



MEMORANDUM
FROM THE OFFICE
OF COUNTY COUNSEL

TO: Board of Supervisors
FROM: Anthony J. La Bouff, County Counsel
DATE: April 12, 2011
SUBJECT: Report on Appointment Practices of the Board of Supervisors

The Board of Supervisors requested that Counsel report back regarding the issue of its prerogatives in making appointments to various committees and commissions.

Background:

The Clerk of the Board of Supervisors maintains a formal list of the appointments of the Board of Supervisors to various committees and commissions. Some committee assignments for the Board of Supervisors are created by state law, e.g. Air Pollution Control District and Flood Control District. Some are created as a result of regional agreements, which may be founded upon federal and state laws, e.g. Tahoe Regional Planning Agency, Sacramento Area Council of Governments. Many committees and commissions are the result of joint powers authority agreements the County has reached with other agencies, e.g. Western Regional Landfill, Highway 65 Joint Powers Authority, Placer/Nevada Wastewater Authority. At least one committee originates from litigation with the City of Roseville, i.e. City-County Committee for Regional Development Issues.

The critical principle is the appointment power of the Board of Supervisors, like all decisions of the Board of Supervisors, rests with a majority vote of the Board of Supervisors. No state, federal or local rule or ordinance removes that authority from the Board of Supervisors. Unlike some cities, the County Charter does not empower any particular Board of Supervisor member, e.g. the chairperson, with appointment authority without approval of the Board. Thus, on an annual basis the Board of Supervisors revisits its committee assignments. This is generally done at one of the earlier meetings in the year. The decisions of the Board of Supervisors regarding these assignments are formalized into the list referenced above. That list is formally adopted by action of the consent agenda usually at the first meeting following the discussion of the assignments by the Board of Supervisors.

Since not all committees assigned are created by the Board of Supervisors there are limited examples where the Board of Supervisors is constrained on who might be appointed to a committee or commission. For example by contractual arrangement with the City of Roseville in a joint powers authority, at least one seat on the joint powers authority is designated for the elected representative of the First Supervisorial District (South Placer Wastewater Authority). More typically assignments created by federal, state or regional agreements leave to the complete discretion of the Board of Supervisors who to appoint though limiting that discretion to an elected Supervisor. Many committee assignments can and have been filled by people other than Supervisors. Thus, when reviewing the discretion of the Board of Supervisors one first must review the original enabling act for any limitations on that discretion. There are very few examples of such limitations.

Conclusion:

The Board of Supervisors by majority vote determines who will or will not represent them on committees and assignments. There is no prerogative of an individual Supervisor to any particular assignment with the single exception referenced above.

