

1999-2000 GRAND JURY FINAL REPORT

BOARD OF SUPERVISORS VOTE REQUIREMENTS

Respondents: Board of Supervisors
Chief Administrative Officer

Recommendation:

The Board of Supervisors should consider rules of order each year to provide for 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 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.

Response: Partial Agreement

The Board and CAO concur with the Grand Jury recommendation that the Board has the right to set the rules of order each session to provide for a 4/5^{ths} or supermajority vote as deemed appropriate and necessary.

However, the Board and CAO do not concur with the Grand Jury's recommendation that a supermajority (4/5^{ths}) vote is necessary to overturn the CAO's recommendation in matters that have been delegated to him/her.

The Board's elective powers are inherently given through its representative office and is entitled to be held accountable by the electorate as such. The Board's obligation is to make decisions on behalf of the electorate and does so through deliberation and acting upon supported motions. It is the CAO's role to gather information and provide recommendations so that priorities and choices can be made in behalf of the electorate as represented on the Board. The Board is held accountable to the electorate and should not be constrained by the CAO in performance of their elective office. Therefore, motions that are carried in contra to the opinion and recommendation of the CAO are solely at the discretion of the elected body and are subject to the scrutiny and accountability of the electorate.

In addition, the Board has endorsed the concept to strengthen the Office of the Chief Administrator and has taken steps to structurally implement such action. The relative power granted to the CAO is not contingent on a supermajority vote.