

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: County Counsel *[Signature]*

BOARD AGENDA # *E-1

Urgent Routine

AGENDA DATE December 4, 2012

CEO Concur with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Sections 2.08.050 and 3.16.060 Related to the Authority of the Chief Executive Officer to Appoint Department Head Positions

STAFF RECOMMENDATIONS:

1. Find that the subject ordinance is not subject to the California Environmental Quality Act (Public Resources Code sections 21000 et seq.); and
2. Introduce and waive the first reading of an ordinance amending Stanislaus County Code Section 2.08.050 and Section 3.16.060 to require the Chief Executive Officer to consult with the Board of Supervisors prior to appointing department head positions.

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2012-587

On motion of Supervisor Withrow, Seconded by Supervisor Monteith
and approved by the following vote,

Ayes: Supervisors: Chiesa, Withrow, Monteith, De Martini and Chairman O'Brien

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No. ORD-55-Q-4

Approval to Introduce and Waive the First Reading of an Ordinance Amending Stanislaus County Code Sections 2.08.050 and 3.16.060 Related to the Authority of the Chief Executive Officer to Appoint Department Head Positions

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DISCUSSION:

Stanislaus County Code Section 2.08.050, Paragraph C.7 provides authority for the Chief Executive Officer to "Appoint, suspend or remove, subject to confirmation by the board of supervisors, all department heads, except elected officials or those for whose appointment state law makes other provision." Similarly, Section 3.16.060 provides that department heads shall be appointed by the chief executive officer "subject to confirmation by the board of supervisors." The proposed ordinance amendment would eliminate the need for the Board of Supervisors to take action by "confirming" an appointment after the Chief Executive Officer makes an appointment, and instead would require the Chief Executive Officer to consult with the Board of Supervisors prior to making department head appointments.

POLICY ISSUES:

Approval of this ordinance supports the Board's priority of efficient delivery of public services.

STAFFING:

There is no staffing impact associated with this item.

CONTACT INFORMATION:

John P. Doering, County Counsel. Telephone: (209) 525-6376

AN ORDINANCE RELATING TO THE AUTHORITY OF THE CHIEF EXECUTIVE OFFICER TO APPOINT DEPARTMENT HEAD POSITIONS

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS, STATE OF CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. Paragraph C. 7 of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

"7. Appoint, suspend or remove, after consultation with the Board of Supervisors, all department heads, except elected officials or those for whose appointment state law makes other provision, including County Counsel (Government Code Section 27641), Agricultural Commissioner (Food and Agricultural Code Section 2181 et seq.), Chief Probation Officer (Penal Code Section 1203.6), and Director of Child Support Services (California Family Code Section 17304). Appointments shall be on the basis of executive and administrative qualifications as determined by screening and selection procedures comparable to those used for other unclassified management personnel;"

Section 2. Paragraph B of Section 3.16.060 of the Stanislaus County Code is amended to read as follows:

"All other department heads shall be appointed to the unclassified service by the Chief Executive Officer after consultation with the Board of Supervisors."

Section 3. This ordinance shall take effect thirty (30) days from and after the date of its passage and before the expiration of fifteen (15) days after its passage it shall be published once, with the names of the members voting for and against the same, in the Modesto Bee, a newspaper published in the County of Stanislaus, State of California.

Upon motion of Supervisor _____, seconded by Supervisor _____, the foregoing resolution was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, the _____ day of _____, 2012, by the following called vote:

AYES: Supervisors:

NOES: Supervisors:

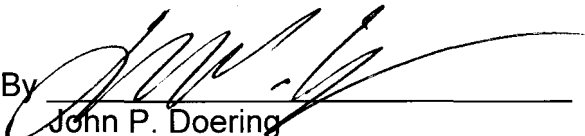
ABSENT: Supervisors:

William O'Brien, Chair of the Board of
Supervisors of the County of Stanislaus,
State of California

ATTEST:
Christine Ferraro Tallman
Clerk of the Board of Supervisors of the
County of Stanislaus, State of California

By _____
Deputy

APPROVED AS TO FORM:

By 

John P. Doering
County Counsel