



COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Counsel

DATE: February 13, 2009

BOARD MEETING DATE: March 3, 2009

SPECIAL NOTICE/HEARING: No

VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Michael P. Murphy, County Counsel

SUBJECT: Membership of Midcoast Community Council and Pescadero
Municipal Advisory Council

RECOMMENDATION:

Adopt a resolution providing that elected directors of other local government agencies are ineligible to serve on the Midcoast Community Council or the Pescadero Municipal Advisory Council.

VISION ALIGNMENT:

Commitment: Responsive, effective and collaborative government.

Goal: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain. The resolution will ensure that the recommendations of the affected municipal advisory councils are based solely on the best interests of the communities they represent.

BACKGROUND AND DISCUSSION:

On January 27, 2009, the Board directed our office to draft a resolution specifying that persons who serve as elected directors of other local government agencies are ineligible for service on the County of San Mateo municipal advisory councils which include elected members. This would affect the Midcoast Community Council and the Pescadero Municipal Advisory Council, which were created by resolution of the Board of Supervisors, which include members elected by their communities, and which make recommendations on issues involving other local government agencies that are governed by elected boards.

The Board expressed the view that the councils' recommendations to the Board of Supervisors should be based solely on broad interests of the communities they serve, and should be independent of the more narrow interests of other governing boards on which the members may hold elected positions. The Board also expressed the concern that membership on the boards of two different groups might create the potential for, or the appearance of, divided or conflicting loyalties. While membership on the municipal advisory councils is not "an office" subject to the automatic forfeiture provisions of state law governing "incompatible offices, there remains a concern that the public interest will suffer if the same person serves on two boards that affect the same community. The Board also made clear that the concern being addressed was the potential that divided loyalties could impact a recommendation made by the municipal advisory councils to the Board, and is directed to the office itself rather than any specific individual holding the office.

In accordance with the Board's direction, the resolution specifies (1) that elected directors of other local government agencies are categorically ineligible to serve on the Midcoast Community Council or the Pescadero Municipal Advisory Council, (2) that if after becoming a member of the Midcoast Community Council or the Pescadero Municipal Advisory Council, the member assumes a position on the board of another local government agency whose board also includes elected members, the member shall be deemed to forfeit his or her position on the municipal advisory council as of the date of beginning service on the board of the other local government agency, and (3) that this requirement does not apply to current members of the municipal advisory councils during their current terms on the municipal advisory council, who as of the date of the adoption of this resolution also serve on boards of other local government agencies which include elected directors.

FISCAL IMPACT:

None.