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COUNTY OF SAN DIEGO, CALIFORNIA

BOARD OF SUPERVISORS POLICY

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Purpose

To establish various guidelines which will assure the openness of County decision-making processes.

Background

The public good, as well as various State statutes require openness in County government. Board Policies have dealt with the openness of County government including: A-16, Board of Supervisors Serving as Directors of County Support Organizations; A-32, Circulation of Memoranda, Letters or Other Documents among Individual Members of the Board of Supervisors; A-48, County Funded Constituent Questionnaires and Other Mass Mailings. The subjects listed above have been addressed in this comprehensive Board Policy A-73; and therefore Board Policies a-16, A-32 and A-48, in effect as of the date of adoption of this policy, are hereby rescinded and replaced.

Policy

A. CIRCULATION OF MEMORANDA, LETTERS AND OTHER DOCUMENTS AMONG INDIVIDUAL MEMBERS OF BOARD OF SUPERVISORS

The Board has been advised by County Counsel that the circulation by Board members of certain memoranda, letters and other documents among Board members outside of a duly called and assembled meeting of the Board could be construed as being in violation of the Ralph M. Brown Act which requires that the Board's actions be taken openly and that its deliberation be conducted openly.

Therefore, the circulation by Board members of memoranda, letters and other documents among individual members of the Board of Supervisors for the purpose of signature or with the contemplation of engaging in collective deliberation or action thereby should be avoided outside of a duly called and assembled meeting of the Board.

Board directives, authorizations and recommendations should be approved and adopted only when the Board is acting as a Board at a duly called and assembled meeting.

This policy does not preclude such circulation when the action to be taken has been specifically authorized by the Board at a duly called and assembled meeting nor does it relate to the circulation of purely informational matter.

B. BOARD OF SUPERVISORS SERVING AS DIRECTORS OF COUNTY SUPPORTED ORGANIZATIONS

State law prohibits Board members from having a financial interest in contracts made by the Board (Government Code Section 1090). While the remote interest of a nonsalaried officer of a non-profit organization is permitted by State law upon full disclosure, the Board recognizes the existence of a potential conflict of interest.

No member of the Board of Supervisors shall serve on the Board of Directors of any organization which receives financial support from the County.

C. COUNTY FUNDED CONSTITUTENT QUESTIONNAIRES AND OTHER MASS MAILINGS

Concern has been expressed by various individuals and groups, including the Grand Jury and members of the Board of Supervisros, regarding the possibility that publicly funded questionnaires and other mass mailings sent by elective County officers to their constituents could be utilized for election campaign and other political purposes. This issue was addressed and various recommendations made in an iterim report of the 1974-75 Grand Jury dated December 19, 1974. Those recommendations were restated in that Grand Jury's Final Report. In 1976 provisions were added to the Elections Code to regulate lmass mailings. (Elction Code, § 11800 et seq.). In order to avoid any conflict between State and County law relating to mass mailings and in order to further remove the possibility of political abuse of publicly funded questionnaires and other constituent mass mailing, it is considered appropriate and in the public interest to establish by policy additional regulations and limitations on this practice as follows:

It is the policy of the Board of Supervisors that;

1. Any County funds to be expended for the preparation and/or distribution of questionnaires or other mass mailings by elective County officers to constituents shall be specifically authorized, appropriated and detailed in individual amount by the Board of Supervisors for that purpose and shall be separately identified and accounted for in the budget and the budgetary control process.

2. For purposes of this policy, a mass mailing means identical or nearly identical pieces of mail in an amount which (1) in any month, exceeds 1 percent of the population of the jurisdiction from which the official was elected, according to the latest federal census, or (2) during any 120 calendar day period exceeds 500 pieces, whichever is less, or (3) which, in the 30 days preceding a County election, exceeds 200 pieces. A mass mailing does not include a form letter or other mail which is sent in response to a letter or inquiry or any official mailing required by law.

3. A copy of every mailing of 500 pieces or more shall be filed by any Supervisor making such a mailing with the Clerk of the Board and a copy shall be provided to every member of the Board and the Chief Administrative Officer prior to its being sent out.

4. No newsletter or other mass mailing shall be sent at County expense by or in behalf of an elected County official to any person residing within the jurisdiction from which he or she was elected or to which e or she seeks election (1) after the elected County official has filed a declaration of candidacy, nomination paper, affidavit of acceptance of sponsor's declaration, acceptance of

nomination, or any other paper evidencing an intention to be a candidate for any local, state, or federal office, or (2) during the ninety calendar day period prior to a primary or general election in which the elective officer is a candidate, whichever period is longer.

5. No newsletter or other mass mailing shall be sent at County expense by or in behalf of an elected County official during the ninety calendar day period prior to a primary or generla election in which the elected County official has publicly endorsed other candidates or measures appearing on the ballot, provided, however, that questionnaires or other mass mailings authorized and budgeted by the Board for general County public attitude surveys or other informational purposes are not subject to the provisions of the Paragraph 5.

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CO. OF SAN DIEGO
SUPERVISORS
BOARD OF

Reference:
B/S Action 9-20-77 (8)
B/S Action 12-9-80 (8)
B/S Action 10-30-84 (93)