



# Board of Supervisors

Nathan A. Miley  
PRESIDENT  
Supervisor, District 4

March 17, 2023

Honorable Board of Supervisors  
County of Alameda  
1221 Oak Street, Suite 536  
Oakland, Ca. 94612

Dear Board Members:

**SUBJECT: APPROVE THE ESTABLISHMENT OF A BOARD OF SUPERVISORS' AD HOC COMMITTEE AND REPARATIONS COMMISSION TO CREATE A DRAFT ACTION PLAN TO ADDRESS THE LEGISLATIVE, SOCIAL AND ECONOMIC INEQUITIES FACED BY AFRICAN AMERICANS IN ALAMEDA COUNTY BY FACILITATING LISTENING SESSIONS, REPORT FINDS FROM FORMATIVE RESEARCH AND FOCUS GROUPS.**

## **RECOMMENDATION:**

Approve the establishment of a Board of Supervisors' Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

## **DISCUSSION:**

On June 7, 2011, the Board of Supervisors adopted Resolution No. R-2011-177 to formally apologize for the enslavement and racial segregation of African Americans. On October 6, 2020, the Board of Supervisors adopted Resolution No. R-2020-412 to apologize and express remorse for the slavery, segregation, and discrimination of African Americans and pledged to develop an action plan to address the legislative, social, and economic inequities faced by African Americans.

To begin drafting a course of action to achieve the goals of Resolution No. R-2020-412, a work group was formed consisting of 13 county agencies and departments to discuss various approaches to formulating a commission focused on reparations for African Americans. The work group also engaged representatives from various jurisdictions including the California Reparations Task Force and the City of Oakland who provided insight into the formation of a reparations action plan and input on possible collaboration.

At the Board of Supervisors' Work Session held on November 4, 2021, direction was given to move forward to the full Board of Supervisors with a 4-step proposal to create a countywide reparations action plan that included the formation of a Board of Supervisors Ad Hoc Committee and Reparations Commission.

The Board of Supervisors Ad Hoc Committee would consist of no more than two members of the Board who would oversee the formation of the Reparations Commission, listening sessions and receive reports on the creation of the draft action plan from the Commission. The Reparations Commission would report back to the Board of Supervisors' Ad Hoc Committee on a bi-monthly basis. Appointments to the Reparations Commission would be completed by the Board of Supervisors no later than July 1, 2023.

Both the Ad Hoc Committee and Reparations Commission would be governed by the Ralph M. Brown Act. The scope and purpose of the Commission is to create a draft action plan based on its research that will make significant and lasting progress towards repairing public and private systematic discrimination. The Commission would also maintain communication with local municipalities focused on reparations to have coinciding efforts, and if possible, collaborate jointly. The Commission will provide bi-monthly updates to the Ad Hoc Committee. The draft action plan will include short-term, medium-term, and long-term recommendations.

Once appointed by the Board of Supervisors, the Reparations Commission would begin to facilitate listening sessions, record key takeaways from the listening sessions, and gather research to formulate and present a draft action plan to the Board of Supervisors Ad Hoc Committee no later than July 1, 2024, for final approval by the full Board.

The Reparations Commission will have a 15-member structure with each Board member appointing three members.

#### Proposed Commission Membership:

- **Seat 1:** Represents a media outlet that principally serves the African American community, is a storyteller of African American stories, or is a historian with expertise in African American history.
- **Seat 2:** Is displaced from Alameda County due to gentrification and/or is an individual who has experienced or is experiencing homelessness and shall not be required to reside in Alameda County during their participation on the Commission.
- **Seat 3:** Is an individual with expertise in private equity, venture capital, or fundraising in the financial industry.
- **Seat 4:** Is an individual age 55 or older who has lived in a predominantly African American community.
- **Seat 5:** Is an individual who has been incarcerated.
- **Seat 6:** Is an individual who has experienced discrimination in the workplace.
- **Seat 7:** Is an individual with expertise in the corporate industry and experience in dealing with high-level contracts.
- **Seat 8:** Is an individual with expertise in the impact of redevelopment activities on Black communities.
- **Seat 9:** Is a small business owner principally serving the African American community.
- **Seat 10:** Is a person who is employed by or in a leadership position in a charitable, social service, or religious organization principally serving the African American community.

- **Seats 11-15:** At-Large, at discretion of each board member.

Commission seats 1-10 will be selected based on Board seniority, with each Board member selecting two seats, subject to Board approval. Seats 11-15 will be At-Large, with appointments of one per county district, subject to Board approval. Each commission seat must be a resident of Alameda County, except for seat 2. Commissioners may be removed involuntarily by a majority vote of the Board of Supervisors.

**CONCLUSION:**

It is recommended your Board approve the establishment of a Board of Supervisors’ Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

**BUDGET:**

The proposed annual budget includes quarterly meetings for the Board of Supervisors Ad Hoc Committee and the Reparations Commission. The Commission will be meeting once per month with an allowance of five special meetings for a total of 17 meetings annually. Fifteen Commission members with a stipend of \$50 per meeting. Still to be determined is meeting location and county staffing for the commission.

It is anticipated that the Board of Supervisors District 4 staff will staff the Reparations Commission. Duties to include agenda preparation, scheduling of meetings, scheduling of listening sessions, and coordination with other county staff as necessary, until such time that the Office of Diversity, Equity, and Inclusion is established. Other staffing requirements would include the County Administrator’s Office and County Counsel as needed. Outside consultants and research professionals may be required.

The proposed budget is as follows:

<b>Staffing</b>	<b>Description</b>	<b>Cost</b>
Clerk of the Board	Agenda posting and distribution, clerking meetings, and meeting minutes 17 meetings	\$21,243.00
Stipends	\$50 per meeting	\$12,750.00
	15 commissioners	
	17 meetings	
District 4 staff	Agenda preparation, scheduling of meetings, scheduling and coordination of listening sessions, and coordination with Clerk of the Board and other staff	In kind
Miscellaneous	Printing/materials, room rental for special meetings etc.	\$7,500.00
Room Rental	Alameda County Training and Education Center (Including audio/visual equipment rental)	\$9,775.00
<b>Total</b>		\$51,268.00

**FINANCING:**

There are sufficient funds in the Board of Supervisors' Boardwide budget to cover an amount not to exceed \$51,268.00.

**VISION 2026 GOAL:**

The establishment of the Board of Supervisors Ad Hoc Committee and Reparations Commission aligns with many, if not all, of the 10X goals outlined in the county's Vision 2026 statement.

**EQUITY:**

In light of contemporary times, there is a new push for the public sector to address systemic issues through an equity-based approach rather than an equality-based approach.

Respectfully submitted,



NATE MILEY

President

Alameda County Board of Supervisors

Cc: Susan Muranishi, County Administrator  
Donna Ziegler, County Counsel  
Melissa Wilk, Auditor-Controller

# Reparations & Remedies

Caleb Matthews  
Supervisor Nate Miley, District 4  
County of Alameda

# Subject

- Approve the establishment of a Board of Supervisors' Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

# Definition of Reparations

- “The making of amends for a wrong one has done, by paying money to or otherwise helping those who have been wronged.”
- There are five areas of reparations:
  1. Compensatory
  2. Restitution
  3. Rehabilitative
  4. Non-Repetitive
  5. Satisfaction

# Presentation Overview

- Historical Discrimination against African-Americans in Alameda County
- Recent County Efforts towards Reparations
- Recommendation
- Conclusion



# Historical Discrimination

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Public Housing

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Police violence

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Zoning and Redlining

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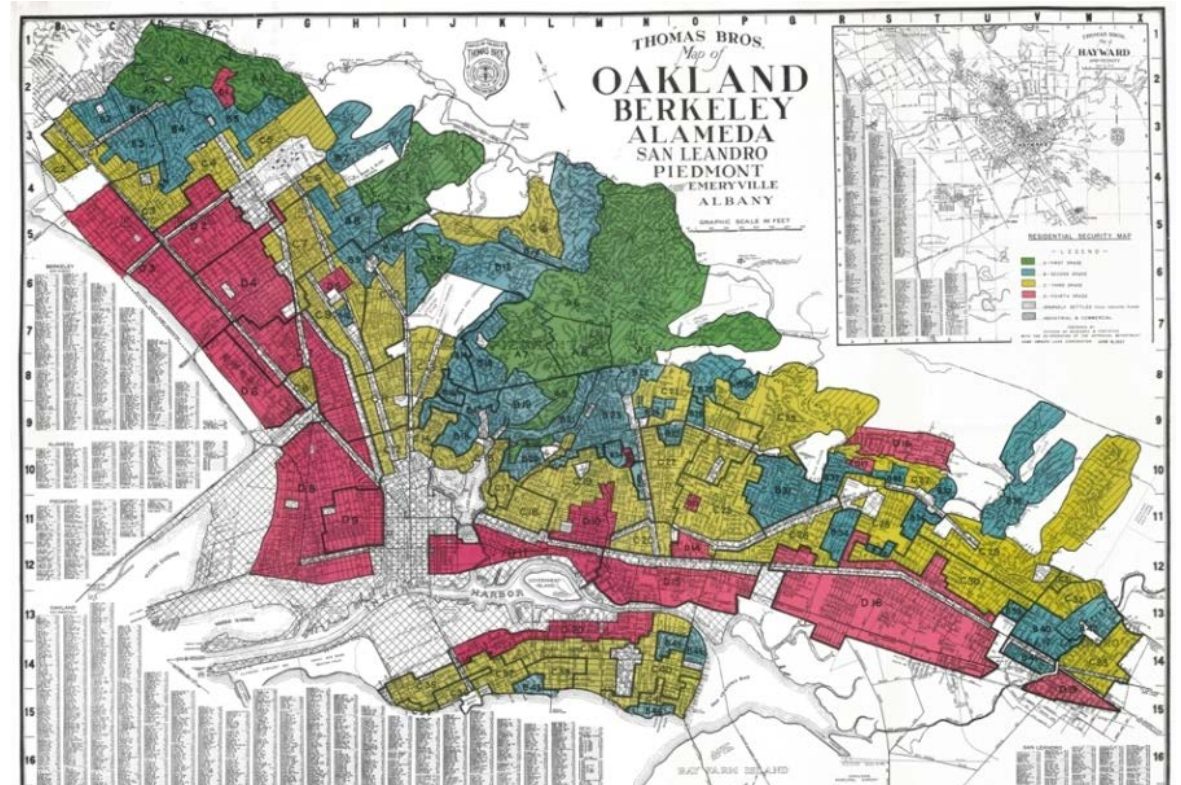
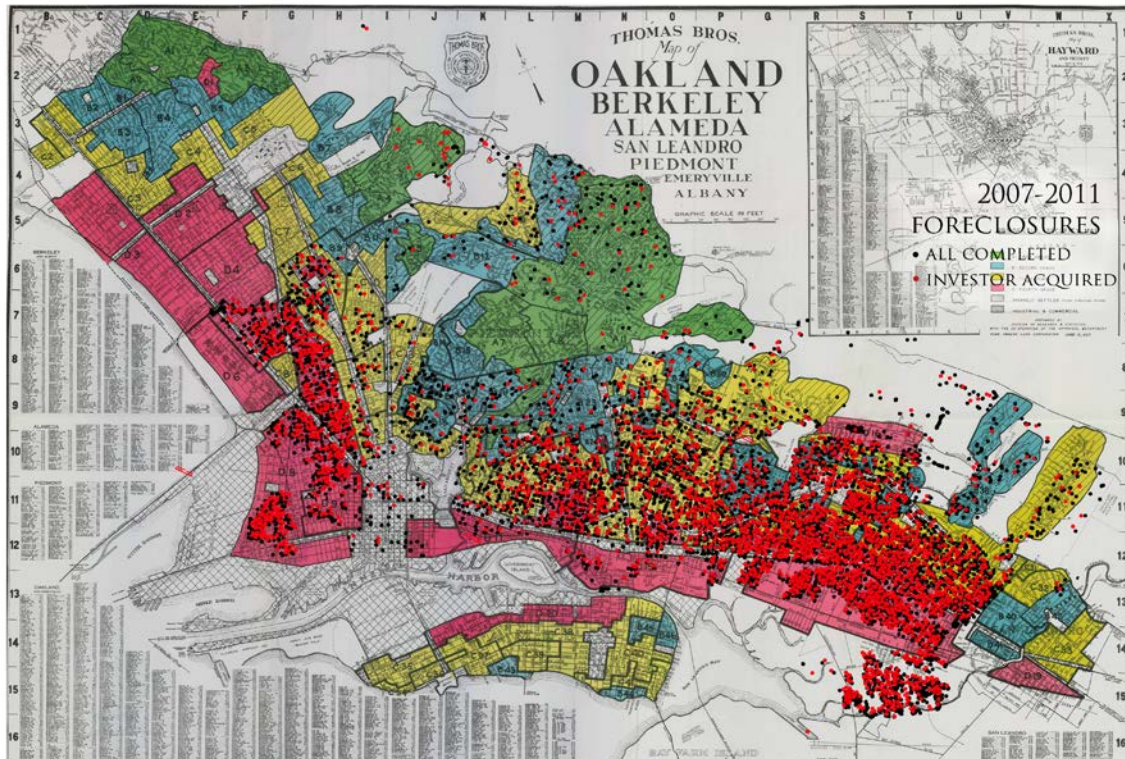
Municipal Fragmentation

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Barriers to homeownership (lending, foreclosures etc.)

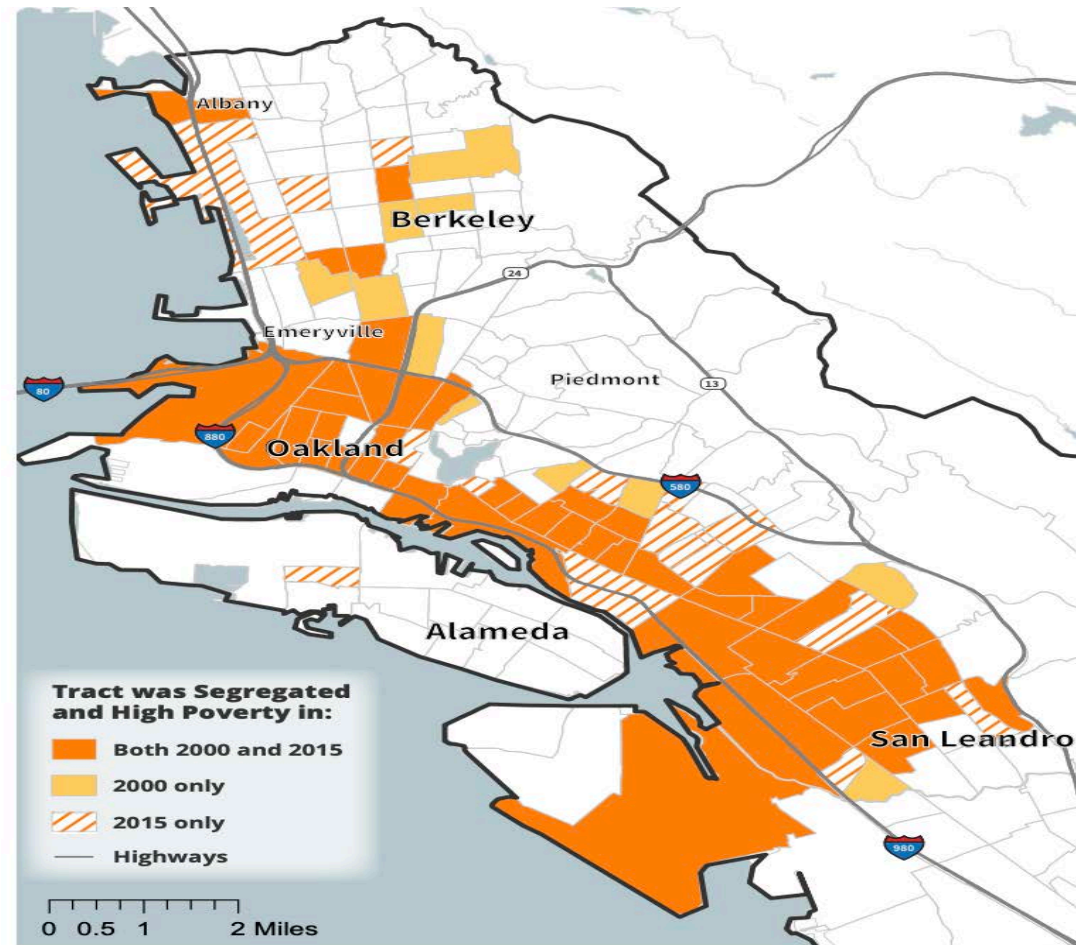
# Redlining & Foreclosures in Alameda County

- Each dot on this map represents an Oakland property that was foreclosed on between 2007 and 2011.
- The vast majority of foreclosures occurred in formerly redlined areas.
- Image credit: Evan Bissell



# Segregation and High Poverty in Alameda County

Map shows high rates of low-income households in segregated tracts for 2000 and 2015.

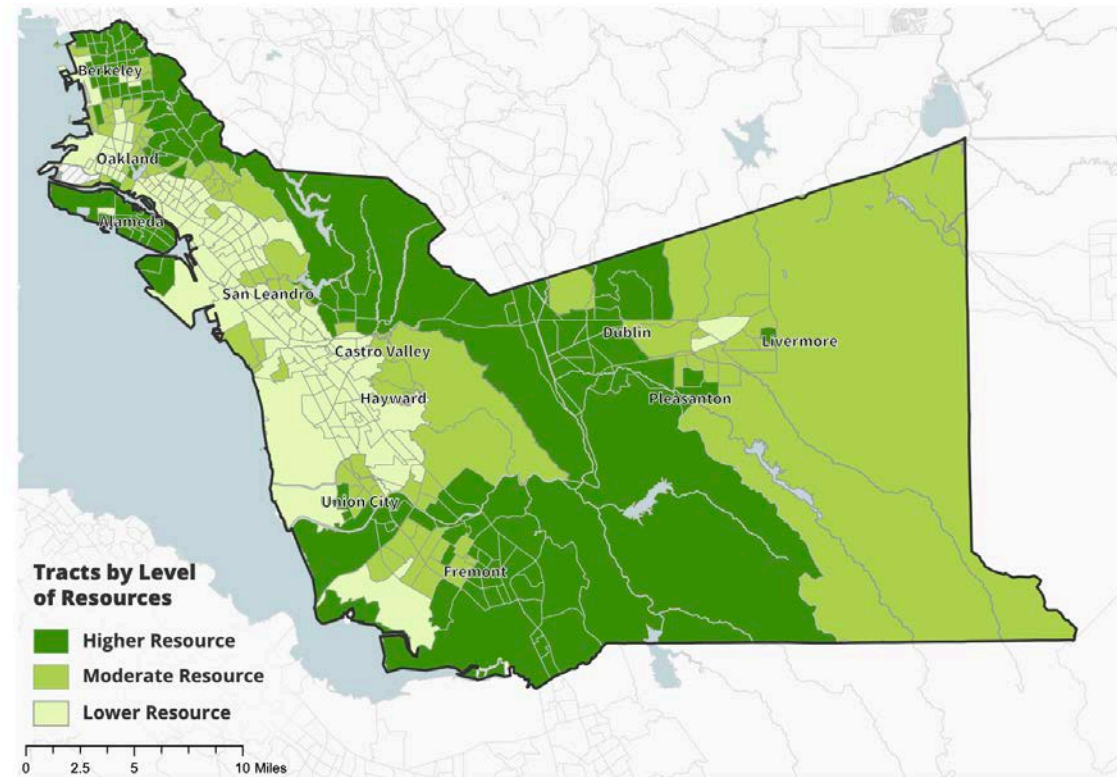


Source: U.S. Census 2000 (Table H063), ACS 2011-2015 (Table B25064)



# Resources by Alameda County Neighborhood

- Urban Displacement Organization Study: in 2015, low-income White households in Alameda County were seven times more likely to live in higher resource tracts than moderate and high-income Black households.
- Neighborhood-level resources impact:
  - Child development
  - Economic mobility
  - Health

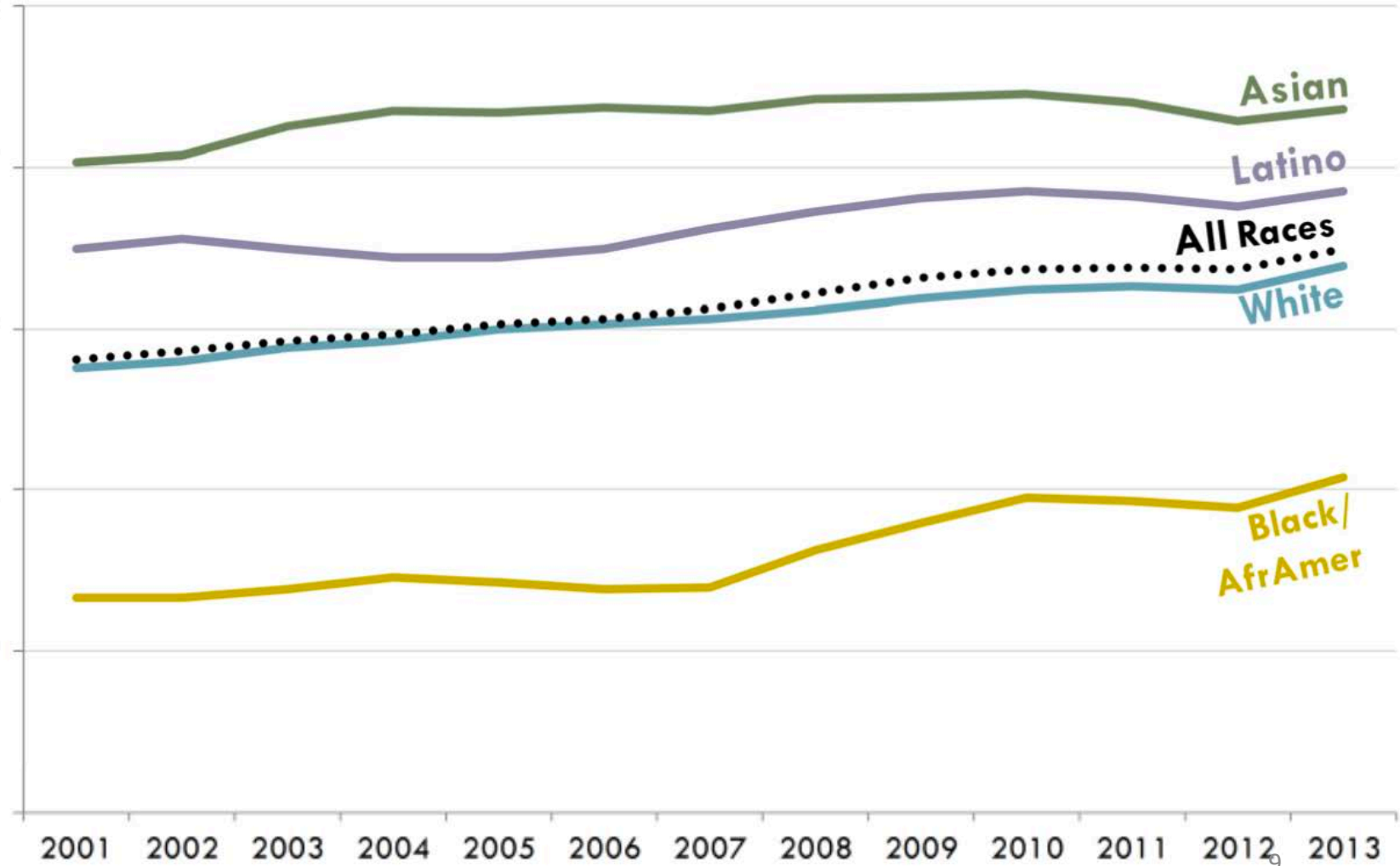


Source: California Fair Housing Task Force, 2017

# Life Expectancy Trend by Race

Alameda County, 2000-2014\*

Alameda  
County Vital  
Statistics files,  
2000-2014



# Discriminatory Policies

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Implicitly discriminatory forms of exclusion continue to perpetuate racial inequity in housing

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Exclusionary zoning normalized → leads to many jurisdictions continuing to employ it

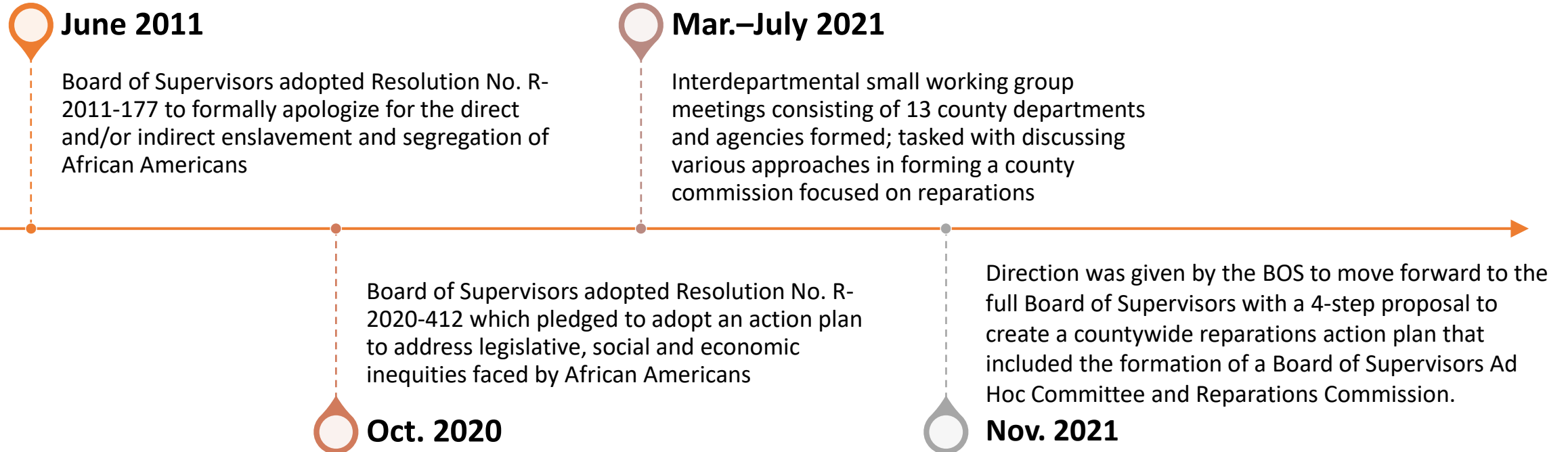
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Previous zoning codes established districts exclusively for single-family homes → limited affordable housing construction

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Local government regulation of residential subdivisions and municipal growth excludes African Americans from establishing equity on a wide scale

# Recent County Efforts Towards Reparations



# Recent County Efforts Towards Reparations



**June 2011**

Board of Supervisors adopted Resolution No. R-2011-177 to formally apologize for the direct and/or indirect enslavement and segregation of African Americans

**Oct. 2020**

Board of Supervisors adopted Resolution No. R-2020-412 which pledged to adopt an action plan to address legislative, social and economic inequities faced by African Americans

**Mar.—July 2021**

Interdepartmental small working group meetings consisting of 13 county departments and agencies formed; tasked with discussing various approaches in forming a county commission focused on reparations

**Nov. 2021**

Direction was given by the BOS to move forward to the full Board of Supervisors with a 4-step proposal to create a countywide reparations action plan that included the formation of a Board of Supervisors Ad Hoc Committee and Reparations Commission.

**Jan. 2022**

Under the new authority from AB 1486, the Alameda County Auditor-Controller/Clerk-Recorder implements a new program to identify and redact unlawfully restrictive covenants in residential deeds and other documents

**June 2022**

Organized a community townhall with representatives from the State Reparations Task Force as well as from the Cities of Oakland, San Leandro and Hayward (all of which are discussing or working on their own respective reparations efforts)

**Nov. 2022**

BOS approved the establishment of a Director and Deputy Director of the Office of Diversity, Equity and Inclusion

**Dec. 2022**

Participated in the State Reparations Task Force's Hearing



**Alameda County  
Reparations/Equity Action Plans**



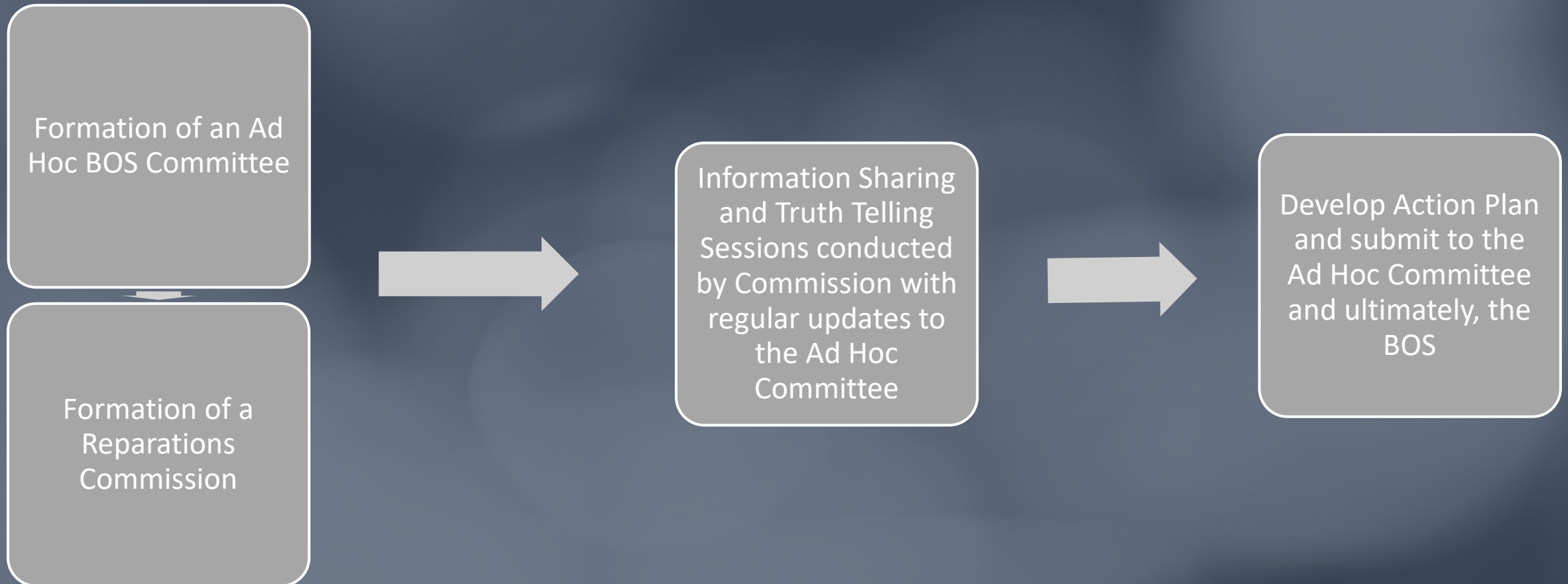
# Cross-Jurisdictional Activities

- CA State Task Force
  - Met with Task Force members Donald K. Tamaki, Dr. Jovan Scott-Lewis and Dr. Cheryl Grills on possible collaboration with State Task Force on reparations
  - Discussed with Task Force member Dr. Cheryl Grills to include Alameda County as a local organization in the statewide Public Engagement Plan
  - Organized a community townhall with representatives from the State's Commission as well as from the Cities of Oakland, San Leandro and Hayward (all of which are discussing or working on their own respective reparations efforts)

# Examples in Other Jurisdictions

Jurisdiction	Resolution	Commission	Committee	Task Force
State of California				<ul style="list-style-type: none"> <li>CA Reparations State Task Force</li> <li>Assembly Bill 3121 (9/30/20)</li> <li>9 members</li> </ul>
City and County of San Francisco	<ul style="list-style-type: none"> <li>Introduced and passed in February 2020</li> </ul>		<ul style="list-style-type: none"> <li>Reparations Advisory Committee                             <ul style="list-style-type: none"> <li>15 members</li> </ul> </li> <li>Formed to submit research to the BOS</li> </ul>	
City of Los Angeles		<ul style="list-style-type: none"> <li>Reparations Advisory Commission                             <ul style="list-style-type: none"> <li>Established June 2021</li> <li>6 members</li> </ul> </li> </ul>		
Asheville, NC	<ul style="list-style-type: none"> <li>Introduced and passed in July 2020</li> </ul>	<ul style="list-style-type: none"> <li>Community Reparations Commission                             <ul style="list-style-type: none"> <li>Currently receiving community feedback on the commission application process</li> </ul> </li> </ul>		
Evanston, IL	<ul style="list-style-type: none"> <li>Introduced and passed in November 2019</li> </ul>		<ul style="list-style-type: none"> <li>Reparations Committee                             <ul style="list-style-type: none"> <li>7 members</li> </ul> </li> <li>\$25,000 each to 16 eligible black households to use for home repairs or as down payments on property.</li> </ul>	

# Recommendation: Establish Structure & Develop Draft Action Plan



# Ad Hoc BOS Committee Structure

- Create an informal committee of the Board of Supervisors consisting of no more than 2 members of the Board.
- Ad Hoc Committee:
  - Oversees formation of the Commission
  - Observes listening sessions
  - Receives reports from the Commission
  - Oversees creation of action plan

# Commission Structure

- Scope & Purpose: To make short-, medium-, and long-term recommendations that will make significant and lasting progress toward repairing public and private systematic discrimination
- Create a new Board-appointed commission
  - MEMBERSHIP: Appointed by the Board of Supervisors
  - QUALIFICATIONS: Must be an Alameda County resident (one exception)
  - REPORTS TO: Ad Hoc Committee, Board of Supervisors
- 15-member structure with each Board member appointing 3 members
  - Seats 1-10 will be selected based on Board seniority, with each Board member selecting two seats, subject to Board approval.
  - Seats 11-15 will be At-Large, with appointments of one per county district, subject to Board approval.
- The Reparations Commission would report back to the Board of Supervisors' Ad Hoc Committee on a bi-monthly basis.
- Commissioners may be removed involuntarily by a majority vote of the Board of Supervisors.
- San Francisco's African American Reparations Advisory Committee was referenced as a framework

# Proposed Commission Membership

- **Seat 1:** Represents a media outlet that principally serves the African American community, is a storyteller of African American stories, or is a historian with expertise in African American history.
- **Seat 2:** Is displaced from Alameda County due to gentrification and/or is an individual who has experienced or is experiencing homelessness and shall not be required to reside in Alameda County during their participation on the Commission.
- **Seat 3:** Is an individual with expertise in private equity, venture capital, or fundraising in the financial industry.
- **Seat 4:** Is an individual age 65+ who has lived in a predominantly African American community.
- **Seat 5:** Is an individual who has been incarcerated.
- **Seat 6:** Is an individual who has experienced discrimination in the workplace.
- **Seat 7:** Is an individual with expertise in the corporate industry and experience in dealing with high-level contracts.
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- **Seat 10:** Is a person who is employed by or in a leadership position in a charitable, social service, or religious organization principally serving the African-American community.
- **Seats 11-15:** At large, at discretion of board member

# Commission

- Appointments to the Reparations Commission would be completed by the Board of Supervisors no later than July 1, 2023
- Once appointed by the Board of Supervisors, the Reparations Commission would begin to facilitate listening sessions, record key takeaways from the listening sessions, and gather research to formulate and present a draft action plan





## Information Sharing & Truth Telling: Listening Tour

- Facilitate listening sessions for the public
- Record key takeaways from the listening sessions to help with Action Plan development
- Keep community informed on project updates, changes, and progress

### ✓ *Desired Results*

- Hear community perspectives about past, present, and future
- Inspire the community and county officials to collaborate in identifying opportunities to create a more equitable Alameda County
- Better understanding of current disparities due to policy and areas that need focus
- Identify barriers that impede equity

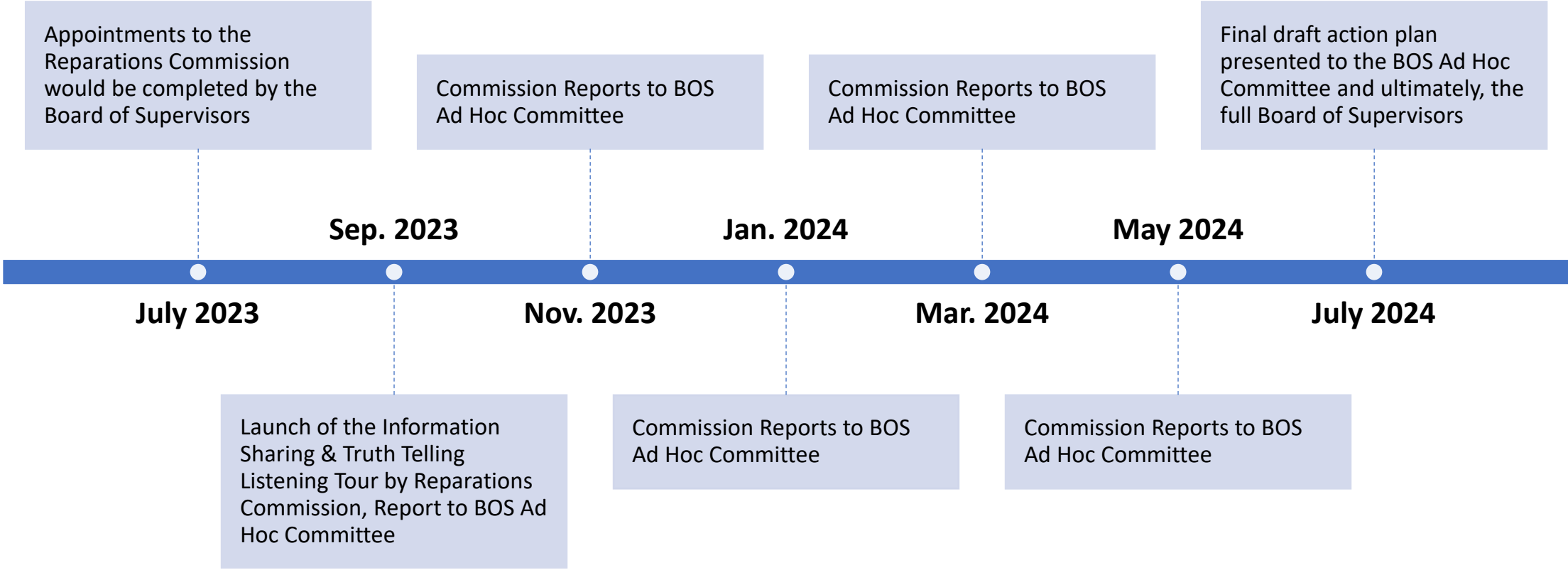
# Create Draft Action Plan

To serve as a guiding document to achieve the goals, intentions, and purpose of the Resolution In Support of Community Reparations for African Americans (No. R-2020-412) presented by Supervisor Miley and Supervisor Carson

Would include a variety of remedies to achieve reparations (i.e. community education, community investments, direct payments, etc.)

Focus on creating equitable opportunities

# Forecasted Timeline





## Conclusion

It is recommended your Board approve the establishment of a Board of Supervisors' Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.



# Questions

**Campbell-Belton, Anika, CBS**

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**From:** Lou Anne McKeefery <louanne@mckeefer.com>  
**Sent:** Saturday, March 25, 2023 3:44 PM  
**To:** Clerk of the Board  
**Subject:** Re: For Public Record

Hello Clerk,

I had an incorrect date and I have fixed it in this letter. Please submit instead:

Agenda Item #53

March 26, 2023

Board of Supervisors, Alameda County

I am writing to oppose the redistribution of wealth in the name of reparations and the purpose of the ad-hoc committee proposed by President Miley.

California entered the Union as a free state on September 9, 1850.

California has a proud place to stand as a **slave-free state** when she joined the Union in 1850. This is the message you should convey to the people and if you do not, you have ignored history and instead inserted a revisionist story in its place.

Following the discovery of gold in California, in 1848, the territory desired to become a state-a free state. Previously, the South had strongly backed the Mexican War, looking towards newly acquired territories being broken up into slave states. However others believed the new territories, acquired from defeated Mexico, should become slave states, free states with no slaves, or whether the issue should be left up to those living in said areas.

In 1850, when California demanded to accede to the Union, California had no slaves. You see there were no slaves in California because white miners did not want black slaves to be used to undercut them as labor in the diggings. Two senators from California would tilt the balance of power in the Senate against the slave-owning South, and the House of Representatives already had a substantial majority of members from non-slavery states. Southern politicians rose in wrath to demand that the South should secede from the Union. The compromise of 1850 was proposed. California could join the Union as a free state regardless of the war with Mexico. This proposal was so controversial that Senator Foote of Mississippi advanced on Senator Benton of Missouri with pistol drawn.

President Fillmore called the Compromise of 1850 'final and irrevocable' and it was greeted not only with rejoicing in Washington, but with profound relief everywhere in the United States in the belief that conflict between North and South was now at an end. This belief proved tragically mistaken. The issue of principle over slavery had not been settled, and in the Civil War California was to be a substantial asset to the North.

Any redistribution of tax revenue is theft from the people with no historical or logical justification. I can only call this effort a virtue signal. Business decisions made with no justification other than a feel good pat on the back is detrimental to the fiscal health of our communities. The committee will serve as a message that slavery was active in California when in fact **California as a free-state changed the balance of power in the Senate in 1850 and moved this country closer to an anti-slavery nation.**

Lou Anne McKeefery  
Castro Valley  
Lou Anne

Lou Anne

On Sat, Mar 25, 2023 at 3:31 PM Lou Anne McKeefery <[louanne@mckeefery.com](mailto:louanne@mckeefery.com)> wrote:

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Lou Anne McKeefery

Castro Valley

Lou Anne

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## Campbell-Belton, Anika, CBS

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**From:** Randolph Belle <rb@randolphbelle.com>  
**Sent:** Tuesday, March 28, 2023 9:25 AM  
**To:** Clerk of the Board  
**Cc:** carolyn  
**Subject:** BoS Meeting ITEM # 53- Support for Reparations Commission

I strongly approve the establishment of a Board of Supervisors Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

I further encourage the Board of Supervisors to coordinate the county effort with those of the State of California, San Francisco, Oakland, and other local and national reparations inquiries including the City of Berkeley's Equitable Black Berkeley initiative and Hayward's Russell City initiative.

Given the lasting impacts of institutional and state sponsored racism against Black people still today, and the wide range of approaches to harm repair, the County of Alameda and society at large has a responsibility to make every effort to make amends for that history.

The creation of a reparations commission in Alameda County is a way for local government to address the legacy of racial injustice and provide tangible support to the Black community. Such a commission could be tasked with developing a comprehensive plan to identify and address the ways in which Black people have been systematically disadvantaged in Alameda County, and to develop strategies to support the community's economic, educational, and social well-being.

The commission could leverage the contributions of Black people in the county and America by engaging with local anchor organizations like the Black Cultural Zone, and other experts to inform its work. This approach would draw on the experiences and expertise of Black residents of Alameda County to develop recommendations that are tailored to the needs and priorities of the community including direct payments to individuals, investments in education and job training, the creation of programs and initiatives to promote economic development, health, and wealth-building in the Black community.

Overall, the creation of a reparations commission in Alameda County will be a powerful way to acknowledge the harms of the past and work towards a more equitable future for Black people in the county.

--

Randolph Belle  
RBA Creative- Design, Communications, Public Affairs  
Office/Studio: 3718 MacArthur Blvd  
Oakland, CA 94619  
Mailing: 490 Lake Park Avenue, #16242  
Oakland, CA 94610  
Phone- (510) 333-9175  
[www.randolphbelle.com/consulting](http://www.randolphbelle.com/consulting)  
[www.rbacreative.com](http://www.rbacreative.com)

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**Campbell-Belton, Anika, CBS**

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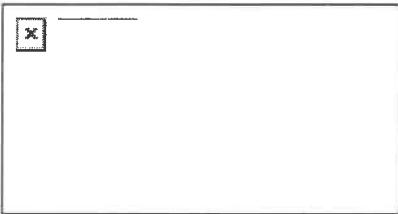
**From:** Theresa Henson <theresa@fiaeastbay.org>  
**Sent:** Tuesday, March 28, 2023 6:22 AM  
**To:** Clerk of the Board  
**Subject:** Faith in Action East Bay Statement Regarding Item #53  
**Attachments:** FIAEBStatement\_Item53.pdf

Hello,

Please see the attached statement regarding Item #53 for today's meeting.

Sincerely,

Theresa Henson (she, her)  
Communications Manager  
Faith in Action East Bay  
Cell: 206.200.0284



**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***



**March 27, 2023**

**Statement from Faith in Action East Bay Regarding ITEM #53 of the Alameda County Board of Supervisors Meeting on Tuesday, March 28, 2023**

Faith in Action East Bay, a 501(c)3 non-profit organization, builds power together with community leaders from across Alameda and Contra Costa counties. We are a multi-faith, multiracial network made up of more than 40 congregations that includes over 25,000 families.

Faith in Action East Bay leaders organize around the issues that impact our communities, including access to affordable housing, clean and safe neighborhoods, judicial reform, civic engagement, and just immigration policies to create family reunification.

**In light of our work for the health of our communities, which includes addressing the debilitating legacy of racial injustice, we recommend the following:**

Approval of the establishment of a Board of Supervisors Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

Sincerely,

A handwritten signature in black ink that reads "D. George C.L. Cummings".

Reverend George C.L. Cummings, Ph.D.  
Regional Executive Director

Agenda 53 3/28/23

**Campbell-Belton, Anika, CBS**

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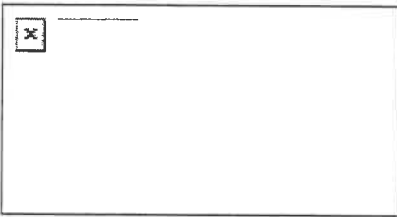
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**\*\* This email was sent from an external source. If you do not know the sender, do not click on links or attachments. \*\***



**March 27, 2023**

**Statement from Faith in Action East Bay Regarding ITEM #53 of the Alameda County Board of Supervisors Meeting on Tuesday, March 28, 2023**

Faith in Action East Bay, a 501(c)3 non-profit organization, builds power together with community leaders from across Alameda and Contra Costa counties. We are a multi-faith, multiracial network made up of more than 40 congregations that includes over 25,000 families.

Faith in Action East Bay leaders organize around the issues that impact our communities, including access to affordable housing, clean and safe neighborhoods, judicial reform, civic engagement, and just immigration policies to create family reunification.

**In light of our work for the health of our communities, which includes addressing the debilitating legacy of racial injustice, we recommend the following:**

Approval of the establishment of a Board of Supervisors Ad Hoc Committee and Reparations Commission to create a draft action plan to address the legislative, social, and economic inequities faced by African Americans in Alameda County by facilitating listening sessions, report findings from formative research and focus groups.

Sincerely,

A handwritten signature in black ink that reads "D. George C.L. Cummings". The signature is written in a cursive style.

Reverend George C.L. Cummings, Ph.D.  
Regional Executive Director

**Campbell-Belton, Anika, CBS**

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**From:** Jason Bezis <jason@bezislaw.com>  
**Sent:** Sunday, March 26, 2023 3:07 PM  
**To:** Campbell-Belton, Anika, CBS; Clerk of the Board; Henninger, Tona, BOS Dist4  
**Cc:** Ziegler, Donna, County Counsel; Weddle, Andrea L., County Counsel; Kan, Farand C., County Counsel; Lara, Raymond S., County Counsel; Stonework-Hand, Samantha N., County Counsel  
**Subject:** Alameda County Board of Supervisors Meeting, March 28, 2023, Item No. 54 (Appointment to Fill Vacancy in District 2) - Applicant Ariana P. Casanova Does Not Meet Legal Requirements  
**Attachments:** ACTA to Alameda County BOS re District Board Appointment-March 26 2023.pdf

Dear Ms. Campbell-Belton and Clerk of the Alameda County Board of Supervisors staff:

This office represents the Alameda County Taxpayers' Association. The attached two-page PDF document is correspondence concerning Item No. 54 on the March 28, 2023 Board of Supervisors meeting agenda, interview of candidates for appointment to fill the vacancy in Board District 2. Please distribute the attached letter to the Board as public comment on Item No. 54 and include it within the Ralph M. Brown Act, Government Code sec. 54957.5 materials that are made available to the public.

ACTA does not believe that applicant Ariana P. Casanova meets the legal requirements for appointment to the District 2 Board seat, as the attached letter explains. Therefore, I have included the Alameda County Counsel's office on this e-mail.

Sincerely,  
Jason Bezis  
Law Offices of Jason A. Bezis  
Attorney for Alameda County Taxpayers' Association  
(925) 962-9643

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# Law Offices of Jason A. Bezis

3661-B Mosswood Drive Lafayette, CA 94549-3509  
(925) 708-7073 Jason@BezisLaw.com

March 26, 2023

## VIA E-MAIL ONLY

Alameda County Board of Supervisors  
c/o President Nate Miley and Clerk of the Board Anika Campbell-Belton  
[Anika.Campbell-Belton@acgov.org](mailto:Anika.Campbell-Belton@acgov.org); [cbs@acgov.org](mailto:cbs@acgov.org)

Re: Public Comment on Alameda County Board of Supervisors meeting, March 28, 2023, Item No. 54, Interview candidates for appointment to "Supervisor - District 2"

To President Miley and members of the Alameda County Board of Supervisors:

This office represents the Alameda County Taxpayers' Association (ACTA). ACTA disagrees with your Board's and Counsel's conclusion on March 21 that applicant Ariana P. Casanova satisfies the "legal requirements" for the office of Alameda County Board of Supervisor for District 2.

ACTA calls your Board's attention to the one-year prior residency qualification requirement for an Alameda County supervisor in Alameda County Administrative Code § 2.04.020, which states in part, "Each member must be an elector of the district which he represents, must reside therein during his incumbency, and must have been such an elector for a least one year immediately preceding his election." Your Board is bound by this requirement because your Board will be conducting an "election" with votes from up to four supervisors in order to fill the Board vacancy. "Elector" is defined in Elections Code (E.C.) § 321; "residence" is defined in E.C. § 349.

Please also note that a 1964 California Attorney General Opinion, 44 Ops.Cal.Atty.Gen. 159, found that the same qualification requirements that apply to an elected county supervisor also apply to a county supervisor appointed by the Board of Supervisors in a charter county to fill a Board vacancy. The Attorney General cited a line of cases extending back to 1912 that include *Reed v. Hammond* (1912) 18 Cal. App. 442, *Odell v. Rihn* (1912) 19 Cal.App. 713 and *Barrett v. Hite* (1964) 61 Cal.2d 104, which hold the "election" includes "appointment." The Attorney General noted, "[W]e point out that the question presented is not unique or applicable only to such county, but is potentially applicable to any county which has framed a charter ..." (*Id.* at p. 161.) California Attorney General Opinions are entitled to "considerable weight." (*City of Long Beach v. Department of Industrial Relations* (2004) 34 Cal.4th 942, 952.)

Please also note the thirty-day prior residency qualification requirement for the office of county supervisor under California general law, Government Code § 25041: "In all other cases each member shall have been a registered voter of the district which he seeks to represent for at least 30 days immediately preceding the deadline for filing nomination documents for the office of supervisor, and shall reside in the district during his incumbency." In *Daniels v. Tergeson* (1989) 211 Cal.App.3d 1204, 1209, the court held, "Section 25041 by its language is mandatory. It prescribes a specific qualification requirement for members of the board of supervisors ... Thus, violation of its terms renders a candidate ineligible for office."

Alameda County Board of Supervisors

March 26, 2023

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The “deadline for filing nomination documents of the office of supervisor” for Alameda County District 2 was March 14, 2023. Thirty days immediately preceding that deadline was February 12, 2023. Ms. Casanova admitted under penalty of perjury in her application dated March 13, 2023 that she has been a resident of District since February 19, 2023. Therefore, Ms. Casanova does not meet the prior residency qualification requirement under Alameda County Administrative Code § 2.04.020 or Government Code § 25041. She is ineligible to be appointed.

Concerning the interviews of applicants, your Board should require each applicant to prove that he or she will be a domiciliary of Board District 2 at the time of appointment, in compliance with California Constitution, article XI, § 4, Alameda County Charter § 4, and Alameda County Administrative Code § 2.04.020, such as by displaying to your Board a driver’s license bearing a District 2 address. (See also Government Code §§ 243-244, Elections Code §§ 349, 2020-2035.)

ACTA notes that the late Supervisor Richard Valle was viscerally opposed to approval of new digital billboards in Alameda County, especially along freeways. (See General Plan Scenic Route Element, pp. 6-7, 15.) Supervisor Valle stated at the July 9, 2019 Board of Supervisors meeting:

*But what I do own is my vote, and I'll tell you, my legacy is important as a supervisor. Therefore, when people go down 580 and 880 and they see these monstrous signs 24/7 electronically for a very long time, I don't want my fingerprints on those signs, no.*

*So I'm gonna vote absolutely “no” on this, because I do not want to leave a legacy that I was a supervisor that agreed to do that. That's not what I... I just... I feel emotionally and passionately and deep in my heart that I do not want to leave that kind of fingerprint on Alameda County and all of the commuters that are gonna see these signs way beyond my lifetime. So I'll vote no.*

See the July 9, 2019 Board meeting official meeting video recording at 01h 32m 45s:

[https://alamedacounty.granicus.com/player/clip/5803?view\\_id=2&redirect=true&h=662accf4d2f8dbb9d2191166bdccb1e7](https://alamedacounty.granicus.com/player/clip/5803?view_id=2&redirect=true&h=662accf4d2f8dbb9d2191166bdccb1e7))

Therefore, ACTA requests that your Board ask applicants to succeed Supervisor Valle to state their positions during the interviews on March 28 about the three digital billboards that your Board approved on I-580 in the Dublin Canyon County Scenic Corridor at the “580 Marketplace” in Castro Valley and on I-880 at Hesperian Boulevard in San Lorenzo and at A Street in Hayward Acres. Your Board soon may consider approval of a fourth digital billboard towering over the I-238 County Scenic Corridor at the State Route 185/Mission Boulevard/E. 14<sup>th</sup> Street intersection in a residential neighborhood in Ashland. Your Board and the public need to know if your appointee will share Supervisor Valle’s and the General Plan’s deeply-held principles opposing the blight that digital billboards wreak upon Alameda County’s neighborhoods and roads.

Respectfully submitted,

/s/ *Jason A. Bezis*

JASON A. BEZIS, Attorney for Alameda County Taxpayers’ Association