



**Contra
Costa
County**

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: February 8, 2011

Subject: POLICY CONCERNING THE ELIGIBILITY OF BOARD OF SUPERVISORS' FAMILY MEMBERS FOR APPOINTMENT TO BOARDS, COMMITTEES AND COMMISSIONS

RECOMMENDATION(S):

1. ADOPT Resolution No. 2011/55, making family members of the Board of Supervisors ineligible for appointment to boards, committees or commissions for which the Board of Supervisors is the appointing authority.
2. DIRECT the County Administrator and Clerk of the Board to provide a copy of this policy whenever the County's Boards, Committees and Commissions Application Form is provided, and on the County's webpage for Board Advisory Bodies.

FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In July 2010, a vacancy occurred on the Byron-Brentwood-Knightsen Union Cemetery District (BBKUCD) Board of Trustees and, following recruitment, David Piepho, who is the husband of Supervisor Mary Piepho applied. Supervisor Piepho subsequently recused herself from the process and, on September 14, 2010, the Board of Supervisors

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR ☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **02/08/2011** ☐ APPROVED AS RECOMMENDED ☒ OTHER

Clerks Notes: See Addendum

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Gayle B. Uilkema, District II Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

NO: Mary N. Piepho, District III 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: February 8, 2011

, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: JULIE ENEA (925)
335-1077

cc:

BACKGROUND: (CONT'D)

referred the matter to the Public Protection Committee (PPC) to discuss the issue of whether to develop a policy regarding the appointment of family members to boards and commissions and to consider the appointment process to fill the current BBKUCD Board vacancy.

After failing to properly announce the BBKUCD Board vacancy pursuant to the Maddy Act, the Clerk of the Board's office re-opened a recruitment on September 22, 2010 and extended the application deadline for the seat to October 12, 2010. A total of ten applications were received; two of the applicants withdrew from the process, leaving eight remaining applicants.

The PPC considered the Board of Supervisors' referral at its regular meeting on October 18, 2010. The PPC received a substantial amount of written and oral public testimony on the spirit of the Maddy Act and in support of the various candidates. The PPC limited its discussion to the process to be used to fill the BBKUCD Board vacancy and the broader policy issue of permitting Supervisors' family members to serve on Board advisory bodies, committees, and commissions or other public bodies for which the Board of Supervisors is the appointing authority. At that time, there was consensus among the Committee members that Supervisors' family members should not be automatically barred from participating on Board advisory bodies, committees, and commissions, but that nominations for appointment should result from an "arms length" process whenever a Supervisor's family member is a candidate. The Committee determined that, in the case of the Trustee 3 seat on the BBKUCD Board of Trustees, the nomination process should be delegated to a panel made up of subject matter experts from outside of Contra Costa County. The PPC took this recommendation to the Board of Supervisors on October 26, 2010, and the Board directed the County Administrator's Office to convene a panel of three individuals made up of trustees or district managers from cemetery districts outside of Contra Costa County, to evaluate candidates and nominate an individual to the Board of Supervisors, within 30 days, for appointment to the Trustee 3 seat on the BBKUCD Board.

The County Administrator's Office convened the interview panel on November 10 and, on November 23, submitted a recommendation to the Board of Supervisors for appointment to fill the BBKUCD vacancy, which the Board approved.

On November 30, staff suggested some options to the PPC for an impartial screening process for recruitments to boards, committees or commissions for which the Board is the appointing authority, when a Supervisor's family member is a candidate. The PPC decided, instead, that it would work to develop a policy to prohibit the candidacy of a Supervisor's family member to boards, committees or commissions for which the Board is the appointing authority, and requested staff to return in January with suggested policy language and a definition for "family member".

Staff provided a draft policy to the PPC at a public meeting on January 24, 2011. The policy, as modified by the PPC, is recommended to the Board today for adoption.

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

CLERK'S ADDENDUM

Speakers: Ralph Hoffman, resident of Walnut Creek. ADOPTED Resolution No. 2011/55 making family members of the Board of Supervisors ineligible for appointment to boards, committees or commissions for which the Board of Supervisors is the appointing authority, as amended to: add first cousins in the list of relatives, remove reference to adopted children, revise references to domestic partners as 'Registered Domestic partners', and include relatives of domestic partners in the same manner as married partners (revised version attached); and DIRECTED the County Administrator and Clerk of the Board to provide a copy of this policy whenever the County's Boards, Committees and Commissions Application Form is provided, and on the County's webpage for Board Advisory Bodies.

ATTACHMENTS

Resolution No. 2011/55

CC Committee Application Form 2011 Rev