



**Contra  
Costa  
County**

To: Board of Supervisors  
From: INTERNAL OPERATIONS COMMITTEE  
Date: August 3, 2021

Subject: MODIFICATIONS TO THE COUNTY'S ANTI-NEPOTISM/ANTI-FAVORITISM POLICY  
PERTAINING TO APPOINTMENTS TO ADVISORY BODIES

**RECOMMENDATION(S):**

ADOPT Resolution No. 2021/234 to modify the Board's policy on appointing family members of County Supervisors to seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority, by removing restrictions to appointing the following family members:

- Great-grandfather, great-grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;
- First cousin;
- Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson.

All other restrictions would remain.

**FISCAL IMPACT:**

No fiscal impact.

**BACKGROUND:**

In May 2011, the Civil Grand Jury published a report entitled "Ethics and Transparency Issues in Contra Costa County", attached, alleging ethical breaches and nepotism by certain

☒ APPROVE

☐ OTHER

☐ RECOMMENDATION OF CNTY  
ADMINISTRATOR

☒ RECOMMENDATION OF BOARD  
COMMITTEE

Action of Board On: **08/03/2021** ☒ 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 3, 2021

Monica Nino, County Administrator and Clerk of the Board of Supervisors

Contact: Julie DiMaggio Enea  
(925) 655-2056

By: June McHuen, Deputy

public officials. Also attached is the County's response to that report.

## BACKGROUND: (CONT'D)

The grand jury's allegation of nepotism centered on a Board recommendation to appoint the spouse of a sitting County Supervisor to a special district board, making that spouse eligible to retain a seat on the Local Agency Formation Commission (LAFCo), a body which regulates county boundaries. Ultimately, the Board referred a recruitment process to an impartial outside panel, which recommended appointment of a different individual than the Supervisor's spouse.

Subsequently, the Board of Supervisors adopted an anti-nepotism policy (Resolution No. 2011/55) that prohibits Board members from appointing certain relatives, domestic partners, and individuals with shared business interests to County advisory bodies, a decision which was lauded by the grand jury. The grand jury further recommended that the County adopt a policy requiring the formation of impartial selection committees in situations where there are conflicts of interest, real or perceived, that cannot be adequately addressed by a normal recusal process. The Board had previously implemented this recommendation with adoption of Resolution No. 2002/377 (later updated to Resolution No. 2020/1), which provides that a screening committee may be selected to assist the Board, or a member of the Board, in the interview and selection of applicants for appointment.

Ten years have elapsed since the anti-nepotism/anti-favoritism policy was adopted by the Board. The Internal Operations Committee reviewed the policy at its regular meeting on July 12, 2021. Staff reached out to all the Bay Area counties to compare applicable policies. The responding counties -- San Mateo, San Francisco, Sonoma, Alameda and Marin -- reported having no comparable policy. The Committee determined that, for purposes of avoiding legally cognizable conflicts of interest, sections 3, 4 and 6 of the existing policy could be omitted for all bodies. These groups are not family for purposes of the Political Reform Act. The Act considers only the spouse and dependent children to be immediate family. In addition, section 8 would still prohibit appointment of a member who had a financial interest with anyone in group 2, 3, 4 or 6 of the existing policy. The Committee recommends the following modifications, as are reflected in the final recommended policy in Resolution No. 2021/234, attached.

*I. SCOPE: This policy applies to appointments to any seats on boards, committees or commissions for which the Contra Costa County Board of Supervisors is the appointing authority.*

*II. POLICY: A person will not be eligible for appointment if he/she is related to a Board of Supervisors' Member in any of the following relationships:*

- 1. Mother, father, son, and daughter;*
- 2. Brother, sister, grandmother, grandfather, grandson, and granddaughter;*
- ~~3. Great grandfather, great grandmother, aunt, uncle, nephew, niece, great-grandson, and great-granddaughter;~~*
- ~~4. First cousin;~~*
- ~~5. 3. Husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepson, and stepdaughter;~~*

~~6. Sister-in-law (brother's spouse or spouse's sister), brother-in-law (sister's spouse or spouse's brother), spouse's grandmother, spouse's grandfather, spouse's granddaughter, and spouse's grandson;~~

~~7. 4.~~ Registered domestic partner, pursuant to California Family Code section 297.

~~8. 5.~~ The relatives, as defined in ~~5 and 6~~ **1 and 2** above, for a registered domestic partner.

~~9. 6.~~ Any person with whom a Board Member shares a financial interest as defined in the Political Reform Act (Gov't Code §87103, Financial Interest), such as a business partner or business associate.

*Candidates shall identify on the standard County application form any of the above-specified relationships with a Board of Supervisors member.*

### CONSEQUENCE OF NEGATIVE ACTION:

Should the Board not approve the recommendation, certain extended family members of County Supervisors would continue to be ineligible for appointment to boards, committees, and commissions for which the Board is the appointing authority.

### ATTACHMENTS

Resolution 2021/234

County Response to GJ Report 1105 Ethics and Transparency in CCC

2011 Grand Jury Report on Ethics and Transparency