting, staff had found a similar salary review ad hoc committee effort that was just concluded in Santa Barbara County. This effort was directed by the County HR staff and included six

members of the public. That committee identified nine peer counties for review. After eliminating the highest and lowest salary counties, seven peer counties remained for comparison. That committee then factored in for the difference in the cost of living between Santa Barbara County and its seven peer counties using a Cost of Living Composite Index from Relocationessentials.com.

The Cost of Living Composite Index at RelocationEssentials.com represents the differences in the price of goods and services for the subject market(s). The Composite Index is made up of six universally accepted major categories. The six categories, shown with their percentage representation are: Food & Groceries (16%), Housing (28%), Utilities (8%), Transportation (10%), Health Care (5%), and Miscellaneous (33%).

To check the veracity of the data at RelocationEssentials.com, we compared the Median Household Income reported by RelocationEssentials.com with that of the U.S. Census for 2013 for the selected peer counties and found them to be consistent.

The Cost of Living Composite Index gave our Committee the tool to make meaningful compensation comparisons between Contra Costa County and "peer" counties both within and outside the Bay Area. Clearly, there is a significant difference in the cost of living between Contra Costa and San Mateo Counties, for example, even though both are Bay Area counties. After reviewing Santa Barbara County's methodology, we chose to expand our peer county base. Using the criteria of county population, unincorporated county population, and budget, and giving preference to the most comparable Bay Area counties, we selected the following counties as "peer counties": Alameda (4 criteria), San Mateo (4 criteria), Sacramento (2 criteria), Fresno (2 criteria), Kern (2 criteria), Ventura (2 criteria), Sonoma (2 criteria), and San Francisco (2 criteria). (See Attachment "H".) The Committee later decided to remove San Francisco County from the analysis because of its City/County governing structure and because it has 11 County Supervisors instead of 5.

Adjusting the Annual Compensation for the peer counties by the Cost of Living Composite Index, we arrived at the "Adjusted Annual Compensation" (See Attachment "A"), to which we added County contributions to post-employment benefits (pension and deferred compensation) to arrive at the Adjusted Total Compensation for each peer county. Using the Adjusted Total Compensation, we prepared scenarios that calculated average compensation, and compensation calculated at the 25th, 37.5th, 50th (median), and 75th percentiles. (See Attachment "B".)

#### Guiding Principles for the Committee's Analysis and Recommendations

By the fourth meeting (May 7, 2015), the Committee established the following points of consensus:

- 1) The job of County Supervisor should be compensated as a full time job.
- 2) The salary should not be tied to a judge or any position not related or comparable to a County Supervisor.
- 3) The salary should not be tied to another County job classification.
- 4) An independent commission should review the Board's salary at regular intervals.

- 5) The Board's salary should be based on the duties and responsibilities of the position rather than on performance of the official (performance to be decided by the electorate).
- 6) While salary is not the guiding factor for Supervisorial candidates, it should not be so low as to be a barrier to public service and should be high enough to attract good candidates.
- 7) The methodology for future salary setting should embody the leadership principles of sharing the pain during tough times.
- 8) The methodology for future salary setting should attempt to de-politicize the determination of Board compensation.
- 9) The following counties should be used for comparison, on the basis of general population, unincorporated area population, and budget: Alameda, San Mateo, Sacramento, Fresno, Kern, Ventura, Sonoma, and San Francisco. (San Francisco County was removed from our analysis at the June 11, 2015 meeting.)
- 10) Compensation for other counties should be corrected for geographical cost of living differences.
- 11) The following quantifiable elements of compensation should be compared: base salary, county normal basic contribution to pension, county contribution to health/dental coverage for a common plan, county contribution to a deferred compensation account or like benefit, auto allowance, any other cash benefit. The estimated annual pension benefit (e.g., at age 55 with 8 years of service), the retiree health benefit, and life insurance benefits will be excluded but may be considered on a qualitative basis.<sup>4</sup>
- 12) A commission should review the Board's salary every three years.
- 13) No automatic salary escalator, such as CPI or general employee wage increase, should be applied between BOS salary reviews.
- 14) The Committee should schedule its draft report and recommendations for discussion at a minimum of two committee meetings prior to finalizing them for Board consideration. Those meeting dates were later scheduled for June 11<sup>th</sup>, 18<sup>th</sup> and 25<sup>th</sup>.

At the Committee's fifth meeting (May 12, 2015), the Committee added:

- 15) The Board's total annual compensation should be paid at a percentile of market commensurate with County employees, provided there is meaningful data available for such a comparison.
- 16) The Board should receive only out-of-county mileage reimbursement in addition to the monthly auto allowance, and should not receive reimbursement for intra-County mileage.

The Committee, at its June 11th meeting, gave direction to staff to prepare a compensation and salary analysis at the 37.5% percentile of peer counties. This factor was arrived at based on advice that many

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<sup>4</sup> *Our Committee performed a comparison of retirement formulas and retiree health benefits on a qualitative basis.*

of Contra Costa County's employees are paid below the 50<sup>th</sup> percentile (median) of market salary. The County Administrator has estimated that most County employees are paid between 8% and 18% below the median base salary for public employees. The Committee also asked that staff prepare a schedule for the raise to take place in equal installments over three years: January 1, 2016; January 1, 2017; and January 1, 2018.

The analysis (Attachment "B") shows that the 37.5<sup>th</sup> percentile of total compensation (adjusted for cost of living differences between Contra Costa County and its peers), indicates a total compensation level of \$162,341. The salary that is derived from that total compensation level is \$116,840, which maintains the same level of health/dental, deferred compensation, auto allowance, and professional development benefits and also maintains the same ratio of County contribution to pension at 14.99% of salary. The recommended salary level of \$116,840 would place the Board at the 21<sup>st</sup> percentile for base salary, using peer county base salary figures that were likewise adjusted for differences in cost of living.

Attachment "B" also shows the total impact of the recommended salary of \$116,840 to the County payroll cost (the data most commonly reported on government compensation transparency websites). Once the salary increase is phased in at 12%, the average annual payroll cost per Board member is estimated to increase by \$18,308 (from \$185,994 to \$204,308). The total annual fiscal impact for all five Board members is \$91,540. During the three-year phase-in period, that average annual incremental cost would be approximately \$30,500 through 2018.

#### Recommendations

- 1) Adjust the Board of Supervisors base salary by 12% spread over three years. Make no other salary adjustment until July 1, 2018 except taking any proportional reduction by ordinance to correspond to any general county employee salary and/or benefit reduction.
- 2) Eliminate intra-County mileage reimbursement for Board members, making the auto benefit "\$600/mo. plus out-of-County mileage reimbursement".
- 3) Establish an ongoing salary review committee, composed of impartial citizens, to review future salary adjustments. This Committee should adopt a peer county review methodology that includes quantifying total compensation and factoring in geographic cost of living differentials. The Board should consider using this methodology in reviewing elected department head salaries.

**ATTACHMENT "A"**  
**CONTRA COSTA COUNTY COMPARISON OF TOTAL COMPENSATION TO PEER COUNTIES**

	<b>Alameda</b>	<b>Contra Costa</b>	<b>San Mateo</b>	<b>Sacramento</b>	<b>Fresno</b>	<b>Kern</b>	<b>Ventura</b>	<b>Sonoma</b>	<b>San Francisco</b>
<b>Adjusted Total Compensation</b>	<b>\$194,425</b>	<b>\$147,929</b>	<b>\$145,648</b>	<b>\$146,870</b>	<b>\$162,973</b>	<b>\$170,685</b>	<b>\$162,131</b>	<b>\$194,376</b>	<b>\$98,558</b>
<b>Retirement System Assumed Rate of Return:</b>	7.60%	7.25%	7.25%	7.88%	7.25%	7.50%	7.75%	7.50%	7.50%
<b>County Pension Contribution % of Normal Cost for Basic + COLA</b>	9.41%	14.99%	10.30%	12.43%	17.04%	6.41%	8.31%	12.32%	8.60%
<b>County Pension Contribution \$ Based on Normal Cost Only</b>	\$ 14,960	\$ 16,784	\$ 14,755	\$ 13,429	\$ 20,281	\$ 7,870	\$ 11,113	\$ 18,880	\$ 9,534
<b>Pension enhancement</b>	\$ 18,338	\$ 13,020	\$ -	\$ 1,015	\$ -	\$ 6,937	\$ 3,876	\$ 8,308	\$ -
<b>Adjusted Annual Compensation<sup>1</sup></b>	<b>\$161,128</b>	<b>\$118,125</b>	<b>\$130,893</b>	<b>\$132,425</b>	<b>\$142,691</b>	<b>\$155,877</b>	<b>\$147,142</b>	<b>\$167,188</b>	<b>\$89,025</b>
<b>COL Adjustment Factor<sup>2</sup></b>	<b>-3.15%</b>	<b>0.00%</b>	<b>-12.47%</b>	<b>12.26%</b>	<b>14.32%</b>	<b>21.55%</b>	<b>4.03%</b>	<b>5.00%</b>	<b>-24.72%</b>
<b>Total Est Annual Compensation</b>	\$ 166,369	\$ 118,125	\$ 149,538	\$ 117,959	\$ 124,820	\$ 128,242	\$ 141,443	\$ 159,228	\$ 118,263
<b>Annual Salary</b>	\$ 147,680	\$ 104,307	\$ 129,917	\$ 101,536	\$ 110,766	\$ 105,107	\$ 129,227	\$ 138,459	\$ 110,858
<b>County Health/Dental Contribution - Kaiser Single Coverage</b>	\$ 7,393	\$ 6,155	\$ 6,283	\$ 9,923	\$ 5,798	\$ 5,460	\$ 7,716	\$ 5,979	\$ 7,405
<b>Auto allowance</b>	\$ 8,296	\$ 7,200	\$ 13,338	\$ 6,500	\$ 6,156	\$ 7,164	\$ 4,500	\$ 8,340	\$ -
<b>Other</b>	\$ 3,000	\$ 463	\$ -	\$ -	\$ 2,100	\$ 10,511	\$ -	\$ 6,450	\$ -
<b>Annual Pension Benefit: Based on 8 years service @ Home County Salary (2 terms of office)</b>	\$ 17,627	\$ 16,689	\$ 20,246	\$ 15,823	\$ 17,723	\$ 8,325	\$ 15,404	\$ 27,692	\$ 13,303
<b>Annual Pension Benefit: Based on 8 years service @ Costa Costa Salary (2 terms of office)</b>	\$ 12,450	\$ 16,689	\$ 16,255	\$ 16,247	\$ 16,689	\$ 8,261	\$ 12,433	\$ 20,861	\$ 12,517
<b>Pension Formula &amp; Vesting</b>	Tier 2A is 1.492% @ 55; Tier 4 is 1.3% @ 55;	Tier 1 & 3 Enhanced is 2% @ 55	< 8/7/11 = 1.948% @ 55	1.947%@55; 5 years to vest	2% @ 55; 5 years to vest	0.99% @ 55 10 years and age 50 to vest	1.49% @ 55; 10 years and age 50 to vest	2.5% @ 55; 10 years and age 50 OR reach age 70	Misc Plan A8.587 1.5% @ 55; 5 years to vest

**ATTACHMENT "A"**

**UPDATED 6-16-15**

**CONTRA COSTA COUNTY COMPARISON OF TOTAL COMPENSATION TO PEER COUNTIES**

<b>Retiree Health</b>	County provides none. However, ACERA provides partial benefits with 10 years svc credit. 3,321-6264		SamCERA: Sick leave does not get added to retirement base. Instead, banked sick leave can be "spent" on retiree health premiums. 8 hours buys \$700.	\$650/annually while an active employee		Stipend of \$477/year for single coverage and \$738/year for family coverage.		County contributes to HRA only while an active employee. (No post retirement contribution) All Board members elected as of Jan. 1, 2009 receive \$2400 contribution to an HRA after 2 years of service. Then, \$110 per month contribution after that, as long as they remain in active status. No contribution once they retire or leave County service, but HRA is portable.	<del>Yes, active employees pay 2%, 5-20 years to vest.</del>
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<sup>1</sup>Excludes statutory benefits: FICA, worker's comp, unemployment insurance

<sup>2</sup>COL Adjustment/Factor is based on Cost of Living factors from [www.relocationessentials.com](http://www.relocationessentials.com) and reflect the increase/decrease in wages needed to support a comparable standard of living in Contra Costa County.

**ATTACHMENT "B"**  
**Board of Supervisors Salary Comparison**  
**Total Compensation of Peer Counties**  
**Cost of Living Adjustment Method 1**

<u>Agency</u>	<u>Partial Annual Compensation (Excluding Pension &amp; Def Comp)</u>	<u>CCC Partial Annual Compensation</u>	<u>Partial Annual Compensation COL Adjusted<sup>1</sup></u>	<u>Add Back Pension &amp; Def Comp</u>	<u>Total Compensation COL Adjusted<sup>1</sup></u>
		<u>Annual Compensation Equivalency COL Adjusted<sup>2</sup></u>			
Sonoma	159,228	112,501	167,188	27,188	194,376
Alameda	166,369	121,968	161,127	33,297	194,424
Ventura	141,443	113,550	147,141	14,989	162,130
Kern	128,242	97,183	155,876	14,807	170,683
Fresno	124,820	103,331	142,690	20,281	162,972
Sacramento	117,959	105,220	132,426	14,444	146,870
San Mateo	149,538	134,951	130,893	14,755	145,648
Average	141,086		148,192	19,966	168,158
25th Percentile	126,531		137,558	14,781	154,500
37.5th Percentile	131,542		143,803	14,853	<b>\$ 162,341</b>
50th Percentile	141,443		147,141	14,989	162,972
75th Percentile	154,383		158,501	23,735	182,530
<b>Contra Costa</b>	<b>118,125</b>		<b>118,125</b>	<b>29,804</b>	<b>147,929</b>
% from Average	-19%		-25%	33%	-14%
% from 25th Percentile	-7%		-16%	50%	-4%
% from 37.5th Percentile	-11%		-22%	50%	-10%
% from 50th Percentile	-20%		-25%	50%	-10%
% from 75th Percentile	-31%		-34%	20%	-23%

<sup>1</sup> Annual Compensation COL Adjusted is based on Cost of Living factors from [www.relocationessentials.com](http://www.relocationessentials.com) and reflects the compensation needed to support a comparable standard of living in Contra Costa County.

<sup>2</sup> CCC Annual Compensation Equivalency COL Adj is based on Cost of Living factors from [www.relocationessentials.com](http://www.relocationessentials.com) and reflects the compensation that would be required in that county to maintain the same lifestyle as in CCC at the \$147,929 total compensation level. Amount adjusted is \$118,125, which excludes pension and deferred compensation contributions.

<http://relocationessentials.com/aff/www/tools/salary/col.aspx>

Deriving the annual salary level from total compensation, using 37.5th percentile as selected by the Committee:

	<u>Current</u>	<u>COL Adjusted</u>		<u>VAR</u>
Total Est Annual Compensation*	\$ 147,929	<b>\$ 162,341</b>	\$ 14,412	9.7%
Annual Salary	\$ 104,307	\$ 116,840	\$ 12,533	12.0%
Normal % Contrib to Pension @ 14.99%	\$ 16,784	\$ 18,663	\$ 1,879	
Kaiser+Dental Single Coverage	\$ 6,155	\$ 6,155	\$ -	
Kaiser Single Coverage				
Deferred Compensation	\$ 13,020	\$ 13,020	\$ -	
Auto allowance	\$ 7,200	\$ 7,200	\$ -	
Professional Development	\$ 463	\$ 463	\$ -	

\*Excludes life insurance and statutory benefits: FICA, worker's comp, unemployment insurance

To derive total payroll from annual salary:

Total Payroll*	\$ 185,994	\$ 204,303	\$ 18,308	9.8%
Salary	\$ 104,307	\$ 116,840	\$ 12,533	12.0%
FICA @ 7.65%	\$ 8,530	\$ 9,489	\$ 959	
Retirement @ 36%	\$ 40,143	\$ 44,654	\$ 4,512	
Group Insurance	\$ 9,341	\$ 9,341	\$ -	
Worker's Comp @ 2.13%	\$ 2,375	\$ 2,642	\$ 267	
Unempl Insurance @ 0.3%	\$ 335	\$ 372	\$ 38	
Supplemental (Auto Allowance)	\$ 7,200	\$ 7,200	\$ -	
Other (Def Comp, Life Insurance)*	\$ 13,764	\$ 13,764	\$ -	

\*Excludes Prof Dev Allowance



**ATTACHMENT "C"**

**Suggested Methodology to Phase in Recommended Salary Increment  
Based on Method 1 Using Total Compensation**

	<b>Increments</b>	<b>Method to Arrive at 37.5th Percentile</b>	
	<b>Current Salary</b>	<b>3 @ 3.855%</b>	<b>Increase from 6/1/15</b>
<b>Annual Base Salary:</b>	\$ 104,307		
1	1/1/2016	\$ 108,328	3.9%
2	1/1/2017	\$ 112,504	7.9%
3	1/1/2018	\$ 116,841	12.0%
<b>Annual Salary w/ Additional Compensation</b>	\$ 147,929	\$ 162,341	9.7%
<b>Annual Total Payroll Cost</b>	\$ 185,994	\$ 204,303	9.8%

## ATTACHMENT "D"

### CONTRA COSTA COUNTY

#### SALARY HEALTH PLAN SUBSIDY ADJUSTMENTS FOR A SAMPLING OF GROUPS

Fiscal Year	Salary Adjustments				Health Benefit Changes		
	Board of Supervisors	Mgmt/Unrepresented	Local 1	DSA Management	Board of Supervisors & Mgmt/Unrepresented	Local 1	DSA
2004-05		3% 10/04	3% 10/04	5% 10/04	80% of Kaiser premium	80% of Kaiser premium	87% of PERS Kaiser Bay Area Premium
2005-06		0	0	0	80% of Kaiser premium	80% of Kaiser premium	87% of PERS Kaiser Bay Area Premium
2006-07	59.5% 2/07	\$1500 11/06*	0	2% 10/06	80% of Kaiser premium	80% of Kaiser premium	87% of PERS Kaiser Bay Area Premium
2007-08	2% 7/07	2% 7/07	2% 7/07	2% 10/07 & 2% 3/08	80% of Kaiser premium	80% of Kaiser premium	87% of PERS Kaiser Bay Area Premium
2008-09	Waived 2.31% to match ATA***	2% 7/08	2% 7/08	0	80% of Kaiser premium	80% of Kaiser premium	87% of PERS Kaiser Bay Area Premium
2009-10	Waived 2.31% to match ATA	0	0	0	Capped at 2009 rate +50% of increase	Capped at 2009 rate +50% of increase	87% of PERS Kaiser Bay Area Premium
2010-11	Waived 2.75% to match negotiated wage reductions	0	0	0	Capped at 2009 rate +50% of increase	Capped at 2009 rate +50% of increase	87% of PERS Kaiser Bay Area Premium
2011-12	Waived 2.75%	-2.75% 10/11	\$500 5/12	0	Capped 2011	Capped 2011	Capped 1/12 + 75% of PERS Kaiser Bay Area increase
2012-13	Waived 2.75%	0	-2.75% 7/12 \$500 5/13	-2.81% 7/12	Capped 2011	Capped 2011	Capped 1/12 + 75% of PERS Kaiser Bay Area increase
2013-14	Waived 2.75% for 7/13 and discontinued waiver thereafter	2% 8/13	\$750 5/14	3% 1/14	Capped 2011	Capped 2011	Capped 11/13 + 50% of increase for all plans
2014-15	7% 6/15	2% 8/14 \$1000 **	4% 4/14 ; \$750 5/15	3% 7/14	Capped 2011	Capped 2011	Capped 11/13 + 50% of increase for all plans
2015-16		3% 7/15	3% 7/15	3% 7/15	Capped 2011	Capped 2011	Capped 11/13 + 50% of increase for all plans

\* Management Resolution 2006/709

\*\* Management Resolution 2013/318

\*\*\* ATA is Agreed-upon Temporary Absence, which was a negotiated absence without pay.

URBAN COUNTY BOARD OF SUPERVISORS MEMBER			
Sorted by Salary (highest to lowest)			
Counties <sup>1</sup>	County Population <sup>2</sup>	Annual Salary <sup>3</sup>	Salary Formula
LOS ANGELES	10,017,068	\$181,292	100% of Superior Court judges salary
SAN BERNARDINO	2,088,371	\$151,971	San Bernardino - Set by Ordinance; tied to average of Riverside, Orange, San Diego, and L.A. BOS salaries
SAN DIEGO	3,211,252	\$147,688	80% of Superior Court judges salary
SANTA CLARA	1,862,041	\$147,684	80% of Superior Court judges salary
ALAMEDA	1,578,891	\$147,680	80% of Superior Court judges salary
RIVERSIDE	2,292,507	\$143,031	80% of Superior Court judges salary
ORANGE	3,114,363	\$143,031	80% of Superior Court judges salary
VENTURA	839,620	\$126,904	70% of Superior Court judges salary
SAN MATEO	747,373	\$126,144	Set by Ordinance
SAN FRANCISCO	837,442	\$110,858	Set by Civil Service Commission every 5 years
SACRAMENTO	1,462,131	\$99,723	55% of Superior Court judges salary
CONTRA COSTA	1,094,205	\$97,483	Set by Ordinance
<sup>1</sup> Counties represent urban California counties <sup>2</sup> Data from U.S. Census Bureau 2013 estimates <sup>3</sup> Figures may be rounded, and may not include 1.83% judicial salary increase effective July 1, 2014			

BAY AREA COUNTY BOARD OF SUPERVISORS SALARIES			
Counties <sup>1</sup>	County Population <sup>2</sup>	Annual Salary <sup>3</sup>	Salary Formula
SANTA CLARA	1,862,041	\$147,684	80% of Superior Court Judge salary
ALAMEDA	1,578,991	\$147,684	80% of Superior Court Judge salary
SONOMA	495,025	\$138,459	75% of judicial salaries
SAN MATEO	747,373	\$126,144	Set by Ordinance
SAN FRANCISCO	837,442	\$110,858	Set by Civil Service Commission every 5 years
MARIN	258,365	\$108,784	60% of Superior Court Judge salary, plus COLA calculated by Bay Area consumer price index
SOLANO	424,788	\$97,843	53% of Superior Court Judge's salary
CONTRA COSTA	1,094,205	\$97,483	Set by Ordinance
NAPA	140,326	\$84,198	47.09% of Superior Court Judge's Salary
<sup>1</sup> Surveyed counties represent the other 8 ABAG counties <sup>2</sup> Data from U.S. Census Bureau 2013 estimates <sup>3</sup> Figures may be rounded and may not include 1.83% judicial salary increase effective July 1, 2014			

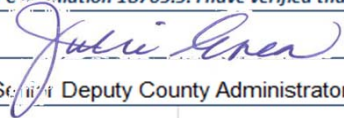
ATTACHMENT " F "

	Alameda	Contra Costa	San Mateo
<b>TOTAL EST VALUE</b>	<u>206,229</u>	<u>166,163</u>	<u>183,523</u>
<b>Annual Salary</b>	147,680	104,307	129,912
<b>Pension Contribution</b>	28,916	40,429	40,272.72
<b>Pension &amp; Vesting</b>	Tier 2A is 1.492% @ 55; Tier 4 is 1.3% @ 55; County pays employer share only; avg contribution is 19.58%	Tier 1 & 3 Enhanced is 2% @ 55; County contributes 38.8%	< 8/7/11 = 1.948% @ 55; County contributes 30-31%
<b>Health/Dental</b>	90% of premium	50-60% of premium	75-85% of premium
<b>Other insurance</b>	-	1,164	-
<b>Pension enhancement</b>	\$ 18,338	\$ 12,600	\$ -
<b>Auto allowance</b>	\$ 8,296	\$ 7,200	\$ 13,338
<b>Other</b>	\$ 3,000	\$ 463	\$ -
<b>Retiree Health</b>	County provides none. However, ACERA provides partial benefits with 10 years svc credit. 3,321-6264		SamCERA: Sick leave does not get added to retirement base. 8,553 Instead, banked sick leave can be "spent" on retiree health premiums. 8 hours buys \$700.

**Agency Report of:  
Public Official Appointments**

Date Posted  
(Month, Day, Year)

A Public Document

<b>1. Agency Name</b>	Contra Costa County		
<b>Division, Dept. or Region</b> (If Applicable)	Board of Supervisors	<b>Area Code/Phone Number</b>	925-335-1900
<b>Designated Agency Contact</b> (Name, Title)	David Twa, County Administrator	<b>Email</b>	david.twa@cao.cccounty.us
<i>I have read and understand FPPC Regulation 18705.5. I have verified that the appointment and information identified is true to the best of my information and belief.</i>			
<b>Signature of Agency Head or Designee</b>		<b>Print Name</b>	Julie DiMaggio Enea
<b>Title</b>	Senior Deputy County Administrator	<b>Month, Day, Year</b>	2/10/2015

**2. Appointments**

Agency Boards and Commissions	Name of Appointed Person (Last, First)	Name of Alternate (Last, First)	Appointment Date	Length of Term (in years)	Per Meeting	Estimated Annual Salary/Stipend
ABAG Executive Board (Seat 1)	Mitchoff, Karen	John Gioia	7/1/2014	2	\$ 150.00	\$ 1,800.00
ABAG Executive Board (Seat 2)	Andersen, Candace	Piepho, Mary N.	7/1/2014	2	\$ 150.00	\$ 1,800.00
ABAG Regional Planning Committee	Mitchoff, Karen	N/A	1/6/2015	1	\$ 150.00	\$ 1,800.00
Bay Area Air Quality Management District Board of Directors #1	Gioia, John	N/A	1/8/2013	4	\$ 100.00	\$ 1,200.00
Bay Area Air Quality Management District Board of Directors #2	Mitchoff, Karen	N/A	1/6/2015	1	\$ 100.00	\$ 1,200.00
Bay Conservation & Development Commission	Gioia, John	Glover, Federal D.	1/6/2015	1	\$ 100.00	\$ 2,400.00
CCCERA (Contra Costa County Employees Retirement Association) Board of Trustees	Candace Andersen; (Mitchoff, Karen through 2/28/15; )	Holcombe, Jerry	3/1/2015	-1	\$ 100.00	\$ 2,400.00
Central Contra Costa Solid Waste Authority Board of Directors Seat #1	Andersen, Candace	N/A	1/6/2015	1	\$ 50.00	\$ 1,200.00
Central Contra Costa Solid Waste Authority Board of Directors Seat #2	Mitchoff, Karen	N/A	1/6/2015	1	\$ 50.00	\$ 1,200.00
Central Contra Costa Transit Authority (CCCTA) Board of Directors	Andersen, Candace	Mitchoff, Karen	1/8/2013	2	\$ 100.00	\$ 2,400.00
Contra Costa Transportation Authority Board of Directors Seat #1	Glover, Federal D.	Gioia, John	1/6/2015	2	\$ 100.00	\$ 2,400.00
Contra Costa Transportation Authority Board of Directors Seat #2	Mitchoff, Karen	Andersen, Candace	1/8/2013	3	\$ 100.00	\$ 2,400.00
Contra Costa Transportation Authority Board of Directors, Second Alternate (Seat 1)	Andersen, Candace	N/A	1/6/2015	2	\$ 100.00	\$ 2,400.00
Contra Costa Transportation Authority Board of Directors, Third Alternate (Seat 1)	Piepho, Mary N.	N/A	1/6/2015	2	\$ 100.00	\$ 2,400.00
Delta Diablo Sanitation District Governing Board	Glover, Federal D.	Mitchoff, Karen	1/6/2015	1	\$ 170.00	\$ 2,040.00
East County Water Management Association Board of Directors	Piepho, Mary N.	Glover, Federal D.	1/6/2015	2	\$ 170.00	\$ 2,040.00
Hazardous Waste Management Facility Allocation Committee	Mitchoff, Karen	Andersen, Candace	1/6/2015	1	\$ 150.00	\$ 900.00
Local Agency Formation Commission	Glover, Federal D.	Andersen, Candace	5/6/2014	4	\$ 150.00	\$ 1,800.00
Local Agency Formation Commission	Piepho, Mary N.	Andersen, Candace	5/6/2014	4	\$ 150.00	\$ 1,800.00
Metropolitan Transportation Commission	Glover, Federal D.	N/A	1/6/2015	4	\$ 100.00	\$ 1,200.00
Tri Delta Transit Authority, Board of Directors (Seat 1)	Glover, Federal D.	N/A	1/8/2013	4	\$ 100.00	\$ 1,200.00
Tri Delta Transit Authority, Board of Directors (Seat 2)	Piepho, Mary N.	N/A	1/8/2013	3	\$ 100.00	\$ 1,200.00
West Contra Costa Integrated Waste Management Authority Board of Directors	Glover, Federal D.	Gioia, John	1/6/2015	1	\$ 50.00	\$ 600.00

**ATTACHMENT "H"  
SELECTION OF PEER COUNTIES**

**COMPARISON DATA  
Fiscal Year 2014-2015**

<b>Filters*</b>				<u>County</u>	<u>Annual Salary</u>	<u>Annual Salary</u> <u>COL Adjusted</u> <sup>5</sup>	<u>% Variance</u> <u>From CCC</u>	<u>County</u> <u>Population</u> <sup>6</sup>	<u>Pop</u> <u>Rank</u>	<u>UI % of</u> <u>UI Population</u> <sup>6</sup>	<u># of</u> <u>Cities</u>	<u>FTEs Funded/</u> <u>Adopted</u> <sup>3</sup>	<u>FY 2014/15</u> <u>General Fund</u>	<u>FY 2014/15</u> <u>Total Governmental Funds</u>	<u>FY 2014/15</u> <u>Total All Funds</u>	<u>Fund</u> <u>Rank</u>	
			BA	Santa Clara	147,680	134,989	29.4%	1,889,638	1	87,182	4.6%	15	16,216	\$ 2,973,221,915	\$ 3,840,012,040	\$ 5,892,779,051	2
B	UI	P	BA	Alameda	147,680	143,027	37.1%	1,594,569	2	146,787	9.2%	14	9,518	\$ 2,312,146,120	\$ 2,786,115,563	\$ 3,296,908,180	4
B		P		Sacramento	101,536	113,988	9.3%	1,470,912	3	573,313	39.0%	7	11,726	\$ 2,201,593,739	\$ 2,625,328,802	\$ 3,722,736,822	3
B	UI	P	BA	Contra Costa	104,307	104,307	0.0%	1,102,871	4	168,323	15.3%	19	8,921	\$ 1,435,174,537	\$ 1,938,177,513	\$ 3,171,226,845	5
	UI	P		Fresno	110,766	126,625	21.4%	972,297	5	170,459	17.5%	14	7,120		1,395,216,330	\$ 2,045,821,381	8
B		P		Kern	105,107	127,758	22.5%	874,264	6	309,050	35.3%	11	9,142	\$ 787,447,450	\$ 1,934,781,396	\$ 2,649,205,958	6
	UI	P		Ventura	129,227	134,434	28.9%	848,073	8	97,497	11.5%	11	7,624	\$ 946,653,621	\$ 946,653,621	\$ 1,881,456,411	9
		P	BA	San Francisco	110,858	83,450	-20.0%	845,602	7	N/A	N/A	1	28,435	\$ 4,270,953,200	\$ 8,581,831,912	\$ 8,581,831,912	1
B		P	BA	San Mateo	129,917	113,718	9.0%	753,123	9	64,615	8.6%	20	5,458	\$ 1,494,908,690	\$ 1,826,306,636	\$ 2,209,518,947	7
	UI		BA	Sonoma	138,459	145,380	39.4%	496,253	10	152,918	30.8%	9	4,074	\$ 419,507,162	\$ 889,930,234	\$ 1,457,085,749	10
			BA	Solano	97,843	104,810	0.5%	429,552	11	18,790	4.4%	7	2,816	\$ 218,445,708	\$ 870,217,528	\$ 922,572,425	11
			BA	Marin	108,784	103,838	-0.4%	258,972	12	68,488	26.4%	11	2,131	\$ 408,200,968	\$ 569,311,594	\$ 605,147,181	13
			BA	Napa	84,198	85,013	-18.5%	140,362	13	26,899	19.2%	5	1,411	\$ 209,451,517	\$ 505,434,230	\$ 624,414,293	12

<sup>5</sup>COL Adjustment/Factor is based on Cost of Living factors from www.relocationessentials.com and reflect the increase/decrease in wages needed to support a comparable standard of living in Contra Costa County.

<sup>6</sup>CA Dept of Finance for 1/1/15

\*Filters: B-Budget, UI-Unincorporated Population, P=County Population, BA-Bay Area County



# Contra Costa County Board of Supervisors

## Subcommittee Report

### AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION

**Meeting Date:** 02/05/2019  
**Subject:** Board of Supervisors Calendar of Meetings for 2019 and List of Committees  
**Submitted For:** Ad Hoc Committee On BOS Compensation,  
**Department:** County Administrator  
**Referral No.:** 12/18/18 C.93  
**Referral Name:** Ad Hoc Committee on Board of Supervisors Compensation  
**Presenter:** David Twa   **Contact:** David Twa (925)  
335-1080

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#### **Referral History:**

On December 18, 2018 the Board of Supervisors directed the County Administrator to appoint an Ad Hoc Committee on Board of Supervisors Compensation (C.93) to review and make recommendations for any increased compensation for 2019 and subsequent years for the Board of Supervisors and report back within 90 days.

#### **Referral Update:**

#### **Recommendation(s)/Next Step(s):**

REVIEW the Board of Supervisors Calendar of Meetings for 2019 and List of Committees.

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#### **Attachments**

[2019 Board Meeting Schedule](#)  
[Board Committees and Assignments](#)

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**BOARD OF SUPERVISORS  
SCHEDULE AND DEADLINES  
CALENDAR YEAR 2019**

MEETING DATES (Tuesdays)	MEET OR NO MEETING	HOUSING AUTHORITY/ CCCFPD	SUBMISSION DEADLINE 12:00 NOON (Thursdays)	FIRST DRAFT TYPED 12:00 NOON (Mondays)	FINAL AGENDA REVIEW 9:30 a.m. (Wednesdays)	PACKET MAILED TO BOARD MEMBERS (Thursdays)	SPECIAL EVENT
Jan 01	No Meeting		NEW YEAR'S DAY HOLIDAY				New Year's Day Holiday
Jan 08	No Meeting		NO MEETING				
Jan 15	Meet	HA/FIRE	Jan 03	Jan 07	Jan 09	Jan 10	Reorganization Meeting
** Jan 22	Meet		Jan 10	Jan 14	Jan 16	Jan 17	Dr. Martin Luther King, Jr. Celebration
* Jan 29	Meet		<b>Jan 16</b>	<b>Jan 18</b>	Jan 23	Jan 24	Board Retreat
Feb 05	No Meeting						
Feb 12	Meet	HA/FIRE	Jan 31	Feb 04	Feb 06	Feb 07	
Feb 19	No Meeting		PRESIDENT'S DAY HOLIDAY				President's Day
* Feb 26	Meet		<b>Feb 13</b>	<b>Feb 15</b>	Feb 20	Feb 21	
Mar 05	No Meeting		NACo LEGISLATIVE CONFERENCE				NACo Leg Conference, March 2-6, 2019, Washington, D.C.
Mar 12	Meet	HA/FIRE	Feb 28	Mar 04	Mar 06	Mar 07	Service Awards
Mar 19	Meet		Mar 07	Mar 11	Mar 13	Mar 14	
** Mar 26	Meet		Mar 14	Mar 18	Mar 20	Mar 21	Cesar Chavez Celebration
Apr 02	No Meeting		SPRING BREAK				Spring Break
Apr 09	Meet	HA/FIRE	Mar 28	Apr 01	Apr 03	Apr 04	
** Apr 16	Meet		Apr 04	Apr 08	Apr 10	Apr 11	Budget Hearings
** Apr 23	No Meeting		CSAC LEGISLATIVE CONFERENCE				CSAC Leg. Conf, April 24-25, 2019, Sacramento
Apr 30	No Meeting		FIFTH TUESDAY				Fifth Tuesday
** May 07	Meet		Apr 25	Apr 29	May 01	May 02	Budget Adoption
May 14	Meet		May 02	May 06	May 08	May 09	
May 21	Meet	HA/FIRE	May 09	May 13	May 15	May 16	
May 28	No Meeting		MEMORIAL DAY HOLIDAY				Memorial Day
* Jun 04	Meet		<b>May 22</b>	<b>May 24</b>	May 29	May 30	
Jun 11	Meet	HA/FIRE	May 30	Jun 03	Jun 05	Jun 06	
Jun 18	Meet		Jun 06	Jun 10	Jun 12	Jun 13	Service Awards
Jun 25	No Meeting		NO MEETING				
Jul 02	No Meeting		INDEPENDENCE DAY HOLIDAY				Independence Day Holiday
* Jul 09	Meet	HA/FIRE	<b>Jun 26</b>	<b>Jun 28</b>	<b>Jul 02</b>	<b>Jul 03</b>	
Jul 16	No Meeting		NACo LEGISLATIVE CONFERENCE				NACo Annual Conf, July 12-15, 2019, Las Vegas, NV
Jul 23	Meet		Jul 11	Jul 15	Jul 17	Jul 18	
Jul 30	Meet		Jul 18	Jul 22	Jul 24	Jul 25	
Aug 06	Meet	HA/FIRE	Jul 25	Jul 29	Jul 31	Aug 01	
Aug 13	No Meeting		SUMMER BREAK				Summer Break
Aug 20	No Meeting		SUMMER BREAK				Summer Break
Aug 27	No Meeting		SUMMER BREAK				Summer Break
Sep 03	No Meeting		LABOR DAY HOLIDAY				Labor Day Holiday
** * Sep 10	Meet		<b>Aug 28</b>	<b>Aug 30</b>	Sep 04	Sep 05	September 11 Remembrance
Sep 17	Meet		Sep 05	Sep 09	Sep 11	Sep 12	
Sep 24	Meet	HA/FIRE	Sep 12	Sep 16	Sep 18	Sep 19	Service Awards
Oct 01	No Meeting		FALL BREAK				Fall Break
Oct 08	Meet	HA/FIRE	Sep 26	Sep 30	Oct 02	Oct 03	
Oct 15	Meet		Oct 03	Oct 07	Oct 09	Oct 10	
Oct 22	Meet		Oct 10	Oct 14	Oct 16	Oct 17	
Oct 29	No Meeting		FIFTH TUESDAY				Fifth Tuesday
Nov 05	Meet		Oct 24	Oct 28	Oct 30	Oct 31	
** Nov 12	Meet	HA/FIRE	Oct 31	Nov 04	Nov 06	Nov 07	Veterans Day Recognition
* Nov 19	Meet		<b>Nov 06</b>	<b>Nov 08</b>	Nov 13	Nov 14	
Nov 26	No Meeting		THANKSGIVING HOLIDAY				Thanksgiving Holiday
Dec 03	No Meeting		CSAC ANNUAL MEETING				CSAC Annual Meeting, Dec 3-6, 2019, San Francisco
* Dec 10	Meet	HA/FIRE	<b>Nov 27</b>	Dec 02	Dec 04	Dec 05	
Dec 17	Meet		Dec 05	Dec 09	Dec 11	Dec 12	
Dec 24	No Meeting		CHRISTMAS				Christmas
Dec 31	No Meeting		FIFTH TUESDAY				Fifth Tuesday

\* Note: Emboldened dates vary from the normal 12-day schedule.

\*\*Special BOS Celebration or Hearing



**Standing Committees of the Board of Supervisors  
With Currently-Designated Supervisors**

**Airport Committee**  
Supervisors:  
Diane Burgis  
Karen Mitchoff

**Family & Human Services Committee**  
Supervisors:  
Candace Andersen  
John Gioia

**Finance Committee**  
Supervisors:  
Karen Mitchoff  
John Gioia

**Hiring Outreach Oversight Committee**  
Supervisors:  
Candace Andersen  
Federal D. Glover

**Internal Operations Committee**  
Supervisors:  
Diane Burgis  
Candace Andersen

**Legislation Committee**  
Supervisors:  
Karen Mitchoff  
Diane Burgis

**Public Protection Committee**  
Supervisors:  
John Gioia  
Federal D. Glover

**Transportation, Water & Infrastructure Committee**  
Supervisors:  
Karen Mitchoff  
Candace Andersen

**Affiliated Organizations**

**Assessment Appeals Board**

**CCC Employees' Retirement Association**

**Fire Protection District**

**Housing Authority<sup>(1)</sup>**

**Local Agency on Formation Commission**

**Public Financing Authority<sup>(1)</sup>**

**Successor Agency to the Redevelopment Agency<sup>(1)</sup>**

**First 5 Contra Costa Children & Families Commission**

**In-Home Supportive Services Public Authority<sup>(1)</sup>**

<sup>(1)</sup>Authority/Agency Board is the Board of Supervisors

### Board of Supervisors Advisory Bodies\*

Affordable Housing Finance Committee	Agricultural Advisory Task Force	Airport Land Use Commission	Alamo-Lafayette Cemetery District	Alamo Municipal Advisory Council**	Alamo Police Services Advisory Committee (CSA P-2B)
Alcohol and Other Drugs Advisory Board	Area Agency on Aging (Advisory Council)	Arts & Cultures Commission	Aviation Advisory Committee	Bay Point Municipal Advisory Council**	Bethel Island Municipal Advisory Council**
Bicycle Advisory Committee	Byron-Brentwood-Knightsen Union Cemetery District	Byron Municipal Advisory Council**	Central Contra Costa (County Connection) Transit Authority	Commission for Women	Community Corrections Partnership
CSA M-16 Citizens Advisory Committee	CSA P-2A (Blackhawk) Citizens Advisory Committee	CSA P-5 (Roundhill) Citizens Advisory Committee	CSA P-6 Committee for Discovery Bay Zones	CCC Council on Homelessness	CCC Fish & Wildlife
CCC Merit Board	CCC Treasury Oversight Commission	Contra Costa Centre Municipal Advisory Council**	Contra Costa Fire Protection District	Contra Costa Mosquito & Vector Control District	Contra Costa Resource Conservation District
County Planning Commission	Contra Costa Transit Authority	CC Transportation Authority - Bicycle & Pedestrian Adv. Committee	Countywide Bicycle Advisory Committee	Crockett-Carquinez Fire Protection Commission	Developmental Disabilities Area Board
Diablo Municipal Advisory Council**	East Contra Costa Fire Protection District	East Contra Costa (Tri Delta Transit) Transit Authority	East Richmond Heights Municipal Advisory Council	Economic Opportunity Council	El Sobrante Municipal Advisory Council**
Emergency Medical Care Committee	Equal Employment Opportunity Advisory Council	Family & Children's Trust Committee	Hazardous Materials Commission	Historical Landmarks Advisory Committee	Integrated Pest Management Advisory Commission
Iron Horse Corridor Management Commission	Juvenile Justice & Delinquency Commission	Keller Canyon Mitigation Fund Review Commission	Kensington Municipal Advisory Council**	Knightsen Town Advisory Council**	Library Commission
Local Enforcement Agency Independent Hearing Panel	Local Planning & Advisory Council for Early Care & Education	Managed Care Commission	Mental Health Commission	North Richmond Municipal Advisory Council**	North Richmond Waste & Recovery Mitigation Fee Commission
Oversight Board for Successor Agencies	Pacheco Municipal Advisory Council**	Public Law Library	Racial Justice Task Force	Rodeo R-10 Citizens Advisory Commission	Rodeo Municipal Advisory Council**
	Sustainability Commission	Western Contra Costa (WestCAT) Transit Authority		Workforce Development Board	

\*The State Legislature adopted the *Maddy Local Appointments Act of 1975* in order to provide citizens equal access to current information concerning all local regulating and advisory Boards, Commissions, and Committees. It also provides citizens with the equal opportunity to be informed of vacancies, which shall occur, so that they may pursue the opportunity to participate and contribute to the operations of local government by serving on such Boards, Commissions, and Committees. Information on each of these bodies may be found at <https://ca-contracostacounty2.civicplus.com/6408/Boards-and-Commissions-Database>.

\*\*Municipal Advisory Councils advise the Board of Supervisors on matters that relate to their respective unincorporated areas. Further discussion and appropriation information may be found in the Board of Supervisors' Departmental Budget Summary on Page 65.



# Contra Costa County Board of Supervisors

## Subcommittee Report

### AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION

**Meeting Date:** 02/05/2019  
**Subject:** Election of Chair, Meeting Schedule and Administrative Procedures  
**Submitted For:** Ad Hoc Committee On BOS Compensation,  
**Department:** County Administrator  
**Referral No.:** 12/18/18 C.93  
**Referral Name:** Ad Hoc Committee on Board of Supervisors Compensation  
**Presenter:** David Twa **Contact:** David Twa (925)  
335-1080

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#### **Referral History:**

The Committee should elect the following the Chair to perform the following functions: 1) act as the head of the advisory body and is the official spokesperson for the advisory body, 2) sets the dates and times of meetings, 3) sets the agenda of items to be discussed, 4) appoints subcommittees, subject to the approval of the advisory body, and 5) serves e-officio on all subcommittees. The Chair performs other duties as may be imposed by the advisory body consistent with the office, at the pleasure of the advisory body.

The Board of Supervisors has authorized for each Committee member a per diem of fifteen dollars for each day on which the committee meets plus reimbursement for mileage for attendance at meetings at the same rate as that paid to other county commissions, which is currently \$0.58/mile.

#### **Referral Update:**

County staff is responsible for posting the Ad Hoc Committee's meeting notices and disseminating meeting materials. All agendas and supporting documents must be provided to County staff one week prior to the Committee's meeting date.

Committee members will submit monthly a demand for mileage reimbursement (see attached County form) for mileage to and from Ad Hoc Committee meetings in order to obtain reimbursement. Demands should be submitted within 30 days of the end of the claim month; for example, by March 30 for costs incurred in February. Meeting stipends will be paid monthly based upon attendance. Mileage demands and meeting attendance records may be submitted directly to County Staff or mailed to County Staff at this address:

Laura Strobel, Senior Deputy  
Contra Costa County Administrator's Office  
651 Pine Street, 10th Floor

**Recommendation(s)/Next Step(s):**

NOMINATE and VOTE to elect Committee Chair; DETERMINE meeting schedule and REVIEW administrative procedures.

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**Attachments**

Mileage Reimbursement Form

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**EMPLOYEE TRAVEL DEMAND**

EMPLOYEE NUMBER: \_\_\_\_\_

EMPLOYEE NAME: \_\_\_\_\_  
(Last Name, First Name)

EMP LOCATION ADDRESS: \_\_\_\_\_



CLAIM MONTH: \_\_\_\_\_  
MM/YY (ONE DEMAND PER MONTH)

DEPARTMENT: \_\_\_\_\_

EMP PHONE #: \_\_\_\_\_

**TRAVEL DEMAND BY PRIVATE AUTOC**

DATE	FROM/TO	PURPOSE	MILES
TOTAL			

**EXPENSE REIMBURSEMENT**

DATE	ITEM OF EXPENSE	AMOUNT
TOTAL		

**FOR AUDITOR'S USE ONLY**

PD TAX	REIM TAX	NO TAX
TOTAL	TOTAL	TOTAL

**EXPENSE CODE 1: MILEAGE DISTRIBUTION**

ORG	TASK	OPT	ACTIVITY	MILES

**EXPENSE CODE 2: EXPENSE DISTRIBUTION**

DATE	DESCRIPTION	ORG	ACCT	TASK	OPT	ACTIVITY	AMOUNT

The undersigned under the penalty of perjury states: That this claim and the items as therein set out are true and correct; That no part thereof has been heretofore paid; and That the amount therein is justly due; and that the same is presented within one year after the last item thereof has accrued.

EMPLOYEE'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

SUPERVISOR'S SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

DEPARTMENT HEAD OR DEPUTY \_\_\_\_\_ DATE \_\_\_\_\_

**EMPLOYEE TRAVEL DEMAND**

**SEE INSTRUCTIONS BELOW**

All claims against Contra Costa County must be itemized, giving dates and the character of expenses incurred. Receipts are required for lodging, public transportation (other than local), registration fees, and items bought for others, such as meals and incidentals. Purchases for others must be identified according to person or party and relationship to County business.

Travel by private auto -- indicate from where and why. Only actual miles driven in the course of duties are to be claimed. If more than one trip to the same location is made in one day, the number of trips must be specified so the number of miles will not appear exaggerated.

Items of Expense -- claims for meals must specify the location or occasion. When a meal allowance is claimed for overtime worked, the explanation should be "meal allowance-overtime worked" and the number of hours.

Cell Phones -- Employee's are required to keep records of business and personal calls.

The verification statement on this form must be signed by the claimant. Each claim is to be approved by the Department Head or an authorized deputy of the Department Head before filing with the County Auditor-Controller for allowance.

**Note: Use M8154 form on the General Services Web Site. No altered form will be accepted.**

For further information, refer to Administrative Information Memo No. 9.3 and your Department Manual.

County Auditor-Controller  
Finance Building  
Martinez, California



# Contra Costa County Board of Supervisors

## Subcommittee Report

### AD HOC COMMITTEE ON BOARD OF SUPERVISORS COMPENSATION

**Meeting Date:** 02/05/2019  
**Subject:** Staff Direction  
**Submitted For:** Ad Hoc Committee On BOS Compensation,  
**Department:** County Administrator  
**Referral No.:** 12/18/18 C.93  
**Referral Name:** Ad Hoc Committee on Board of Supervisors Compensation  
**Presenter:** David Twa **Contact:** David Twa (925)  
335-1080

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#### **Referral History:**

On December 18, 2018, the Board of Supervisors directed the County Administrator to appoint an Ad Hoc Committee on Board of Supervisors Compensation (C.93) to review and make recommendations for any increased compensation for 2019 and subsequent years for the Board of Supervisors and report back within 90 days.

#### **Referral Update:**

#### **Recommendation(s)/Next Step(s):**

PROVIDE direction to staff on next steps.

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#### **Attachments**

*No file(s) attached.*

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