

REVOLVING DOOR POLICY

Summary

The 2001-2002 Sonoma County Civil Grand Jury, as a result of an investigation, recommended that the county adopt a policy restricting the county's ability to conduct business with former county employees and officers, a so called "revolving door" policy. The Board of Supervisors rejected this recommendation. The 2002-2003 Grand Jury, after considering the Board's response and after further investigation, again urges the Board to adopt such a policy.

Reason for Investigation

This was a self-generated investigation following up on an investigation by the 2001-2002 Grand Jury.

Background

The 2001-2002 Grand Jury, in response to a citizen complaint, investigated the procedures and implementation of the county's site selection process for a new Human Services building and found evidence of a flawed process and questionable procedures. That Grand Jury found no evidence of illegal use of insider information by any of the parties involved. That Grand Jury did, however, find that the site selection process should be remedied because it gave the appearance of impropriety. Therefore, along with other recommendations to improve the process, that Grand Jury recommended:

R3. The Board of Supervisors should adopt a written policy prohibiting county officers and employees from conducting business with any former officer or employee for a period of one year after leaving the county's employ (the so-called "Revolving Door" policy).

The Supervisor's response to this recommendation was:

"The recommendation will not be implemented because it is not reasonable.

A 'revolving door policy' is an unduly burdensome restraint on an individual's ability to engage in his/her trade or business upon leaving county employment."

Investigative Procedures

The 2002-2003 Grand Jury:

1. Conducted a survey of the 58 counties of California to determine how many counties have some type of "revolving door" policy.
2. Reviewed the State of California policy defined in Government Code 87406.
3. Interviewed County Counsel.

Findings

F1. "Revolving door" policies are in place in the following jurisdictions:

- United States Federal Government
- The State of California
- Numerous counties in California including Alameda, Inyo, Los Angeles, Orange, San Bernardino, San Diego, San Francisco, Solano, and Riverside
- Various cities and Special Districts in California.

F2. While varying in time limitations (one year, two years, etc.) these policies, having the force of law, all restrict dealings with former officers and employees.

F3. Carefully constructed policies can prohibit activities that represent conflict of interest without broadly restricting the ex-officer's or ex-employee's ability to engage in his/her trade or profession.

F4. The Board's contention that such policies are "not reasonable" or are "unduly burdensome" is not supported by the fact that such policies are the law and custom in numerous and widespread jurisdictions.

Conclusions

The Grand Jury believes that a "revolving door" policy can significantly reduce actual or perceived conflict of interest, and enhance citizens' confidence in the actions of government. The Grand Jury has no intention of suggesting a policy that would "unduly interfere with one's trade or business", but believes that the Board of Supervisors, working with County Counsel and using other jurisdiction's policies as models, can draft a policy that prohibits dealings that represent a conflict of interest without interfering with an individual's right to pursue legitimate business interests.

Recommendation

R1. The Board of Supervisors should adopt a written policy restricting the ability of county officers and employees to conduct business with any former officer or employee for a period of one year after leaving county employ. Such a policy should be drafted to prohibit dealings that represent a conflict of interest or the appearance of a conflict of interest without restricting the individual's ability to pursue legitimate business interests.

Required Responses to Findings

None

Required Responses to Recommendation

Board of Supervisors: R1

