



2010 CHARTER REVIEW COMMITTEE

COUNTY OF SAN MATEO

AGENDA

Wednesday, February 10, 2010 at 5:30 p.m.

455 County Center, Room 101, Redwood City, California 94063

1. Call to Order and Roll Call
2. Setting of the Agenda
3. Oral Communications and Public Comment
(If your subject is not on the agenda, the Chair will recognize you at this time. Speakers are customarily limited to three minutes, subject to the discretion of the Chair based on the number of agenda items to be considered and the number of speakers. A speaker's slip is required.)
4. Approval of Minutes of Meeting of January 27, 2010
5. Discussion and Adoption of Procedural Rules
6. Discussion and Adoption of Approach to Review of Charter Provisions
7. Discussion and Approval of Schedule for Future Meetings
8. Report by Staff and Discussions of Background and Issues Relating to Five Topics
(Including Identified Subtopics) Receiving Highest Indication of Interest **(No action will be taken with regard to elimination of any topics or subtopics from further consideration by the Committee at this meeting.)**
 - a. Filling Vacancies on the Board of Supervisors (Subtopics: (1) Process for Filling Vacancies; (2) Rules and Restrictions on Appointees)
 - b. Board of Supervisors Elections (Subtopics: (1) At Large versus By District; (2) Process for Drawing District Boundaries)
 - c. County Structure (Subtopics: (1) Combining/Splitting Elective Offices and/or Departments; (2) County Officers Not Required By State Constitution-Elected or Appointed; (3) Charter-Based Qualifications for Elected/Appointed Officers)
 - d. Overall County Election Process (Subtopics: (1) Campaign Financing Restrictions; (2) Instant Runoff Election for County Offices)
 - e. Periodic Supervisory Review of Boards and Commissions (No Subtopics)
9. Written Communications Received by the Charter Review Committee
10. Adjourn

A copy of the 2010 Charter Review Committee agenda packet is available for review at the office of the County Counsel, 400 County Center, 6th Floor, Monday through Friday 8 a.m. - 5 p.m and at <http://www.co.sanmateo.ca.us/CharterReviewCommittee>. Written materials may be presented to the Committee electronically by sending them to CharterReview@co.sanmateo.ca.us.

Meetings are accessible to people with disabilities. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, meeting notice, agenda packet or other writings that may be distributed at the meeting, should contact Shirley Lectura, Legal Executive Assistant at least 2 working days before the meeting at (650) 363-4684 and/or slectura@co.sanmateo.ca.us. Notification in advance of the meeting will enable the County to make reasonable arrangements to ensure accessibility to this meeting and the materials related to it. Attendees to this meeting are reminded that other attendees may be sensitive to various chemical based products.



2010 CHARTER REVIEW COMMITTEE COUNTY OF SAN MATEO

MINUTES

Wednesday, January 27, 2010 at 5:00 p.m.
455 County Center, Room 101, Redwood City, California 94063

The meeting was called to order at 5:05 p.m.

1. Call to Order (County Counsel)

Meeting was called to order by Michael P. Murphy, County Counsel

Roll call taken: all members present except Nagler who arrived shortly after the commencement of the meeting.

2. Election of Chair and Vice Chair

Michael P. Murphy called for nominations, the following nominations were received for Chair: Sean Foote and Ruth Nagler. Sean Foote received 12 votes and was elected Chair. One nomination was received for Vice Chair, Melanie Hildebrand, who was unanimously elected Vice Chair.

3. Oral Communications and Public Comment

Speakers recognized:

Bernie Sifry, Pacifica Friends of Good Government, who requested information regarding the qualifications of all the committee members.

Michael Stogner, San Carlos, who spoke against the selection process of the Committee members used by the Board of Supervisors, against a SamCEDA representative on the committee, in favor of keeping all elected officials elected, and in favor of looking at the Private Defender Program.

Therese M. Dyer, Pacifica, who requested better publicity of Charter Review

meetings, and requested information regarding the qualifications of all the committee members to have been appointed to the Charter Review Committee.

Steve Schmidt, Menlo Park, who spoke in favor of district elections and spoke in favor of special elections to fill Board vacancies.

Kathryn Slater-Carter, Montara, who spoke for making Charter Review information available on a website, the Committee holding meetings on the coast and other parts of the County, and spoke in opposition to filling vacancies by appointment to elected offices and noted there needs to be more contested elections.

Sabrina Brennan, Moss Beach, spoke for better publication of Charter Review Committee meetings, videotaping and televising the Committee's meetings.

Matt Grocott, San Carlos, who spoke for district elections.

Nita Spangler, Redwood City, who spoke for retaining the at large elections for supervisors.

4. Approval of Minutes of Meeting of January 13, 2010

Moved approval by O'Mahony, second by Pine

Vote: 15 yes, Faust abstain

[Discussion regarding order of agenda. Item 9 was called prior to item 6.]

5. Discussion and Adoption of Procedural Rules

Discussion as to amendments to proposed rules.

Motion to adopt proposed rules with amendments by Burrow, second by O'Mahony.

Vote to approve: unanimous (amended rules, attached, reflect amendments)

6. Discussion and Adoption of Approach to Review of Charter Provisions

No discussion or action on this agenda item.

7. Discussion of Grand Jury Report Regarding Charter Section 203- Filling Vacancies on the Board of Supervisors

No discussion or action on this agenda item.

8. Discussion of Grand Jury letter of June 30, 2009 to the Board of Supervisors regarding Charter Section 202- Electing Board members by District rather than at large.

No discussion or action on this agenda item.

9. Identification of Potential Charter Amendments for Further Consideration by the Committee.

Committee members identified the following subject areas for further consideration for potential Charter Amendments. The Committee then prioritized these subjects areas by vote. The number of votes is referenced in the () by each item. The Committee recognized that this is an initial list that may be revisited by the Committee.

- 1. Filling vacancies on the Board of Supervisors – (16)**
- 2. Board of Supervisors elections-at large versus by district – (16)**
- 3. Optimize efficiency in the County structure- combining elective offices and or departments – (16)**
- 4. The process for drawing district boundaries – (15)**
- 5. Non-constitutional county officers-should they be elected or appointed – (11)**
- 6. Campaign financing restrictions – (10 or 11?)**
- 7. Qualifications for elected/appointed county officers – (10)**
- 8. Periodic Review of Boards & Commissions – (10)**
- 9. Instant runoff election for County offices – (9)**
- 10. Supervisors' oversight of investment policy/indebtedness – (7)**
- 11. Setting of Board of Supervisors' salaries – (6)**
- 12. Accountability/oversight other elected County officials –(6)**
- 13. Accountability of elected County officials – (4)**
- 14. Private Defender – (3)**
- 15. Citizens' participation in review panel for hiring of department heads – (1)**

10. Written Communications Received by the Charter Review Committee

No discussion or action on this agenda item.

11. Adjourn

Meeting was adjourned at 7:00 p.m.



COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: Honorable Members, 2010 Charter Review Committee
From: Michael P. Murphy, County Counsel
Subject: Adoption of Procedural Rules *MPM*
(Agenda Item 5, Meeting of 2/10/2010)
Date: February 10, 2010

At the Committee meeting of January 27, 2010, the Committee discussed and approved changes to be made to the proposed Committee procedural rules. Enclosed for consideration and adoption are the procedural rules. A "red-line" version is also attached which shows changes from the proposed rules.

Att.

cc: David Boesch, County Manager

2010 CHARTER REVIEW COMMITTEE
Rules of Order

Each agenda item will be handled by the Chair in the following basic format.

- Chair announces the agenda item number and subject.
- Chair invites the appropriate people to report on the item, including any recommendation they might have.
- Chair asks if members have any questions for clarification. Initial member discussion may occur at this time.
- Chair invites public comment at appropriate time during the consideration of the time.
- Chair invites further discussion from the members based upon public comments received.
- Chair invites a motion from the governing body members. Chair announces the name of the member who makes the motion.
- Chair asks for a second to the motion. Chair announces the name of the member who seconds the motion.
- Chair repeats the motion and invites further discussion of the motion by the members.
- Members may request to amend a motion. A motion that has not been seconded can be amended with the approval of the member who made the original motion. A motion that has been seconded can be amended with the approval of the members who made and seconded the original motion.
- Chair takes a vote by asking for the “ayes” and then the “nays.” Nine “aye” votes are needed to pass the motion. The Chair or any other committee member can request a roll call vote through the Chair. All final votes on recommendations to be submitted to the Board of Supervisors shall be subject to a roll call vote.
- Chair announces the result of the vote.
- Members should make their comments brief and succinct limit in order to ensure the timely completion of all committee business. The Chair may intercede as necessary to maintain the flow of committee business and to ensure that all members have the opportunity to speak with regard to the item.
- Public comment on items not listed on the agenda will be made at the time the agenda item “Public Comment” is announced. Public comment on items listed on the agenda will be made as set forth above. In general, the time limit for public comment shall be 3 minutes. The Chair may reduce this time for all public speakers based upon the number of public speakers appearing at a meeting.

2010 CHARTER REVIEW COMMITTEE

~~Proposed~~ Rules of Order

Each agenda item ~~will can~~ be handled by the Chair in the following basic format.

- Chair announces the agenda item number and subject.
- Chair invites the appropriate people to report on the item, including any recommendation they might have.
- Chair asks if members have any questions for clarification. Initial member discussion may occur at this time.
- Chair invites public comment at appropriate time during the consideration of the time.
- Chair invites further discussion from the members based upon public comments received.
- Chair invites a motion from the governing body members. Chair announces the name of the member who makes the motion.
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- Chair repeats the motion and invites further discussion of the motion by the members.

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- Members may request to amend a motion. A motion that has not been seconded can be amended with the approval of the member who made the original motion. A motion that has been seconded can be amended with the approval of the members who made and seconded the original motion.

~~Member Comments (For members who are not presenting the agenda item) In order to ensure that all committee members can comment on the item, each committee member may only comment on the item one time until all committee members have had an opportunity to comment. Members shall make their comments brief and succinct limit in order to ensure the timely completion of all committee business. The Chair may intercede as necessary to maintain the flow of committee business.~~

~~Amending Motions Members may request to amend a motion. A motion that has not been seconded can be amended with the approval of the member who made the original motion. A~~

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~~motion that has been seconded can be amended with the approval of the members who made and seconded the original motion.~~

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COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: Honorable Members, 2010 Charter Review Committee
From: Michael P. Murphy, County Counsel *MDM*
Subject: Schedule for Future Meetings (Tentative)
(Agenda Item 7, Meeting of 2/10/2010)
Date: February 10, 2010

At the Committee meeting of January 27, 2010, the Committee discussed a possible meeting schedule for the Committee, with the general guidance that meetings should be held every two weeks starting with the meeting of February 10, 2010, with a meeting in every supervisorial district and one meeting on the Coast. Staff has been working to identify possible dates and locations for future meetings, and the following tentative schedule through May 5th is provided for the Commission's consideration and discussion:

Wed. **Feb 10**, Room 101, 5:30 to 7:30
Wed. **Feb 24**, (to be determined with options of Feb 23 or Feb 25)
Wed. **March 10**, Ted Adcock Center, Half Moon Bay, time to be determined
Wed. **March 24**, San Mateo Main Library, Oak Room, 5:30 to 7:30 p.m.
Wed. **April 7**, North Fairs Oaks, HSA Conference Room, 5:30 to 7:30 pm
Wed. **April 21**, Millbrae Library Community Room, time to be determined
Wed. **May 5**, SSF/Daly City (place and time to be determined)

cc: David Boesch, County Manager

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COUNTY OF SAN MATEO

INTERDEPARTMENTAL CORRESPONDENCE

To: Honorable Members, 2010 Charter Review Committee
From: Michael P. Murphy, County Counsel *MPM*
Subject: Background and Issues Relating to the Five Topics (Including Subtopics)
Receiving Highest Indication of Interest
(Agenda Item 8, Meeting of 2/10/2010)
Date: February 10, 2010

At the Committee meeting of January 27, 2010, the Committee identified topics for further consideration, and ranked these topics in order of interest by taking a vote on each topic. In all, seventeen topics were identified, and the topics identified were consolidated into fifteen topics. The vote tallies on all fifteen topics are noted in the minutes for the meeting of January 27th. We have organized the highest ranking topics into five main topics, which include a total of ten subtopics. In order to help facilitate further discussion of these topics, we are providing some basic, foundational information with regard to each. This information includes:

1. Whether the topic is one that is legally appropriate for consideration as a Charter amendment.
2. The specific constitutional authority for amendments arising from the topic.
3. The provision or provisions of the current Charter implicated by the topic, if any.
4. Past history with regard to the topic, including any provisions addressing the topic in earlier versions of the Charter.
5. Provisions of the state law and/or County Ordinance Code implicated by the topic.
6. Other matters of legal or other significance bearing on consideration of the topic.

We hope that this information is helpful to the Committee. We will be prepared to supplement this information at the direction of the Committee.

Att.

cc: David Boesch, County Manager

Topic 1: Filling Vacancies on the Board of Supervisors (Subtopics: (1) Process for filling vacancies; (2) Rules and restrictions on appointees)

Date: February 10, 2010

1. Legally appropriate for consideration as a charter amendment? Yes.
2. Authority: California Constitution, Article XI, section 4(e) specifies that a charter shall provide for “[t]he powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.”
3. Current provision of Charter that is implicated (if any):

“Section 203: Vacancies”

“If a vacancy occurs on the Board of Supervisors, the Board shall, within 30 days of the effective date of the vacancy, either make an appointment or order the calling of a special election to fill the vacancy. If the Board does not make an appointment or call a special election within 30 days, the county officer responsible for conducting elections shall immediately order a special election to be called to fill the vacancy.”

“The special election shall be held not less than 102 days and not more than 131 days from the order called [sic] the election, except that it may be held on an election date regularly established by general law if that date falls within 270 days from the order calling the special election.”

“The election shall be conducted pursuant to the general law governing the direct primary so far as applicable, except the county officer responsible for conducting county elections may prescribe the periods for securing signatures in lieu of a filing fee, for circulating and filing nomination papers, for publishing the notice of election and for applying for absentee ballots. The candidate receiving the highest number of votes is elected for the remainder of the term.”

4. Past history regarding the Charter provision. The current language of section 203 was adopted in 1995. Prior to the 1995 revision of the Charter, the first paragraph of section 203 read as follows:

“If a vacancy occurs on the Board of Supervisors, the Board may, within 30 days of the effective date of the vacancy, call a special election to fill the vacancy. If the Board does not call a special election within 30 days, the vacancy shall be filled as provided by general law.”

General law provided in 1995, and still provides today, for the filling of a board vacancy by the Governor, with the appointee to serve until a successor is elected and qualified to take office. (See Government Code section 25060.)

5. Provisions of the state law and/or County Ordinance Code implicated: As noted above, Government Code section 25060 provides the Governor with the authority to fill a vacancy on a board of supervisors. As a charter county which has provided another method for filling Board vacancies, San Mateo County is not required to follow this method of filling vacancies. In the event that the Committee considers a possible amendment to eliminate the Board's option to appoint to fill a Board vacancy, care will have to be taken in the drafting of any such amendment to ensure that the Governor will not retain the authority to fill the vacancy for the interim period between the vacancy and the election and qualification of a successor.

6. Relevant matters of legal or other significance:

(a) Condition on appointment. The question of whether appointment to the Board of Supervisors can include a condition prohibiting the appointee from running for the appointed seat in the next regularly scheduled election for the seat has not been addressed by the State Constitution or statute, nor has it answered by court decision. Resolution of the question may turn on whether such a condition (or, more accurately, a provision that prevents an appointee from running for the seat at the next election) is viewed as a qualification for office (in which case such a provision may be illegal under prevailing case law) or a type of term limit (in which case, such a provision may be sustainable under the provisions of Government Code section 25000). Further research of this question will be required.

(b) Costs of special election and all mail ballot elections. The current charter provides that County elections are governed by general law. Under current state law, the County is not authorized to hold an all-mail ballot election. (Elections Code §4000 et seq.) Mail ballot elections are limited to special districts, school districts and certain city elections. The Grand Jury posed the question as to whether the Charter could be amended to authorize an all mail ballot election for the narrow purpose of filling a vacancy. As cited above, Article 11, Sec. 4 provides that county charters provide for the "the manner of filling all vacancies occurring therein." Accordingly, the Charter could provide that the manner of filling a vacancy on the Board (or the other elected county officers) be by all mail ballot special election. We have gathered some preliminary information regarding special election costs as well as mail ballot elections in the County:

- Estimated cost for a special election- (County only) \$1.6 million
- Estimated cost for special election-all mail ballot- (County only) \$1.1 million
- Estimated percentage of the county voters are permanent absentee is 42%
- All mail ballot elections conducted within the County during last 3 years:

3/2/10 (Burlingame School), 2/23/10 (San Mateo-Foster City School),
5/5/09 (Jefferson Elementary, San Carlos, and Woodside Schools),
5/6/08 (Portola Valley School), 5/8/07 (Millbrae and Pacifica
Schools).

- Usually a slightly higher turnout for all mail ballot elections, about 3%. This used to be greater spread until voters decided to vote by mail regardless of the type of election.
- Mail ballots make up a large percentage of votes cast, about 60% in smaller elections and about 50% for large elections.

cc: David Boesch, County Manager

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Topic 2: Board of Supervisors Elections (Subtopics: (1) Election “at large” versus “by district”; (2) the process for drawing district boundaries)

Date: February 10, 2010

1. Legally appropriate for consideration as a charter amendment? Yes.
2. Authority: California Constitution, Article XI, section 4(a) specifies that a charter shall provide for “[a] governing board of 5 or more members, elected by district or, (2) at large, or (3) at large, with a requirement that they reside in the district. Charter counties are subject to statutes that relate to apportioning population of governing body districts.”
3. Current provision of Charter that is implicated (if any):

“Section 202: Election
“Supervisors are elected at large. The five supervisorial districts shall be apportioned by ordinance pursuant to general law.

“Candidates for the office of Supervisor shall be electors in the district which they seek to represent. If a Supervisor ceases to reside in that district, the seat becomes vacant.

“Except as otherwise provided in this Charter, Supervisors shall be nominated and elected pursuant to general law for a term of four years. Supervisors shall not be eligible for election to nor serve more than three consecutive terms in office.”
4. Past history regarding the Charter provision: Prior to adoption of the San Mateo County Charter, elections were held by district. When first adopted in 1932, the Charter provided for election at large, with a requirement that the member reside in the district, and that method of election has remained unchanged since first adopted. Two proposals to change the method of election to election by district were subsequently placed on the ballot and defeated (in 1978 and 1980). Arguments for and against each of these measures can be found at Tab 5D of the materials provided to Committee members.
5. Provisions of state law and/or County Ordinance Code implicated: Elections Code sections 21500 et seq. address the process for apportioning population and adjusting district boundaries based on population. That process, which is described in detail in our memorandum to the Committee dated January 22, 2010 (the relevant portion of which is excerpted and attached as Exhibit A hereto), is triggered by the federal census process, which commences in March 2010. By statute, the final decision on drawing district boundaries is made by the Board of Supervisors. This process must be completed by November 2011, which means that the newly drawn districts will be in effect for the 2012 election cycle.
6. Relevant matters of legal or other significance:
 - (a) Other counties: Other than the City and County of San Francisco (which has a governing board of eleven members), all other counties have governing boards of five members. All

thirteen charter counties other than San Mateo County have provisions in their charters providing for election by district. Of the 57 counties other than San Mateo County, it has been confirmed (from a review of available documents maintained by the affected county) that 43 of those counties conduct elections by district. Confirmation with regard to the remaining fourteen counties will be provided shortly.

(b) Competitiveness of elections: The Grand Jury letter of June 30, 2009, regarding district elections, which is at Tab 5C of the materials provided to the Commission prior to the first meeting, states the Grand Jury's belief that district elections may encourage competitive elections by lowering the cost barrier to running for election, publically airing and debating issues that cannot be effectively challenged without a competitive election, encouraging a broad range of candidates with local concerns and providing the opportunity for a higher number of candidates to run due to reduced cost of campaigning. At this point, we have gathered no specific information that bear on these particular outcomes, or outcomes associated with maintaining the current "at large" system. To provide a framework for consideration of this topic, the Committee may wish to identify specific outcomes associated with both systems, and possible ways to quantify those outcomes, as a means to verify the validity of the outcomes and the impact on the competitiveness of elections. For example, contact with other counties that may have had experience with both systems in the relatively recent past may provide relevant information, as well as identification of any scholarly studies that may have been done regarding the issue. For example, we understand that Rich De Leon, now a professor at San Francisco, produced a paper in the 1990s analyzing the potential effects of San Francisco's move from "at-large" to "by district" voting.

cc: David Boesch, County Manager

**Excerpt from Memorandum of January 22, 2010 re
“Responses to Committee Member Questions**

3) Part 202 of the Charter states that supervisor districts shall be "apportioned by ordinance pursuant to general law". What is this general law? How do district boundaries change? For example, can the districts be gerrymandered by future boards?

Elections Code § 21500 addresses the adjustment of district boundaries. This section provides that following each decennial federal census, and using that census as a basis, the Board of Supervisors shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts, the Board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

The population by district based upon the 2000 census is:

<u>Supervisor District</u>	<u>Total Population</u>
1	140205
2	141382
3	141240
4	141403
5	142854
Grand Total	707084

The federal census process commences in March of 2010 with the census forms being delivered to households. By law, the Census Bureau delivers population information to the President for apportionment in December of 2010 and in March 2011, the Census Bureau completes delivery of redistricting data to states. At that point, if it is processed in the same manner as the last census, the data will go through another step in which census data will merged into a much larger data base containing voter registration and the statement of the vote and would be is available in perhaps by May 2011. Additional information regarding the upcoming census can be found at <http://www.co.sanmateo.ca.us/census/>

The Board must make the adjustments to the boundaries of the supervisorial districts by November 1, 2011. (Elections Code § 21501) A redistricting plan is done by an the adoption of an ordinance after the Board has held hold at least one public hearing on any proposal. (Elections Code § 21500.1) The Board, as an alternative, may appoint a committee composed of residents of the county to study the matter of changing the boundaries of the supervisorial districts. (Elections Code § 21505.) The committee shall make its report to the board of its findings on the need for change of boundaries, and the recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1, 2011. The recommendations of the committee are advisory only.

Topic 3: County Structure (Subtopics: (1) combining/splitting elective offices and or departments; (2) county officers not required by state constitution-elected or appointed; (3) charter based qualifications for elected/appointed county officers)

Date: February 10, 2010

1. Legally appropriate for consideration as a charter amendment? Depends on the amendment.

2. Authority:

a. California Constitution, Article XI, section 1:

“(a) ...

“(b) The Legislature shall provide for county powers, an elected county sheriff, an elected district attorney, an elected assessor, and an elected governing body in each county. Except as provided in subdivision (b) of Section 4 of this article, each governing body shall prescribe by ordinance the compensation of its members, but the ordinance prescribing such compensation shall be subject to referendum. The Legislature or the governing body may provide for other officers whose compensation shall be prescribed by the governing body. The governing body shall provide for the number, compensation, tenure, and appointment of employees.”

b. California Constitution, Article XI, section 4:

“County charters shall provide for:

“ ...

“(b) The compensation, terms, and removal of members of the governing body. If a county charter provides for the Legislature to prescribe the salary of the governing body, such compensation shall be prescribed by the governing body by ordinance.

“(c) An elected sheriff, and elected district attorney, and elected assessor, other officers, their election or appointment, compensation, terms and removal.

“(e) The powers and duties of governing bodies and all other county officers, and for consolidation and segregation of county officers, and for the manner of filling all vacancies occurring therein.

“(f) The fixing and regulation by governing bodies, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches, and other persons to be employed, and for the prescribing and regulating by such bodies of the powers, duties, qualifications, and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal.”

“ ... ”

3. Current provision of Charter that is implicated (if any):

“206. Powers and Duties.

“The Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law and this Charter.

“ a. The Board shall:

“ ...”

“(4) Provide for the number, powers and duties of all appointed officers and employees.

“ ...”

“b. The Board may:

“(1) Create, abolish, consolidate, segregate, assign or transfer the powers and duties of any appointive office, department, division, board or commission to the extent not in conflict with this Charter.

“(2) Consolidate, segregate, assign or transfer the powers and duties of any elective office or division thereof to the extent authorized by general law and not in conflict with this Charter.

“ ...”

“402. Assessor-County Clerk-Recorder.

“The Assessor-County Clerk-Recorder shall be elected. The Board of Supervisors, at any time by ordinance, may transfer all non-court related County Clerk duties as authorized by General Law.”

“403. Controller.

“The Controller shall be elected.”

“404. Coroner.

The Coroner shall be elected.”

“406. District Attorney.

The District Attorney shall be elected.”

“407. Sheriff.

The Sheriff shall be elected.”

“409. Treasurer-Tax Collector.

The Treasurer-Tax Collector shall be elected.”

“410. County Counsel.

The Board of Supervisors shall appoint a County Counsel.”

“411. *Separation of Offices of Coroner and Sheriff.*
The offices of Coroner and Sheriff may not be combined.”

4. Past history regarding the Charter provision. The past history with regard to Charter provisions specifying County officers is attached hereto as Exhibit A.
5. Provisions of the state law and/or County Ordinance Code implicated:

Government Code §24300 *et seq.* provide that by ordinance the Board of Supervisors may consolidate the duties of certain of the county offices in one or more of specific listed combinations. The Charter combines the offices of Assessor-County Clerk-Recorder and the offices the Treasurer-Tax Collector. The Ordinance Code combines the elective office of the District Attorney with the appointive office of Public Administrator. (§2.42.020). The Ordinance Code also sets forth the County departments (§2.00.020) and the County’s organizational structure (§2.00.050).

The Constitution requires that that there be an elected Sheriff, District Attorney, and Assessor. The other County offices can be appointed. Under the current Charter, the County Clerk-Recorder, Controller, Coroner and Tax Collector are also elective offices.

6. Relevant matters of legal or other significance:

(a) Legal restrictions on combining offices: Currently, under section 206(b) of the Charter, the Board of Supervisors can consolidate an appointive office with an elective office. The Board can also consolidate, segregate, assign or transfer the powers and duties of any elective office or division thereof to the extent authorized by general law. While the Charter can be amended to consolidate the elected offices in a manner consistent with those enumerated in Government Code §24300 *et seq.*, it cannot contain a provision that would in effect transfer away an elected official’s statutory duties and powers duties. Courts have held that the power to consolidate county offices is not the power to create or enlarge a public office because such office has already been created by the Legislature.

(b) County elected officers: The current designation of county elective officers essentially mirror state law applicable to general law counties. (Government Code § 24009.) The one exception is the appointed Public Administrator, the duties of which are undertaken by the District Attorney. The procedure for changing the designation from elective to appointive, and vice-versa, also mirrors state law in that the question must be placed before the voters for approval.

(c) Prohibition on changing qualifications of an elective office: Courts have held that the Constitutional authority delegated to charter counties does not extend to the qualifications of elected county officers. This intent for statewide control over the qualifications of elected

Topic 3: County Structure
February 10, 2010
Page 4

county officers is also indicated by the Legislature's enactment of Government Code § 24001 *et seq.* which set forth the qualifications of county elected officers.

cc: David Boesch, County Manager

MPM\;sl
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SAN MATEO COUNTY CHARTER REVISIONS & AMENDMENT

Elective County Officers

1. **Charter ratified 11/8/32** – Art VI, Sec 2 - BOS, Assessor, County Clerk, Controller, DA and Sheriff
2. **Amended 11/1936** – no change
3. **Amended 6/1937** – BOS, County Executive, County Clerk, Controller, DA, Sheriff, Superintendent of Schools, Coroner, Engineer, Recorder, Tax Collector, Treasurer
4. **Amended 11/1940**- no change
5. **Amended 11/1942** – no change
6. **Amended 11/1946**- 1946/1948 amendment created position of County Manager to be appointed by the BOS
7. **Amended 11/1948** – no change
8. **Amended 11/1956** – no change
9. **Amended 4/1961** – no change
10. **Amended 4/1965** –BOS, Assessor, County Clerk, Controller, DA, Sheriff, Superintendent of Schools, Coroner, Engineer, Recorder, Tax Collector and Treasurer.
11. **Amended 11/1966** – no change
12. **Amended 6/1970** – no change
13. **Amended 6/1972** – no change
14. **Amended 11/1972** – office of County Engineer changed from elective to appointive
15. **Amended 4/1974** – BOS, Assessor, County Clerk, Controller, DA, Sheriff, Superintendent of Schools, Coroner, Recorder, Tax Collector and Treasurer
16. **Amended 3/1977**- possible to change to Engineer
17. **Amended 6/1978** – Engineer not in list of elective officers
18. **First Complete Revision 11/7/1978** – Now Art IV, 402 to 411; Assessor, Controller, Coroner, County Clerk-Recorder, DA, Sheriff, Superintendent of Schools, Treasurer-Tax Collector to be elected. DA ex-officio County Counsel; offices of Coroner and Sheriff may not be combined.
19. **Amended 11/1980** – no change
20. **Amended 11/1987** – Superintendent of Schools Sec 408 repealed; Sec. 410 County Counsel to be appointed by BOS
21. **Amended 6/1993** – Sec 402 Now Assessor-County Clerk-Recorder as elected office; repealed Sec 405 (County Clerk – Recorder)
22. **Second Complete Revision 11/7/1995** – Assessor- County Clerk-Recorder, Controller, Coroner, DA, Sheriff, Treasurer-Tax Collector to be elected. County Counsel appointed by BOS; offices of Coroner and Sheriff may not be combined.
23. **Amended 11/2004** – no change

Topic 4: Overall County Election Process (Subtopics: (1) campaign finance restrictions; (2) instant run-off election)

Date: February 10, 2010

1. Legally appropriate for consideration as a charter amendment? Depends on the amendment.
2. Authority: California Constitution, Article XI, section 4(c) specifies that a charter shall provide for “[a]n elected sheriff, and elected district attorney, and elected assessor, other officers, their election or appointment, compensation, terms and removal.”
3. Current provision of Charter that is implicated (if any):

“101. Elections.

“Except as otherwise provided in this Charter, all elections to nominate or elect candidates and to vote on ballot questions shall be conducted pursuant to the general law of the State of California. Candidates shall pay for the cost of their statement of qualifications in the ballot pamphlet unless the Board of Supervisors determines otherwise.”

4. Past history regarding the Charter provision: The current language of section 101 has remained unchanged since the first complete revision of the Charter in November 1978. We can look further into the history of this provision if the Committee requests.
5. Provisions of the state law and/or County Ordinance Code implicated: With respect to campaign finance restrictions, Government Code § 81013 authorizes local governments to adopt campaign contribution limits. The Board adopted Ordinance Code §2.03.020 which limits campaign contributions to candidates in County elections to no more than \$1,000 for each election in which the candidate is attempting to be on the ballot or is a write in candidate. The provisions of the section do not apply to a candidate's contributions of his or her personal funds to his or her own campaign.”

As for campaign expenditure limits, Government Code § 85400(a) lays out voluntary campaign expenditure limits for various categories of state offices. Government Code §85400(c) authorizes the County to establish voluntary expenditure limits for candidates. Section 85400 and its related provisions do not set forth any specific benefits conferred on a candidate who chooses to abide by the voluntary limits.

In regards to instant run-off elections, current state law does not authorize them. Certain charter cities (including the City and County of San Francisco) utilize them. Charter counties do not have the same breadth of authority to regulate the conduct of elections as charter cities have. California Constitution, Article XI, section 5 (b) (3) specifically authorizes city charters to provide for the “conduct of city elections.” Because no such constitutional authority exists for charter counties, the conduct of charter county elections is governed by state law.

Topic 4: Overall County Election Process
February 10, 2010
Page 2

6. Relevant matters of legal or other significance: Mandatory expenditure limits have been found unconstitutional, hence, there is no state or mandatory restriction of these expenditures.

cc: David Boesch, County Manager

Topic 5: Periodic Supervisory Review of Boards and Commissions

Date: February 10, 2010

1. Legally appropriate for consideration as a charter amendment? Yes.
2. Authority: California Constitution article XI, section 4, subdivision (h), which provides that charter counties “shall have all the powers that are provided by this Constitution or by statute for counties.”
3. Current provision of Charter that is implicated (if any):

“Section 206. Powers and Duties.

“The Board of Supervisors shall have all the powers and shall perform all the duties vested in it by the Constitution, general law and this Charter.

a. The Board shall:

(1) ...

(2) Appoint or remove for cause members of boards, commissions, and advisory committees. A member of a board, commission or advisory committee may be removed without cause upon a four-fifths (4/5) vote of the Board of Supervisors.

(3) ...”

“401. Powers and Duties.

Department heads, boards and commissions shall have all the powers and shall perform all the duties vested in them by this Charter, by ordinance, and by general law when not in conflict with ordinances adopted pursuant to the Charter. ...”

“414. Boards and Commissions.

County boards and commissions are those required by general law and those established by ordinance. Members of boards and commissions shall be County residents. If a member ceases to reside in the County, the seat becomes vacant. However, the Board of Supervisors may provide that less than a quorum of any advisory committee may be composed of members who are not County residents.

The Board of Supervisors, by ordinance, shall establish terms of office and may provide for the qualifications of members of boards and commissions and for their compensation. Qualifications for members of the Civil Service Commission are prescribed in Article V.”

“415. Vacancies.

The Board of Supervisors shall provide for public notice of vacancies on boards and commissions and of the method by which citizens may apply for appointments”

“504. Civil Service Commission.

The Civil Service Commission consists of five electors of the County appointed by the Board of Supervisors for four-year terms. There shall be one member from each supervisorial

district. No commissioner may be a County employee. The Board of Supervisors may remove members of the Civil Service Commission for cause or the Board of Supervisors may remove a member without cause upon a four-fifths (4/5ths) vote of the Board of Supervisors. Commission rules shall provide for regularly scheduled public meetings and for the procedure for calling special meetings.”

4. Past history regarding the Charter provision: The current language of these sections have remained essentially unchanged since the first complete revision of the Charter in November 1978. We can look further into the history of these provisions if the Committee requests.
5. Provisions of the state law and/or County Ordinance Code implicated: Government Code §31000.1 authorizes the Board of Supervisors to “appoint commissions or committees of citizens to study problems of general or special interest to the board and to make reports and recommendations to the board.” Some board and commissions are mandated by state statute (e.g. Mental Health Advisory Board), established by the Charter (Civil Service), ordinance code (Planning Commission) or resolution. They vary in legal status in that some make legally binding decisions (e.g. Assessment Appeals Board, Licensing Board, Board of Building Permit Appeals, Civil Service Commission) while others have purely an advisory capacity to either the Board or county department (e.g. Agricultural Advisory Committee, Arts Commission).
6. Relevant matters of legal or other significance: There are currently over 40 boards and commissions as reflected on the attached list. The “Roster of Boards and Commissions” lists each board and commission and its statutory mandate. See www.co.sanmateo.ca.us/Attachments/bos/rptCommissions.pdf. The Charter can mandate a review of the need for the boards and commissions but cannot direct the dissolving of a board or commission that is mandated by state law.

cc: David Boesch, County Manager

ADVISORY BOARDS AND COMMISSIONS

Agricultural Advisory Committee.
Arts Commission
Assessment Appeals Board
Board of Building Permit Appeals
Children’s Collaborative Action Team / San Mateo County Child Abuse Prevention Council
Civil Service Commission
Colma Creek Citizens Advisory Committee
Commission on Aging
Commission on Disabilities
Commission on the Status of Women
Confined Animal Technical Advisory Committee
Design Review Committee
Domestic Violence Council
Emergency Medical Care Committee
Emergency Services Council
Fatherhood Collaborative
First 5 San Mateo County
HOPE “Housing Our People Effectively”
Housing and Community Development Committee
In-Home Supportive Services....
Juvenile Justice & Delinquency Prevention Commission
Mental Health Board
Midcoast Community Council
North Fair Oaks Municipal Advisory Council
Parks and Recreation Commission
Pescadero Municipal Community Advisory Council
Planning Commission
San Mateo County Child Care Partnership Council
San Mateo County HIV Program Community Board
San Mateo Medical Center Board of Directors
TANF Planning Council
Treasury Oversight Committee
Workforce Investment Board
Youth Commission

NON ADVISORY BOARDS AND COMMISSIONS

Airport Roundtable
Board of Law Library Trustees
CAL-ID
Commission on Public Assisted Medical Care
Joint Powers Financing Authority
Library Joint Powers Authority Governing Board
Mid Peninsula Community Corporation
Resource Conservation District
San Mateo County Event Center
Supplemental Law Enforcement Oversight Committee

CHARTER REVIEW COMMITTEE
County of San Mateo

February 10, 2010

(Amended)
Agenda Item 9

To: Charter Review Committee

From: Michael P. Murphy, County Counsel

Subject: Written communications received by the Charter Review Committee

A. List of written communications received from the public since last meeting:

1. January 28, 2010 e-mail from Sabrina Brennan (attached)

B. List of written communications received from Charter Review Committee members:

1. February 4, 2010 e-mails from Rosalie O'Mahony (attached)

CharterReview - the unincorporated Midcoast is not adequately represented by at-large elected supervisors

From: "sabrina brennan" <sabrina@dfm.com>
To: <CharterReview@co.sanmateo.ca.us>
Date: 1/28/2010 1:26 AM
Subject: the unincorporated Midcoast is not adequately represented by at-large elected supervisors
CC: "Neil & Jennifer Merrilees" <mermade4@yahoo.com>, "Leonard D. Woren" <LDw@ldworen.net>, "Deborah Lardie" <deborah@lardiecompany.com>, "David & Roberta Vespremi" <vespremi@earthlink.net>, "Dave Hankin" <DHankin@biomedecon.com>, "Len Erickson" <lenericksonmcc@gmail.com>

Charter Review Committee,

Please read the attached article published October 15, 2009.

Thank you,

Sabrina Brennan

www.area29.org

THURSDAY, OCTOBER 15, 2009

Unincorporated San Mateo County Housing Allocation Process: "There's got to be a better way"*

**I owe thanks to Richard Napier, Executive Director of C/CAG for explanation of the RHNA process-methodology.*

The Pelican Eye . Sabrina Brennan . <http://www.thepelicaneye.com/2009/10/unincorporated-san-mateo-county-housing.html>

There is a better way—the way of electoral democracy inspired by an intelligent understanding of the choices available to us. The purpose of this article is to explain the rather convoluted process whereby the State of California requires all local land use authorities to plan for enough housing to support projected growth in California. I will also point out what I believe to be some of the less than democratic flaws in the process.

Article 10.6 of the California Government Code (Sections 65580-65590) requires each city and county to submit the Housing Element of its local General Plan to the State of California Housing and Community Development (HCD) department for certification. HCD determines housing demand for the region after some consultation with the regional planning authority. The Council of Governments (COGs) for each region must then distribute responsibility for planning for this housing demand among all of its constituent cities and counties. The HCD, apparently, leaves regional plans largely in the hands of the regional planning authorities.

According to Richard Napier, the Executive Director of the City/County Association of Governments of San Mateo County (C/CAG), before updating and setting targets for the number of new housing units, a methodology must be adopted that involves all the allocations in a region; the methodology goes by the

acronym RHNA (Regional Housing Needs Allocation). On a staggered basis, several California regions begin their seven-year housing planning cycle each year. In the San Francisco Bay Area, this unenviable task falls to our COG, the Association of Bay Area Governments (ABAG). By law, the methodology the COG adopts to perform the local allocation must comport with State policy objectives in the Government Code and must be adopted through a fair and open public process.*

In August 2006, ABAG approved a resolution authorizing the 20 cities of San Mateo County and the County of San Mateo to become a member of a countywide "sub-region." The resolution gave this "sub-region" the authority to administer the Regional Housing Needs Allocation (RHNA), making San Mateo County the first county to take a sub-regional approach to the RHNA requirements.

In March 2007, the new "sub-region" adopted an allocation methodology. It designated the City/County Association of Government of San Mateo (C/CAG) to facilitate the housing needs allocation process and in 2007 it added a new layer of bureaucracy by creating a Policy Advisory Committee (PAC), comprised of 20 elected city council members, representing all 20 cities of San Mateo County and one County supervisor representing the unincorporated County. San Mateo County is the only county in the Bay Area that took part in the sub-regional allocation process during the last RHNA period.

PAC members met approximately 12 times to "negotiate" the number of residential units allocated to each city and the unincorporated parts of the county. After some horse trading, PAC members made recommendations directly to city councils and the County Board of Supervisors for approval. The "negotiation" or trading of allocation numbers between cities, or between cities and the unincorporated parts of the county, isn't unique to the sub-regional allocation process—it's part of the RHNA process, and it happens in other counties and cities in the Bay Area, but not through a PAC facilitating the negotiations. Instead, ABAG gives all other cities and counties in the Bay Area specific housing-allocation numbers and if a city or county does not agree with the numbers, they "negotiate" directly with ABAG.

The benefit of the new "sub-regional" approach is that some cities, such as Woodside are judged not to have adequate and appropriate sites for affordable housing, while others, like Redwood City, are judged to have good locations along the transportation corridor (El Camino and Caltrain), and, as well, the benefit of the recently enacted higher density zoning to better accommodate a range of housing prices, some more affordable than others. During PAC negotiations, Redwood City agreed to take on some of Woodside's allocation, for a project being built at Cañada College that will house teachers and staff.

These PAC negotiations are no minor matter for the county at large and especially not for unincorporated communities because allocation numbers reached through these negotiations can have an effect on city and county zoning decisions. If a city's allocation number is small then there will be fewer new development permits that come up for approval, and therefore fewer disputes over zoning issues. Obviously, large allocation numbers can have a critical impact on areas of the county where land is scarce or set aside for specific uses. When, for example, the County is unable to accommodate the "fair-share" allocation approved by the Board of Supervisors for the unincorporated areas, County planners look for ways to zone more residential housing into the unincorporated areas. Last week Steve Monowitz, Long Range Planning Manager at the County Planning and Building Department said, "The Housing Element should be consistent with the Local Coastal Program Update (LCP Update) recommendations." [Yes, it should be, but is it/will it be in the LCP Update?]

In 2007, Rose Jacobs-Gibson, a member of the County Board of Supervisors, was the County PAC member.

She currently represents the 4th District, which includes the communities of Redwood City, Menlo Park, East Palo Alto and unincorporated North Fair Oaks and Oak Knoll. As a member of the Board of Supervisors, she serves as Co-Chair of the Housing Endowment Committee.

One of Supervisor Jacobs Gibson's top priorities is to increase the number of affordable housing units for county residents, a laudable goal as long as it seeks to include all members of the community who need affordable housing. During her Board presidency, Supervisor Jacobs Gibson recommended the establishment of the Housing and Economic Development Committee in order to examine existing county efforts and identify opportunities for growth.

Ms. Jacobs-Gibson currently serves on the Association of Bay Area Governments (ABAG) Executive Board and City/County Association of Governments of San Mateo County (C/CAG) Executive Board. As the County PAC member Supervisor, she had the option to "negotiate" unincorporated residential housing allocations directly with the 20 cities located in San Mateo County. [Pardon me but wearing those hats seems to be entirely too much power to put in the hands of one County Supervisor.]

San Mateo County has a five-member Board of Supervisors representing five geographic districts, but elected at-large. Electing supervisors at-large results in a board that is less inclined to advocate on behalf of the unincorporated segments of the County. To be blunt, the process of electing supervisors at-large is fraught with opportunities for influence-peddling by special interests bent on having their projects approved by a Board that owes allegiance, not to any particular district constituency but to persons with the deepest pockets. I'm not insinuating bribery—although that too is always a distinct possibility. I'm simply pointing out that political campaigns require funding and that those with the most funds often win elections. It should be patently obvious that the unincorporated parts of the county, lacking adequate representation, are especially vulnerable to the schemes of the high-rollers. Since this is very likely to be the case, it is also very likely that unincorporated segments of San Mateo County were less than adequately represented when the PAC made 2007 housing allocation deals.

ABAG required C/CAG to meet a total number of regional residential unit allocations and C/CAG "facilitated" the PAC meetings so the cities and the county could "negotiate" how the total number would be divvied up. In Sept. 2007 the Board of Supervisors held a public hearing and approved 1506 residential units in the unincorporated County.

Current ABAG "Fair Share" numbers require that each of the following areas have residential housing sites for:

- 214,500 units in the Bay Area
- 15,738 units in 20 cities in San Mateo County
- 1,506 units in unincorporated San Mateo County

District 3, which is currently supposed to be under the oversight of Supervisor Richard Gordon, includes 95% of the unincorporated parts of the County and the majority of the unincorporated population. With so much of the unincorporated county located in District 3 why was Supervisor Gordon missing-in-action at the PAC meetings? Moreover, since at-Large elections prevent the unincorporated segments of the county from specifically electing a District 3 supervisor, apparently Mr. Gordon feels less compelling loyalty to that district and therefore is free to neglect his duties. If San Mateo County had district elections, Supervisors would be accountable to district voters and residents would therefore be better represented by their district Supervisor.

Besides RHNA methodology, projecting city and county allocations for 2007—which Richard Napier believes were flawed—state and county projections need to consider national issues that bear on growth in California. Because household transportation is the single largest and fastest-growing source of global warming pollution in California, HCD, ABAG and C/CAG should actively discourage the decentralization of jobs and housing in Bay Area cities and counties. The 2008 state law, SB 375, officially links land use and transportation efforts within statewide climate change rules to reduce overall emissions. This new law provides a new set of tools to more effectively accomplish regional planning. At the April, 2009 Bay Area Planning Director's Association meeting, Ken Kirkey, Planning Director, ABAG said, "Smart or focused growth methodology directs regional housing need to transit-served infill jurisdictions and away from rural, unincorporated areas."

The emerging policy framework of climate change legislation in California and the nation may help shift more jobs—thus more people in need of housing—to transit-served cities and away from areas without reliable public transportation, water resources, and infrastructure. In any case, it seems evident that the San Francisco Bay Area can anticipate continued growth and the many [entailments](#) that go with it.

The deadline for submitting the Housing Element Update to the Department of Housing and Community Development was June 2009. The County missed the June deadline as did some cities and is in a mad rush to complete the Housing Element Update by January 2010; ABAG extended the deadline.

With regard to at-large elections, the San Mateo County Civil Grand Jury has issued an advisory letter to the San Mateo County Board of Supervisors urging the five-member board to change the system under which supervisors are elected from an at-large system to a district based system. San Mateo County is the only county in the State of California that elects supervisors at-large, or countywide. An incumbent San Mateo County Supervisor has not been unseated since 1980 when, Jackie Speier—currently a Congressperson—unseated James Fitzgerald.

The Grand Jury has formally requested that the issue be reviewed by the County's Charter Review Commission, empanelled every eight years—the last being 2002—which is charged with the task of reviewing and suggesting changes to the San Mateo County Charter, the county's version of a Constitution.

In response to the letter, San Mateo County Supervisor Mark Church stated in the local press that he plans to reconvene a Charter Review Commission to look at the issue and that "It is probably time to look at the issue again."

PAC allocation meetings are scheduled about every 5 to 10 years; it will be approximately 4 more years before the process starts again.

It's time residents of unincorporated San Mateo County let the Housing Element, C/CAG, ABAG, HCD and our elected representatives know that we are not adequately represented by the at-large elected San Mateo County Board of Supervisors.

[City/County Association of Government of San Mateo](#) (C/CAG)

County Office Building 555
County Center - Fifth Floor
Redwood City, California 94063
Phone: 650.599.1406

Association of Bay Area Governments (ABAG)

Paul Fassinger 510.464.7928

101 8th Street

Oakland, CA 94607

Phone: 510.464.7900

sabrina brennan

www.thepelicaneye.com

Shirley Lectura - Fw: measures

From: "rosalieomahony1@netzero.net" <rosalieomahony1@netzero.net>
To: <CharterReview@co.sanmateo.ca.us>, <bcarlson@co.sanmateo.ca.us>
Date: 2/4/2010 4:26 PM
Subject: Fw: measures
Attachments: Part.002; Measure A_1978_Supervisor District Elections01.tif; Measure A_1978_Supervisor District Elections02.tif; Measure A_1980_Supervisor District Elections01.tif; Measure A_1980_Supervisor District Elections02.tif

Dear Committee Members,
Former Supervisor John Ward collected useful data re: supervisor election changes proposed to San Mateo County voters in 1976 and again in 1980.
This material was provided to Mr. Ward by Warren Slocum's office.
Rosalie M. O'Mahony, committee member

Please note: forwarded message attached

From: "John M. Ward" <john@jmwassociates.com>
To: "O'Mahony, Hon. Rosalie" <rosalieomahony1@netzero.net>
Subject: Fw: measures
Date: Thu, 4 Feb 2010 15:32:04 -0800

[Diet Help](#)

[Reach your goals of being healthier and happier. Click here for diet tips and solutions.](#)

Dear Rosalie,

I am forwarding two e-mails from office of Warren Slocum as background on the debate regarding method of electing County Supervisors. As the history shows, this question has been before the voters on two occasions, e.g. 1978 and 1980. I will be preparing a letter to the Charter Review Committee and making a presentation as appropriate. Looking forward to discussing this matter with you. Hope the new year is going well for you.

John

----- Original Message -----

From: Warren Slocum

To: john@jmwassociates.com

Sent: Thursday, February 04, 2010 9:08 AM

Subject: measures

john,

here is the material you wanted - the vote totals will follow. if you need more info, data, etc - give a call.

best,

warren

Warren Slocum
Chief Elections Officer &
Assessor-County Clerk-Recorder
San Mateo County

555 County Center
Redwood City, CA 94063

voice: 650.363.4988

fax: 650.363.1903

email: wslocum@smcare.org

web: <http://www.smcare.org/>

<http://www.shapethefuture.org/>

Follow us on Twitter - www.twitter.com/smcvote

Register to Vote. Then Vote!

**PROPOSITION A
SAN MATEO COUNTY CHARTER AMENDMENT**

Full Text

That Section 1 of Article II of the San Mateo County charter be amended to change existing charter requirements for county-wide nomination and election of candidates for membership on the board of supervisors, which change would provide for such nomination and election only by the voters of the supervisorial districts in which the candidates reside.

That Section 1 of Article II of the San Mateo County charter be amended to read as follows:

Section 1. **Manner of Election.** Except as otherwise provided herein, supervisors shall be nominated and elected as provided by general law, and each supervisor shall be nominated and elected by the voters of the supervisorial district in which he resides.

That the manner in which such proposition shall appear on the ballot is as follows:

**PROPOSITION A
SAN MATEO COUNTY CHARTER AMENDMENT**

Shall the charter of the County of San Mateo be amended to change existing charter requirements for county-wide nomination and election of candidates for membership on the board of supervisors, which change would provide for such nomination and election only by the voters of the supervisorial districts in which the candidates reside?

ANALYSIS OF PROPOSITION A BY DISTRICT ATTORNEY

The San Mateo County Charter presently provides that each supervisor shall be nominated and elected by the voters at large. Proposition A would amend the Charter to provide that each supervisor shall be nominated and elected only by the voters of the supervisorial district in which he resides and which he represents.

A "yes" vote on this proposition means that each supervisor will no longer be nominated and elected by the voters at large but by the voters of the supervisorial district in which he resides and which he represents.

A "no" vote on this proposition means that each supervisor will continue to be nominated and elected by the voters at large.

ARGUMENT IN FAVOR OF PROPOSITION A

DO YOU FEEL FAR REMOVED FROM THE DECISIONS THAT MOST DIRECTLY AFFECT SAN MATEO COUNTY? If you are one of the huge majority who has never heard from YOUR SUPERVISOR, then your answer is probably a resounding, "YES".

Most people in San Mateo County do not know who is on the Board of Supervisors, let alone who the Supervisor is for their district. San Mateo County is larger than either a Senatorial or Congressional District and deals with a multi-million dollar annual budget.

It seems impossible that each Supervisor could have the necessary in-depth knowledge to make informed decisions about YOUR tax dollars under their control. Increasingly complex issues, in addition to the number of Boards, Commissions, and Regional Organizations in which a Supervisor is involved reinforce the need for representation by district.

DISTRICT ELECTION OF SUPERVISORS WILL ACCOMPLISH THE FOLLOWING NEEDED POLITICAL REFORMS:

- .. Incumbents will be easier to challenge because the cost of elections will be less, and it will be possible for a candidate to actually contact each voter in their district during a campaign.
- .. Voter influence in each district will be increased because the majority of the voters in a single district will elect that District's Supervisor.
- .. Supervisors will be more accessible to their district constituents.

(continued on next page)

- .. Individual communities will have a greater voice in the actions of supervisors that relate to cost cutting, tax rates, and the needs of the community.
- .. Minority interests will receive better representation because their votes will have greater impact within a supervisorial district.

San Mateo County has many needs. Supervisors try to meet the needs of the entire county, but rarely succeed, because San Mateo County has grown so large.

THIS CHARTER REFORM WILL GIVE BETTER REPRESENTATION TO YOUR INTERESTS.

Signed Fred Lyon	Date April 1, 1978
San Mateo County Supervisor	
Donna Patterson	April 1, 1978
Chairperson Committee for Dist. Elections	
Jack W. Smith	April 1, 1978
President San Mateo Central Labor Council AFL-CIO	
Richard L. Silver	April 1, 1978
Chairman, S.M.Co. Democratic Central Committee	

REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION A

San Mateo County Supervisors are full-time officials, committed to representing all of the people. Under a system of district elections, we believe less attention will be paid to overall County issues, as political realities in one's district must often dictate the Supervisor's priorities.

We do not believe that you can compare the job of running County government to that of representing a Congressional or State Senate district, as the opposing argument attempts. The advocates of district elections listed several "needed political reforms" which will be accomplished by passing Proposition A. We disagree, offering the following facts:

- .. While for a long period of time there was little turnover on the Board, four out of the five present incumbents have been elected since 1972.
- .. A majority of today's Board was elected by defeating incumbents County-wide.
- .. A hotly-contested race in a district election could require even greater expenditures than an average County-wide campaign.
- .. In our geographically small county (third-smallest in the State), we have ready access to all five Supervisors—not just one district Supervisor—on County budgets and programs.
- .. The vast majority of the County's population is concentrated on the Bay-side, providing the opportunity for a Supervisor to reach large numbers in a short space of time.

We urge you to examine the experience in San Francisco since the recent changeover to district elections. Don't let it happen here!

Voter influence will be reduced—not increased—with single-district voting. Don't give up four votes! VOTE NO ON A!

Signed Ruth K. Nagler	Date April 12, 1978
Community College Administrator	
Russell J. Cunningham	April 12, 1978
Chief of Police, San Bruno (Retired)	
Howard A. Oliphant	April 13, 1978
President, Governmental Research Council	
Raymond L. Spangler	April 13, 1978
Former Newspaper Publisher	

ARGUMENT AGAINST PROPOSITION A

For 76 years members of the County Board of Supervisors were elected by district. In 1932, voters adopted the present County Charter, and in that year the people were asked to decide whether they wished to elect their supervisors by district or at-large. They voted wisely to change to a County-wide election, while maintaining the important requirement that the five supervisors must reside in their own district. This system offers the "best of both worlds". It provides for true and balanced representation and Supervisors who are accountable to the entire electorate. It has served the County well more than 40 years. Let's not turn the clock back to a previous period when narrow district interests outweighed the broader interests served by County government.

History has taught us that all too often where district responsibility replaces County-wide interests, provincialism and pork-barrel projects arise, district offices and staff are added, and political trade-offs are voted that may not be in the overall best interests of county citizens and property taxpayers. There are more than enough cities and special districts to ensure full representation in local matters. There needs to be, and there is, one elected body to represent all of San Mateo County—the Board of Supervisors.

Each citizen is now represented by five Supervisors, not just one. Each citizen has a legitimate claim on the attention of each Supervisor—an equal opportunity to influence the opinion and vote of five Supervisors. You are represented even if "your" Supervisor disagrees with your point of view. Each voter now elects all five Supervisors in elections held every other year, instead of voting for one Supervisor every four years. Don't give up four votes! VOTE "NO" ON PROPOSITION A.

Signed Howard A. Oliphant	Date Apr. 3, 1978
President, Governmental Research Council	
Ruth K. Nagler	March 31, 1978
Community College Administrator	
Russell J. Cunningham	April 3, 1978
Chief of Police, San Bruno (Retired)	
Margaret B. Drake	April 2, 1978
Member, County Charter Study Commission - 1967	
Raymond L. Spangler	March 31, 1978
Former Newspaper Publisher	

REBUTTAL TO ARGUMENT AGAINST PROPOSITION A

**Do you feel that you are represented by 5 Supervisors?
Do you feel that the Supervisors are informed enough about your needs, the needs of the community you live in, as well as the county as a whole?**

In 1932 when the current system of electing the Board of Supervisors at large was adopted the total budget was considerably less, the population of the county much less, the assignment of Supervisors to Boards and Commission minimal, State or Federal mandated programs practically non-existent, and the needs of San Mateo County much less complex. Provincialism, pork-barrel projects, and political trade-offs have more to do with the quality of the elected official than with the system of election.

District Election of Supervisors will open the office of Supervisor to more candidates who are not sponsored by special interests. This will insure quality candidates and prevent political abuses.

Your vote will be 5 times as effective in choosing your District Supervisor if you VOTE YES ON PROPOSITION "A" for District Election of Supervisors.

The Senate, Assembly, and your Congressman are elected by district and they function in the best interests of the State and Nation. There is no reason to assume that a good political process open to all would not produce an equally responsive county-minded Supervisor who would serve the needs of the entire county.

We urge you to **VOTE YES ON PROPOSITION "A"** to make the County Board of Supervisors more accountable to you, the residents of San Mateo County.

Signed Fred Lyon	Date April 13, 1978
Supervisor San Mateo County	
Donna Patterson	April 13, 1978
Chairperson Dist. Elect. Comm.	
Jack W. Smith	April 13, 1978
President, S. M. Co. Central Labor Council	
Richard L. Silver	April 13, 1978
Chairman, Democratic Central Committee	

**PROPOSITION A
SAN MATEO COUNTY CHARTER AMENDMENT**

(Full Text)

That Section 202 of Article II of the San Mateo County Charter be amended to provide for the election of members of the Board of Supervisors by District and to eliminate the existing requirements which provide that, while each board member shall reside in a particular but separate district, each shall be elected by voters county-wide.

That such amendment of Section 202, Article II, of the Charter shall cause said Section 202 to read as follows:

202. **Election.** Supervisors are elected by District. The five supervisorial districts shall be apportioned by ordinance pursuant to general law.

Candidates for the office of Supervisor shall be electors in the district which they seek to represent. If a Supervisor ceases to reside in that district, the seat becomes vacant.

Except as otherwise provided in this Charter, Supervisors shall be nominated and elected pursuant to general law for a term of four years.

That the manner in which such proposition shall appear on the ballot shall be as follows:

**PROPOSITION A
SAN MATEO COUNTY CHARTER AMENDMENT**

Shall the Charter of the County of San Mateo be amended to provide for the election of members of the Board of Supervisors by district and to eliminate existing requirements which provide that, while each board member shall reside in a particular but separate district, each shall be elected by voters county-wide?

ANALYSIS OF PROPOSITION A BY DISTRICT ATTORNEY

The San Mateo County Charter presently provides that supervisors are elected by the voters county-wide although each must reside in a separate district. Proposition A would amend the Charter to provide that supervisors shall be elected by district.

A "Yes" vote on this proposition means that each supervisor will no longer be elected by the voters county-wide but by the voters of the supervisorial district in which he resides and which he seeks to represent.

A "No" vote on this proposition means that supervisors will continue to be elected by the voters county-wide although residing in separate districts.

**ARGUMENT FOR SAN MATEO COUNTY CHARTER AMENDMENT
PROPOSITION A**

In 1962, the Supreme Court rendered a decision which had a far reaching effect on representative government in the United States. It is known as the "One Man - One Vote" ruling. It basically states that the vote of one person should not be diluted by the method of selected representation.

San Mateo County has had a number of elections in which the Supervisor elected has actually **lost the election in the district he will represent on the Board.** Regardless of the wishes of his district's voters, he will sit on the Board of Supervisors and represent a constituency which has rejected his candidacy, and going counter to the democratic concept of representative government.

In recent years, voters have become more concerned about campaign costs. They know special interest groups and speculators exercise considerable influence because of campaign contributions. San Mateo County has over 281,000 registered voters. The costs involved in a campaign effort to reach them are staggering. A grass-roots, volunteer campaign is very difficult to organize and run county-wide. Such a campaign would be easier to run in a district with only 60,000 voters and would give challengers a better opportunity to contest incumbents. It would provide an important source of political support independent of the interest groups which want the county to decide important issues in their favor.

The financial burden is also heavy for the taxpayer. The 1979 special supervisorial election cost San Mateo County \$82,584.47. Nearly 80% of that cost could have been saved if the voters of that district had been allowed to elect their own supervisor.

California has 58 counties. 56 of them elect their supervisors by district. A YES vote on Proposition A will bring San Mateo County in step with the rest of the state and assure YOU more representative and accountable county government.

/s/ Arlen Gregorio, September 2, 1980 /s/ Fred Lyon, September 2, 1980
San Mateo County Supervisor. San Mateo County Supervisor.

REBUTTAL TO ARGUMENT FOR PROPOSITION A

Supervisors are **full-time officials**, committed to representing all of the people. Under a system of district elections, we believe less attention will be paid to overall County issues, as political realities in one's district would obviously dictate the Supervisor's time and priorities.

In rebuttal to specific arguments raised by advocates of district elections, we offer the following:

The current system of district representation and county-wide election meets the intent of the Supreme Court's "one-man - one-vote" decision. Each Supervisorial district conforms to the Court's guideline of having districts "as equal as is possible" in population.

Special-interest groups will exercise greater influence if elections are held by district.

A hotly-contested race in a district election could require expenditures equivalent to that of a county-wide campaign. Grass-roots volunteer campaigns have been successful county-wide, especially in recent years.

County-wide elections must be conducted every two years for various Federal, State, and local offices, including the **Board of Supervisors.** Authorities estimate that only nominal savings to the taxpayer would accrue in having Supervisorial elections by district. The special 1979 election was unprecedented in that a 1978 County Charter change allowed the voters, instead of the Governor, to choose a replacement. We believe that was money well-spent!

We urge you to examine the experience in **SAN FRANCISCO** since the changeover to district elections. **Don't let it happen here!**

Voter influence will be reduced — not increased — with single-district voting. **Don't give up four votes! VOTE "NO" ON A!**

/s/ John M. Ward Sept. 10, 1980 /s/ Raymond L. Spangler Sept. 12, 1980
San Mateo County Supervisor Former Newspaper Publisher;
Courthouse Columnist

/s/ Evelyn F. Stanton, Sept. 11, 1980 /s/ Frank J. Pagliaro Sept. 11, 1980
Chairperson Citizens Task Force on Attorney-at-Law
County Government on Operations, /s/ Margaret B. Drake Sept. 10, 1980
1976-77 Member, County Charter Study
Commission, 1967

Arguments printed on this page are the opinions of the authors and are not checked for accuracy.

**ARGUMENT AGAINST SAN MATEO COUNTY CHARTER AMENDMENT
PROPOSITION A**

In 1978 voters defeated an identical proposal for district election of the County Board of Supervisors. While we question the wisdom of having the measure back on the ballot so soon, we must re-affirm the majority's will, as clearly expressed two years ago. **Don't give up four votes by supporting district elections!**

For 76 years Board members were elected by district. In 1932 voters adopted the County Charter, and in that year the people were asked to decide whether they wished to elect their supervisors by district or at-large. They voted wisely to change to a Countywide election, while maintaining the important requirement that each supervisor must reside in his or her district.

This system provides for true and balanced representation and supervisors who are accountable to the entire electorate. It has served the County well for almost 50 years. Let's not turn back the clock to a previous era when narrow district interests outweighed the overall best interests of the taxpayers served by County government.

We can ill-afford the prospect of pork-barreling and political trade-offs which so often prevail in district-dominated politics. Cities and special districts ensure full representation in local matters. There needs to be, and there is, one elected body to represent all of San Mateo County — the Board of Supervisors.

Each citizen is now represented by five supervisors, not just one. Each citizen has access to and a legitimate claim on the attention of each supervisor — an equal opportunity to influence the opinion and vote of all five supervisors. You are represented even if "your district" supervisor disagrees with your point of view on a specific issue. Each voter now elects all five supervisors to four-year terms. **Don't give up four votes by supporting district elections! VOTE "NO" ON PROPOSITION A.**

/s/ John M. Ward August 28, 1980
Member, Board of Supervisors
/s/ Evelyn F. Stanton August 28, 1980
Chairperson, Task Force on County Govt. Operations, 1976-77
/s/ Raymond L. Spangler August 28, 1980
Former Newspaper Publisher; Courthouse Columnist
/s/ Frank J. Pagliaro August 29, 1980
Attorney-at-Law
/s/ Margaret B. Drake August 28, 1980
Member, County Charter Study Commission, 1967

REBUTTAL TO ARGUMENT AGAINST PROPOSITION A

Would you be giving up four votes for supervisor, as the opponents of Proposition A claim, should you support that measure? The opponents say that because all of the voters of San Mateo County elect each supervisor, all of the more than 500,000 citizens of San Mateo County now have access to each supervisor.

That's a good theory, but in practice **the more people an elected official represents, the more difficult it is to hold the official accountable to anyone.** Unless you are an extraordinarily influential member of your community, you will find it difficult to compete with all of the other people in this county for the attention and support of any of the supervisors. That's why we don't participate with voters in Pennsylvania and Florida in electing our Congressmen, or with voters in Eureka and San Diego in electing our Assemblymen. We want representatives who are accountable to us! And that's why 56 of 58 counties in California elect supervisors by district, as Proposition A proposes.

Proposition A will create an election process more sensitive to the citizen. With only one-fifth the present number of voters deciding each supervisorial election, a challenger with some supporters will have a much better opportunity to oust an unresponsive incumbent. Volunteers, issues and person-to-person campaigning will be more important; large campaign contributions and expensive advertising and political mailings will be less important.

Don't let someone else elect your supervisor! Vote Yes on Proposition A.
/s/ Arlen Gregorio September 12, 1980 /s/ Fred Lyon September 12, 1980
Supervisor, Fourth District Supervisor, Fifth District

Arguments printed on this page are the opinions of the authors and are not checked for accuracy.

Shirley Lectura - Fw: results

From: "rosalieomahony1@netzero.net" <rosalieomahony1@netzero.net>
To: <CharterReview@co.sanmateo.ca.us>, <bcarlson@co.sanmateo.ca.us>
Date: 2/4/2010 4:30 PM
Subject: Fw: results
Attachments: Fw: results

Attached are numeric outcomes of the county-wide elections in '76 and '80 re: supervisor election proposed changes, again provided by John Ward.
Rosalie

Please note: forwarded message attached

From: "John M. Ward" <john@jmwassociates.com>
To: "O'Mahony, Hon. Rosalie" <rosalieomahony1@netzero.net>
Subject: Fw: results
Date: Thu, 4 Feb 2010 15:28:02 -0800

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Shirley Lectura - Fw: results

From: "John M. Ward" <john@jmwassociates.com>
To: "O'Mahony, Hon. Rosalie" <rosalieomahony1@netzero.net>
Date: 2/4/2010 3:28 PM
Subject: Fw: results

----- Original Message -----

From: [Warren Slocum](#)
To: john@jmwassociates.com
Sent: Thursday, February 04, 2010 10:42 AM
Subject: results

john

here are the election results for the ballot measures we talked about:

1978	Yes	No
	70,631 (48.05%)	76,367 (51.95%)

Strange - no breakdowns by sup districts

1980	Yes	No
	80,956 (43.18%)	105,697 (56.82%)

Sup. 1	12,968 (46.12%)	15,152 (53.88%)
Sup. 2	16,606 (38.41%)	26,626 (61.59%)
Sup. 3	15,826 (40.04%)	23,703 (59.96%)
Sup. 4	15,779 (46.35%)	18,219 (53.65%)
Sup. 5	13,488 (49.04%)	14,015 (50.96%)
Abs.	6,289 (44.07%)	7,982 (55.93%)

Warren Slocum
 Chief Elections Officer &
 Assessor-County Clerk-Recorder
 San Mateo County

555 County Center
 Redwood City, CA 94063

voice: 650.363.4988
 fax: 650.363.1903

email: wslocum@smcare.org
 web: <http://www.smcare.org/>
<http://www.shapethefuture.org/>

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 Save Paper. Think Before You Print.