



AGENDA REPORT

City Attorney's Office

DATE:	September 10, 2024
TO:	Mayor Martinez and Members of the City Council
FROM:	David Aleshire, City Attorney
Subject:	Nepotism in City Boards, Commissions, Committees and Task Forces
FINANCIAL IMPACT:	No financial impact at this time.
PREVIOUS COUNCIL ACTION:	April 2, 2024
STATEMENT OF THE ISSUE:	<p>Without such nepotism prevention, individual Council Members or City Executives may obtain undue influence over the City's boards, commissions, committees, and task forces.</p> <p>This Ordinance will Prevent Nepotism During the Appointment Process for Richmond Boards, Commissions, Committees, and Task Forces, and Limit Individual Participation to One such City body at a time.</p>
RECOMMENDED ACTION:	ADOPT an ordinance (second reading) preventing the appointment of immediate family members of City Councilmembers, the City Manager, or City Department Heads, from serving on Richmond boards, commissions, committees, and task forces, and limiting an individual's participation to one such City body at a time – City Attorney's Office (Dave Aleshire 510-620-6509).

PREVIOUS COUNCIL MEETINGS:

On April 2, 2024: City Council provided direction to the City Attorney to prepare an Ordinance for review by the Council.

DISCUSSION:

I. Nepotism in Appointments to Boards, Commission, Committees and Task Forces.

In past administrations City elected officials have appointed family relatives to serve on various Richmond boards, commissions, committees and task forces (together, “bodies”). This is problematic because the Richmond City Charter seats all nominating authority for appointments to these bodies with the Mayor. The City Council is delegated only approval authority over the Mayor’s nominations. This provides an opportunity for certain Richmond elected officials to exert disproportionate influence over these important appointed bodies that assist in setting essential policy for the City.

The City Attorney’s Office reviewed nepotism ordinances and resolutions of various California cities pertaining to appointments to such city bodies and discussed their findings with the Council on April 2, 2024. Research identified only a handful of cities that to date have acted to prevent nepotism in city bodies, including the cities of Westminster, Santa Monica, Laguna Niguel and Garden Grove. Each of these cities has passed limitations on the appointment of relatives of City Councilmembers to their city’s bodies.

The Council appeared to support the following limitations on appointments to City bodies:

Relatives: The City of Richmond does not currently have a policy limiting the appointment of relatives of seated City Council Members, the City Manager, or City Department Heads to City bodies, although the Council expressed interest in creating such a policy and seemed to support a definition of family member as follows: “Immediate family members, including, spouse, registered domestic partner, parent, sibling, child, in-law, grandparent or grandchild, or any other legally related person living in the same household as a currently seated City Council Member, City Manager, or City Department Head.”

Business Associates: The Council also expressed interest in preventing the appointment of business associates of currently seated City Council Members, the City Manager, or City Department Head to City bodies. The category may be defined as: “Any person who receives income, whether from investments or as compensation from the same entity, whether it be a

commercial or non-profit entity, as a currently seated City Council Member, City Manager, or City Department Head.”

Under the provisions above, there are currently seated appointees whose appointments would be prohibited by the proposed ordinance. The Council appears to agree that such appointees should be permitted to serve out their current terms as indicated below:

Current Term: The Council also appeared to support the concept that, upon implementation of the new ordinance, a currently seated appointee who would otherwise be excluded from serving on a City body should be permitted to complete their current term, thus allowing: Any person currently serving on a City Board, Commission, Committee or Task Force upon adoption of this ordinance, who would otherwise be disqualified by the terms of this Section 3.14.030, may serve out the remainder of their current term.”

II. LIMITING A PERSON’S SERVICE TO ONE CITY BODY AT A TIME

The Council appeared to support the policy of limiting service on City bodies to one body at a time to allow for greater and more diverse participation on the City’s bodies. The suggested Ordinance therefor limits “individual participation to a single City body [to allow] for greater and more diverse participation.”

DOCUMENTS ATTACHED:

Attachment 1 – Ordinance (proposed)