



**Contra
Costa
County**

To: Board of Supervisors
From: David Twa, County Administrator
Date: August 1, 2017

Subject: SELECTION OF FINALISTS FOR THE POSITION OF DISTRICT ATTORNEY

RECOMMENDATION(S):

1. REVIEW 12 applications for the position of District Attorney and SELECT applicants for further consideration.
2. ADOPT Resolution No. 2017/284 authorizing the County Administrator to conduct criminal and other background checks of finalists to be interviewed, and to request finalists to provide an economic disclosure statement (FPPC Form 700).
3. DIRECT the County Administrator to invite the finalists to participate in a moderated public forum to be held in the Board of Supervisors Chambers on the evening of Tuesday, August 15, 2017.

FISCAL IMPACT:

No fiscal impact.

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY ADMINISTRATOR

☐ RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **08/01/2017** ☒ 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: August 1, 2017

, County Administrator and Clerk of the Board of Supervisors

By: June McHuen, Deputy

Contact: David Twa (925)
335-1080

BACKGROUND:

With the resignation of Mark Peterson on June 14, there is a vacancy in the Office of the District Attorney. The office of district attorney is an elective county office. When a vacancy occurs in an elective county office, the county board of supervisors must appoint a successor to fill that vacancy. The person appointed to fill the vacancy will hold the office for the unexpired term. The current term of office for the district attorney will expire on January 7, 2019.

BACKGROUND: (CONT'D)

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The Board of Supervisors, on June 23, 2017, determined a process and timeline to select an interim district attorney:

Issue press release and open four-week application period	June 23, 2017
Final filing deadline	5:00 p.m. on July 21, 2017
Staff screening of applications for eligibility	July 24-31, 2017
Board review of applications and selection of finalists to interview	August 1, 2017
Background checks on finalists	August 2 - September 7, 2017
Finalists Forum	August 15, 2017
Board interviews	September 12, 2017
Appointment and swearing in of District Attorney	September 19, 2017

The District Attorney, in addition to being the Public Prosecutor, also conducts Victim/Witness Assistance, Rape Crisis Services, Battered Women Alternatives, and Adult Pretrial Diversion Programs, and anti-truancy, cease fire and safe streets initiatives. The District Attorney manages a department consisting of approximately 205 employees of whom 103 are attorneys. The Department's operating budget for Fiscal Year 2017/18 is \$19.5 million. In addition to offices in Martinez, the County seat, branches are located in the cities of Concord and Richmond. The District Attorney attends the courts and conducts prosecutions for public offenses. Included in public offenses is the prosecution of all felonies, misdemeanors, juvenile criminal offenses and certain civil offenses including consumer fraud and violations of the Political Reform Act and the investigation of such offenses in order that they may be presented to the court in the interest of public protection. The District Attorney's Office also cooperates with State and other local agencies in the detection, suppression, and prevention of crime, and in the enforcement of regulatory laws as well as handling fugitive warrants, extradition, and writs.

Effective July 1, 2017, the salary of the District Attorney was increased to \$21,515 monthly (\$258,181 annually). In addition to a competitive salary, health and dental benefits, and a defined pension benefit, the appointed District Attorney is eligible for benefits which include: \$600 monthly auto allowance with use of personal vehicle; \$12,000 annual County contribution to deferred compensation plan; based on County hire

date, eligibility for \$85 plus an additional \$150 per month County contribution upon qualifying employee contributions to deferred compensation plan; \$60,000 executive group term life insurance; \$700 annual executive professional development reimbursement; long-term disability insurance; reimbursement of State Bar membership dues; and participation in Social Security.

To qualify for appointment to the office of district attorney, the appointee must be at least 18 years of age, a citizen of California, a registered voter of this County at the time of appointment, and admitted to practice in the California Supreme Court. These requirements may not be waived. The County's job specification for the class of District Attorney is attached hereto for reference.

It has been the practice in this County to obtain criminal history information, under the authority of Penal Code section 11105 (b) (11), before filling a vacancy in an elected office. This allows the County to verify that the person selected is not disqualified from holding office by the Constitution or state statute. Adoption of Resolution No. 2017/284 will authorize the County Administrator to seek and obtain criminal history and other background information pertaining to the finalists for the District Attorney position

CLERK'S ADDENDUM

Speakers: Ava Ahern, resident of Lafayette; Jennifer Lorh, resident of Brentwood; Brodie Hilp, resident of Danville; Guy Swanger, County Chiefs Association; Julie Davis, resident of Walnut Creek; Judith Tannebaum, resident of El Cerrito; Jeff Landin, Contra Costa County Racial Justice Coalition; Maria Alegria, Democratic Party of Contra Costa; Mercy Garetz, Resident of Hercules; David Sharples, resident of Richmond; Zuleika Gardinez, Ensuring Opportunity Campaign.

REVIEWED 12 applications for the position of District Attorney and DETERMINED that the following five finalists would move forward in the process: Contra Costa Judge Diana Becton, Contra Costa Judge Danielle Douglas, Contra Costa Assistant District Attorney Tom Kensok, Contra Costa Senior Deputy District Attorney Paul Graves and Santa Clara Supervising Deputy District Attorney Patrick Vanier;

ADOPTED Resolution No. 2017/284 authorizing the County Administrator to conduct criminal and other background checks of finalists to be interviewed, and to request finalists to provide an economic disclosure statement (FPPC Form 700);

and DIRECTED the County Administrator to invite the finalists to participate in a moderated public forum to be held in the Board of Supervisors Chambers, 6:00 p.m., Tuesday, August 15, 2017.

All public documents provided to the Board during this process will also be available to the public under the Public Records Act. The two applicants who are judges were asked to submit additional information, through the County Counsel's Office, as to

their qualification for appointment to the office of District Attorney under California Constitution art. VI § 17.

ATTACHMENTS

Resolution No. 2017/284

District Attorney Job Announcement

Employment Applications for District Attorney