



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: 2nd and 3rd District
Supervisors
Department No.:
For Agenda Of: March 3, 2009
Placement: Departmental
Estimated Tme: 60 minutes on
March 3, 2009
Continued Item: yes
If Yes, date from: February 17, 2009
Vote Required: Majority

TO: Board of Supervisors
FROM: Board Supervisor Janet Wolf: 568-2191
Member(s) Supervisor Doreen Farr: 568-2192
Contact Info: Mary E. O’Gorman, Chief of Staff: 568-2191
Chris Henson, Chief of Staff: 568-2192
SUBJECT: Consider the first reading of an ordinance amending sections 2-71 (d), (f) and (k) and adding Section 2-71 (q) of Article X , Chapter 2, relating to the powers and duties of the County Executive Officer

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

N/A

Recommended Actions: That the Board of Supervisors:

A. Consider the first reading of an ordinance amending sections 2-71 (d),(f) and (k) and adding Section 2-71 (q) of Article X , Chapter 2, relating to the powers and duties of the County Executive Officer.

B. Set a hearing for March 17, 2009 for adoption (second reading) of an ordinance amending sections 2-71 (d),(f) and (k) and adding Section 2-71 (q) of Article X , Chapter 2, relating to the powers and duties of the County Executive Officer.

C. Direct that the hiring of a new Planning and Development Director be delayed pending adoption of the above ordinance.

BACKGROUND:

On February 17, 2009 the Board of Supervisors on a 4-1 vote directed staff to return on March 3, 2009 for the first reading of an ordinance amending Chapter 2, Article X of the County Code relating to the Establishment and Duties, Responsibilities and Authorities of the County Executive Officer as proposed in the Board letter dated February 17, 2009 from Supervisor Janet Wolf and Supervisor Doreen Farr. The text of that Board letter, which was the basis of

the two-hour public hearing on February 17, is repeated below. Finally, the Board of Supervisors continued the matter of the hiring of a new Planning and Development Director pending a decision on the proposed amended ordinance.

Summary Text:

On March 1, 2005 the Board of Supervisors adopted an ordinance amending Chapter 2, Article X of the County Code which established the duties, responsibilities and authorities of the County Executive Officer. The Board letter premised the recommended action upon the goal to strengthen organizational effectiveness and to establish an organizational culture that would improve operations.

The ordinance adopted on March 1, 2005 transferred direct oversight and control of most County Department heads from the Board of Supervisors to the County Executive Officer. Specifically and most pertinent to the current recommendation, Section 2-71 (f) provided the CEO with *“full authority of the Board to select, appoint, evaluate, suspend, terminate and retain those department directors except the directors whose appointment or removal is otherwise expressly provided for in statute.”*

The language adopted by the Board of Supervisors in 2005 did not require the CEO to inform, brief or seek the input of the Board of Supervisors in advance of such actions. Section 2-71 (f) provides only that *“the County Executive Officer shall brief the Board of Supervisors regarding the execution of [emphasis added] these responsibilities.”*

PREVIOUS SANTA BARBARA COUNTY ARTICLE X ORDINANCES:

During the past two decades, Article X has been revised three times, in 1991, 1996 and 2005. On each occasion, the desire of the Board of Supervisors to strengthen the role of the County Administrator was cited as a motivating factor. However the 1991 and 1996 revised ordinances also mentioned the unique role of the Board of Supervisors in being accountable to their constituencies, and to encourage communication from and with Department heads. The 2005 revisions do not.

Ordinance 2906, adopted February 19, 1991

In 1991, a new Article X was added to Chapter 2 of the Santa Barbara County code. Section 2-69 states in part *“...a key element of [that project] is clarifying and strengthening the role of the County Administrator”*. The 1991 ordinance further explained that *“The Board fully intends to assign to the County Administrator clear and direct management authority and responsibility and to hold him/her specifically accountable.”* In contemplating the role of the Board of Supervisors, Section 2-69 C. notes: *“The Board of Supervisors continues the historic direct relationship with Department heads on matters of policy, and encourages them to work closely with the Board in crafting effective policy”*. Section D. then lays out the role of the County Administrator as to act *“primarily on effective overall management of county resources....ensuring that county departments are producing services and results in accord with Board goals, policies and budget”*.

Ordinance 4217, adopted February 27, 1996

In 1996, Article X was again amended. Section 2-69 was amended to state “The County Administrator shall exercise overall responsibility for sound and effective management of County government, pursuant to Board policy and adopt budget. The County Administrator shall have clear and direct management authority and responsibility, and be specifically accountable to the Board of Supervisors.”

Section 2-69 (d) also noted that “the board and administrator recognize the unique legal responsibilities and voter accountability of elected county executives”. Although the 1996 amendments also strengthened the role of the County Administrator in appointing and removing certain department heads, it was still subject to final Board approval.

In addition, the strengthened Article X, Section 2-69 (h) expressly required that the County Administrator regularly review and evaluate the performance of Department heads, and report back to the BOS.

DISCUSSION OF PROPOSED CHANGES

The 2005 Article X amendments removed specific language regarding the Board’s ultimate authority in hiring, evaluation or firing decisions regarding Department heads.

The proposed changes provide the Board of Supervisors with the authority to approve the appointment or removal of Department heads. By retaining that authority, the Board of Supervisors makes clear its intent to remain accountable to the voters and to Department heads for the execution of the policy that it sets.

Finally, the proposed addition of 2-71 (q) clearly states that County officers and Department heads have the unfettered ability to communicate directly with the Board of Supervisors.

Attachments:

- A. Draft ordinance amending Article X, Section 2.

Authored by:

Mary E. O’Gorman
Chris Henson