



Contra
Costa
County

To: Board of Supervisors
From: David Twa, County Administrator
Date: April 26, 2016

Subject: REPEAL OF THE CONFLICT OF INTEREST CODES FOR THE BOARD'S MUNICIPAL ADVISORY COUNCILS

RECOMMENDATION(S):

1. ADOPT Resolution No. 2016/152 to repeal any and all existing Conflict of Interest Codes of County Municipal Advisory Councils (MACs).
2. UPDATE the Board's MAC Policies document, as attached, to clarify that:
 - A. MACs are not legally required to maintain Conflict of Interest Codes or to require their members to file annual financial disclosure (Form 700) statements.
 - B. MAC members, as Board appointees, shall continue to follow Resolution No. 2002/376, Policy for Board Appointees, Concerning Conflict of Interest and Open Meetings.
3. AMEND the bylaws of all MACs to delete any and all references to Conflict of Interest Codes; DIRECT MACs to reprint their bylaws in conformance with this amendment.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY
ADMINISTRATOR

☐ RECOMMENDATION OF BOARD
COMMITTEE

Action of Board On: **04/26/2016** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Mary N. Piepho, 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: April 26, 2016

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

Contact: Julie DiMaggio Enea
(925) 335-1077

By: Stephanie Mello, Deputy

RECOMMENDATION(S): (CONT'D)

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FISCAL IMPACT:

No fiscal impact.

BACKGROUND:

In recognition of the need by unincorporated communities for increased influence with the Boards of Supervisors, the Board has established municipal advisory councils under authorization of a 1971 legislative statute (ref Government Code section 31010). Such a council is an advisory body of local citizens appointed by the board of supervisors with the purpose of representing the community to the board. A municipal advisory council has no fiscal or administrative authority. Because it lacks authority to implement its position directly, it seeks to accomplish its goals through county government. These councils face two ways: toward the county, offering the views of the community; and toward the community, supplying information about county proposals and a place where individuals can air opinions on community problems and perhaps receive assistance and guidance. The councils hold public meetings, survey community opinion and speak for the community to the board of supervisors. The most common subject of activity is land-use planning.

In 2006, the Board of Supervisors adopted Resolution No. 2006/395 specifying that, effective July 1, 2006, all County MAC members shall be selected and appointed by the Board of Supervisors (rather than elected) upon nomination by the District Supervisor who represents the unincorporated area served by the council. Prior to that action, MAC members comprised a mix of elected and appointed members depending on how the MAC was established. MACs, at that time, were generally considered to be public bodies and their members public officials. However, since the County's MAC members are now appointed by and serve at the pleasure of the Board of Supervisors, and because their role is purely advisory to the Board, they are no longer considered public officials as defined in the Political Reform Act and are not required to maintain a Conflict of Interest Code nor file annual financial disclosure (Form 700) statements.

MACs members remain, however, Board of Supervisors appointees and, as such, must follow the Policy for Board Appointees Concerning Conflict of Interest and Open Meetings (Resolution No. 2002/376), which states:

*"All Board Appointees should so conduct the public business
as to avoid even any appearance of conflict of interest."*

This requirement has been added to the Board's Municipal Advisory Council Policies as Section 10(h), attached hereto, for clarification.

CONSEQUENCE OF NEGATIVE ACTION:

Should the Board elect not to approve the recommendations, then MACs, which are solely advisory, will continue to be subject to their Conflict of Interest Codes and their members will file annual financial disclosure statements, even though this is not legally required.

ATTACHMENTS

Resolution No. 2016/152

MAC Policies as Amended on 4-19-16