

1999 - 2000 Ventura County Grand Jury Report

Board of Supervisors Vote Requirements

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Background

Recent events in Ventura County Government have illustrated problems caused by a deeply divided Board of Supervisors. Contentious 3 to 2 votes have decided issues having major impacts on County Government and financial affairs. It is clear that more efforts to fact-find and build a consensus toward resolving the major issues could have resulted in more favorable outcomes for the County.

Methodology

Information used as the basis for this report was derived from testimony, correspondence, or public statements by the following:

- a). Former CAO Lin Koester
- b) Former CAO David Baker
- c) County Counsel James McBride

Findings

- F-1 The former CAO's position and authority were greatly weakened by the fact that he was selected and hired on the basis of a 3 to 2 vote of the Supervisors. County Department heads reporting to the CAO could circumvent his decisions by appealing to one or more Supervisors for support to reverse or modify the CAO's decision.
- F-2 The most noteworthy problem in recent County history resulted from the merger of the Behavioral Health Department with the Public Social Services Agency against the recommendations of the CAO and outside consultants. The problems started from a deeply divided Board voting 3 to 2 on a decision affecting over 500 County employees without adequate discussion and voting.
- F-3 Many Board of Supervisor agenda items already require a $\frac{4}{5}$ ths or supermajority vote for passage. These items are generally in

the areas of budget/finance, planning, leasing, eminent domain, and other Board agenda items. Most items requiring a $\frac{4}{5}$ ths vote are dictated by State law and can include relatively inconsequential matters.

- F-4 The present Board has acknowledged the problems that can be caused by simple majority votes on major items and has agreed that the new CAO hired for the County will be selected on the basis of a 5 to 0 vote.
- F-5 Other than those items specified by State statute, the Board has the power to enact an ordinance defining and specifying the conditions for a $\frac{4}{5}$ ths vote. (Reference: 1983 opinion by California Attorney General)

Conclusions

The County has not been served well by some past Board of Supervisor decisions resulting from simple majority votes on controversial matters. A requirement for a $\frac{4}{5}$ ths or supermajority vote for passage of these items should lead to more dialogue, more vetoing, and more balanced ordinances. The supermajority vote items should be narrow and limited in scope to avoid unnecessary delays due to absenteeism or recusals on “normal” matters before the Board.

Recommendations

The Board of Supervisors should consider passing rules of order each year to provide for a $\frac{4}{5}$ ths or supermajority vote requirement for a narrowly defined field of Agenda items. One major area to be considered for supermajority voting is the reversal of CAO’s decisions in matters that have been delegated to him/her. Typically, the CAO has been given responsibility for certain County departments and their operations including budgets, plans, programs, and personnel. Any effort by the Board of Supervisors to overrule the CAO decisions and/or recommendations in these areas should require a $\frac{4}{5}$ ths vote.

This action by itself will support the present CAO position and eliminate the need for further ongoing discussions of CAO versus CEO formats.

Responses Required

- Board of Supervisors
- Chief Administrative Officer