



To: RCRC Board of Directors
From: Paul A. Smith, Vice President Governmental Affairs
Date: March 5, 2019
Re: RCRC Supporting Gubernatorial Appointments - **ACTION**

Summary

This memo addresses the possibility of RCRC supporting gubernatorial appointments during their confirmation process in the State Senate.

Background

Under the State's Constitution, the Governor is afforded a large number of appointments to head various state agencies. Furthermore, the Governor appoints hundreds of individuals to various state and regional boards and commissions. Most, but not all, senior appointments require the advice and consent of the State Senate. The review of gubernatorial appointments is primarily conducted by the Senate's Rules Committee, which is chaired by the Senate President pro Tempore (the effective leader of the State Senate). The Senate Rules Committee is comprised of five members – currently three Democrats and two Republicans. Assuming the consent of the Rules Committee, the name is subsequently brought to the Senate Floor for consideration. The overwhelming majority of appointees are subject to majority vote approval; however, some must be confirmed by a 2/3rds vote. Typically, an appointment by the Governor allows an individual to be seated immediately; however, Senate confirmation must occur within one year of the appointment.

Recently, Governor Gavin Newsom has announced several appointments to state agencies that are significant to RCRC member counties – Director of the California Department of Forestry and Fire Protection (CAL FIRE), Natural Resources Secretary, Water Resources Control Board, the California Transportation Commission, Secretary of the California Department of Food and Agriculture, etc. These appointees will impact how the various agencies, boards and commissions' interact with rural counties and their local government structures.

Issue

With only a handful of exceptions, RCRC has not offered comment or support of gubernatorial appointments in its near 50 year history. In 2017, the RCRC Executive Committee discussed, at length, the possibility of RCRC supporting gubernatorial appointments. At that time, the RCRC Executive Committee was reluctant to engage in supporting nominees in their confirmation process. At the request of RCRC Chair

Supervisor Matt Kingsley (Inyo), there is a desire to revisit the conversation. Three material changes have occurred: 1) the current composition of the RCRC Executive Committee is vastly different from two years ago; 2) the majority party (Democrats) has significantly increased its membership in both houses of the Legislature, and Governor Newsom was recently elected by a very large majority of California's electorate; and, 3) Governor Newsom has recently made several appointments to key positions that appear to be favorable to RCRC's member counties.

At their February 20, 2019 meeting, the RCRC Executive Committee had another thorough discussion of the change in policy that would outline a process for RCRC to offer support of gubernatorial appointments. By an 8 to 1 majority, the RCRC Executive Committee voted to bring the topic to the RCRC Board of Directors for consideration. During the discussion at the RCRC Executive Committee, RCRC staff presented language to amend the bylaws to allow for RCRC to offer support to gubernatorial appointments. Specifically, if approved, the bylaws would set forth a process whereby a name would be brought to the RCRC Chair (in most circumstances staff would present those names). The Chair would decide whether to move the name forward to the RCRC Executive Committee. A name before the RCRC Executive Committee would then be considered in order to offer "Support" (an "Oppose" position would be precluded), and if so, this could only occur with a 2/3rds vote (six of the nine voting members) of approval. Under this proposed construction, the RCRC Board of Directors would devolve this decision solely to the RCRC Executive Committee.

Staff Recommendation

RCRC staff recognizes that the decision to offer support to gubernatorial appointees has a variety of rewards, but brings with it some significant risk. Given these counterbalancing factors, RCRC staff suggests the RCRC Board of Directors fully discuss this item to determine a position.

The RCRC Board of Directors may want to consider factors that suggest adopting a new position that could include:

- If there is an appointment that we are quite certain is going to be favorable to RCRC, let's reinforce by offering formal "Support."
- Supporting a nominee will ingratiate good will by the appointee towards RCRC.
- Members of the RCRC Board of Directors (or County Supervisors from RCRC – member counties) should be acknowledged with formal "Support."
- Having the ability to offer support could lead to appointees purposely seeking RCRC's support thereby creating a relationship that may have not existed otherwise. (Note: The Governor's Appointments Office typically asks appointees for indications of stakeholder support, both prior to appointment as well as prior to confirmation).

The RCRC Board of Directors may want to consider factors that suggest not engaging in Senate confirmations that could include:

- In many instances, who is supported by RCRC indicates who is not supported by RCRC.
- There are instances where several appointments to the same body are made at the same time, but RCRC only supports one of the appointees. This could place RCRC in a very awkward position.
- RCRC could find itself reluctantly supporting a nominee that, once confirmed, is not helpful nor favorable to the concerns of rural counties.
- RCRC could be approached to support a nominee that has been appointed to an entity that is not relevant to RCRC's purpose and/or mission.

Attachment

- Proposed Revisions to 6.8.2 of the RCRC Bylaws