



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 22-158

Board Meeting Date: 3/8/2022

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Supervisor Don Horsley, District 3
Subject: Appointment of County Counsel and Authorization of an Agreement

RECOMMENDATION:

Adopt a resolution appointing John D. Nibbelin as County Counsel and authorizing and directing the execution of an agreement for his services.

BACKGROUND:

During the fall of last year, the long-time County Counsel, John C. Beiers, announced his intent to retire from employment with the County of San Mateo, effective as of March 31, 2022. In response, the Board of Supervisors, through the County's Human Resources Department, undertook an extensive recruitment effort to locate and select a successor for Mr. Beiers.

After a search and selection process that involved reviewing the qualifications of many strong applicants, it is recommended that this Board appoint Chief Deputy County Counsel, John D. Nibbelin, to the position of County Counsel. John D. Nibbelin's legal and leadership experience is vast and varied. He has been with the County Counsel's Office since 2001, initially serving as a Deputy County Counsel and then promoting to Chief Deputy County Counsel in 2011. Prior to joining the County, John worked as assistant district counsel at the U.S. Immigration and Naturalization Services, a law clerk to a U.S. District Court judge and in private practice. He has also served our country in the U.S. Army as a commissioned officer, including as a Judge Advocate. He holds a BA in Latin American Studies and a law degree, both from U.C. Berkeley.

Counties throughout the state, pursuant to Government Code section 27641, customarily appoint their County Counsel for four-year terms. San Mateo County has had a contract with its appointed County Counsel since 2012.

DISCUSSION:

Adoption of the recommended resolution will appoint John D. Nibbelin to serve as County Counsel, effective as of April 1, 2022, and will authorize the execution of an agreement setting forth the salary

and terms of employment to be provided in connection with these services.

The Agreement provides that John D. Nibbelin will be employed for a four-year term as County Counsel. At the end of four years, he may continue service on terms determined by the parties at that time. The Agreement provides for compensation and benefits in line with those already set forth in the County Resolution Establishing the Salary and Benefits of Unrepresented Management employees. It also provides for severance payments in the event of a termination without cause prior to the end of the term of the agreement. The severance payments are subject to certain limitations under the Government Code.

Contracting with John D. Nibbelin for a four-year term will provide continuity to his position, which in turn provides stable legal representation for the County.

FISCAL IMPACT:

John D. Nibbelin will start at the County Counsel Step B level and will advance to the next Step within the County Counsel classification each year, as set forth in the Agreement. The compensation and benefits for this position are set forth in the County's Resolution establishing the salary and benefits for the unrepresented Management Employees of the County approved by this Board in February 2022.