

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Santa Barbara, CA 93101
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Agenda Number:
Prepared on: 2/11/05
Department Name: County Administrator
Department No.: 012
Agenda Date: 02/22/05
Placement: Departmental
Estimate Time: 30 mins
Continued Item: YES
If Yes, date from: 2/8/05

TO: Board of Supervisors

FROM: Michael F. Brown Stephen Shane Stark Susan Paul
County Administrator County Counsel Human Resources Director

STAFF CONTACT: Michael F. Brown
568-3404

SUBJECT: Introduction of an Ordinance to Amend Chapter 2, Article X of the Santa Barbara County Code Relating to the Establishment and Duties, Responsibilities and Authorities of the County Executive Officer

Recommendations

That the Board of Supervisors:

- A. Consider the introduction (first reading) of an ordinance to Amend Chapter 2, Article X of the Santa Barbara County Code Relating to the Establishment and Duties, Responsibilities and Authorities of the County Executive Officer.
- B. Set March 1, 2005 to consider the adoption (second reading) of the ordinance to Amend Chapter 2, Article X of the Santa Barbara County Code Relating to the Establishment and Duties, Responsibilities and Authorities of the County Executive Officer.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with Goal No. 3. A Strong, Professionally Managed County Organization.

Executive Summary and Discussion:

On January 11, 2005, the Board directed the County Administrator to return on February 1, 2005, with recommendations to strengthen organizational coordination, effectiveness and accountability. The item further directed that the County Administrator, County Counsel and Human Resources Director review Chapter 2, Article X of the County Code regarding the position of County Administrator and return with recommendations to establish an organizational structure that:

1. Meets current demands.
2. Assists the Board in forming strategic policy and direction.
3. Strengthens the County Administrator's role in organizational coordination, effectiveness and accountability.

On February 8, 2005, a report and related recommendations to achieve the goals outlined above were provided to the Board for consideration. After thorough discussion, the Board directed the County Administrator to return on February 22, 2005, with an ordinance revising Chapter 2, Article X of the County Code to establish a County Executive Officer (CEO) and strengthen the County's organizational coordination, effectiveness and accountability. The Board also directed that the ordinance clarify department director reporting relationships and provide options regarding the appointment and dismissal of certain department director positions that are not already designated by law.

Conclusion:

The recommended ordinance revising Chapter 2, Article X of the County Code is set forth in Attachment I. The ordinance establishes a County Executive Officer (CEO) position, sets forth the duties and authorities of the CEO including the CEO's authority regarding the selection, appointment, evaluation and termination of certain directors that are not already designated by law. In accordance with the Board's direction, alternate language for this section of the ordinance is contained in Attachment II as prepared by County Counsel. The preferred language is contained in the proposed ordinance and is highlighted in Attachment II for reference. It should be noted that Alternate "C" in the attachment would represent no real change and would vitiate the key policy purpose of the ordinance.

The change to a CEO with the appropriate duties and authorities will provide the Board with an organization that recognizes the importance of coordination and communication both internally and externally. A County Executive Officer will remedy many deficiencies that exist in the current structure and is in keeping with the Board's objectives for efficient, effective and service oriented government.

Overall, the revised ordinance contains the restructuring and process improvements designed to improve County operations by:

- Enhancing accountability of the organizational structure so that roles, responsibilities and reporting relationships of individual departments are more clearly defined allowing for more comprehensive and clearer policy oversight by the Board as well as enhanced ability to execute that policy by the County's executive team.
- Ensuring fiscal integrity, policy coordination and general management accountability. Specifically, the proposed changes to the CEO's office will result in a strong flexible, responsive and accountable unit able to deal with current challenges and those of the future.
- Providing the Board of Supervisors and line departments with a clear logical organization to help guide and assist the development and coordination of departmental and countywide policy, planning and legislative initiatives, budget preparation and management and technology improvements.

Implicit in these concepts is the idea that local government needs to be efficient and responsive to the people it serves. Each of the goals listed below are consistent with the Board's objectives for efficient, effective and service oriented government and would be more able to be achieved with the adoption of the proposed ordinance.

- Identify and provide core services with the commitment to quality and cost efficiency.
- Be aware and responsive to community needs by continuously surveying and assessing citizen/customer satisfaction and priorities.
- Ensure accountability for the services the County provides by clearly defining departmental roles and responsibilities.
- Operate as a team that shares common goals and objectives.
- Support County employees, from management to line staff, in their efforts to provide quality and cost effective services by providing career development, succession planning and personnel system flexibility.
- Seek out and utilize private sector input and expertise to facilitate first rate planning and service delivery.
- Procure the best available technology to achieve service efficiencies and assist communication, both internally and externally.

The County's current structure with blurred reporting lines makes organizational and individual accountability difficult, but presents an opportunity for the Board to establish broader and deeper policy control, ensure that its priorities are effectively executed and promote overall accountability. Accordingly, in order to accomplish the stated goals and objectives, and to move to a more modern efficient business organization, the attached ordinance is presented for adoption.

Upon adoption of the proposed ordinance, the CEO would return during the 2005-06 Proposed Budget process with further structural, staffing and process recommendations calculated to more fully realize the benefits of the ordinance.

Mandates and Service Levels:

There are no State or Federal mandates requiring that the recommended improvements be made at this time.

Fiscal and Facilities Impacts:

There are no fiscal or facility impacts from adopting the ordinance proposed in this report.

Attachments:

- I. Ordinance to Amend Chapter 2, Article X of the Santa Barbara County Code Relating to the Establishment and Duties, Responsibilities and Authorities of the County Executive Officer
- II. County Executive Officer Ordinance Alternatives for CEO Appointment and Removal Powers

Introduction of an Ordinance to Amend Chapter 2, Article X of the Santa Barbara County Code

Agenda Date: 02/22/05

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cc: Department Directors

ORDINANCE NO _____

AN ORDINANCE OF THE COUNTY OF SANTA BARBARA TO AMEND
CHAPTER 2, ARTICLE X OF THE SANTA BARBARA COUNTY CODE
RELATING TO THE ESTABLISHMENT AND DUTIES, RESPONSIBILITIES AND
AUTHORITIES OF THE COUNTY EXECUTIVE OFFICER

The Board of Supervisors of the County of Santa Barbara ordains as follows:

SECTION 1. Article X of Chapter 2 of the Santa Barbara County Code is amended to read:

Article X. COUNTY EXECUTIVE OFFICER

Section 2-69. Statement of intent and reserved legislative powers. The Board of Supervisors is the governing body of the County of Santa Barbara. As the legislative body of the County, the Board of Supervisors is responsible for its efficient and effective management. The Board has ultimate authority and control over County policy, budgetary matters, and strategic direction. The Board exercises overall oversight of County operations and officers as required by California law. The Board retains those powers and duties that California law requires the governing body of the County to exercise. It is the intent of this article to establish the position of County Executive Officer (CEO) and delegate to the CEO executive authority to manage and direct the operations of the County to the extent allowed by law.

Section 2-70. Establishment of County Executive Officer; Appointment and qualifications for office. There is established in the government of the County the position and office of the County Executive Officer (CEO).

The County Executive Officer shall be appointed by the Board of Supervisors on the basis of knowledge and skills in public administration and finance, knowledge of

organizational principles and relationships, demonstrated executive leadership and management skills, and ability to motivate people to work together cooperatively. The position is exempt from civil service and the person appointed shall serve at the pleasure of the Board.

Section 2-71. Powers and Duties

The County Executive Officer shall have the following duties, responsibilities and authorities:

(a) The County Executive Officer shall be the chief administrative officer of the County and, as such, act as the primary advisor to the Board of Supervisors on all matters relating to the efficient and effective administration of County Government.

(b) The County Executive Officer shall review and make recommendations on Board agenda items; make periodic reports to the Board on County matters and assure that items proposed for placement on the Board's agenda are complete and sufficient for Board decision-making; the County Executive Officer may withhold items from an agenda as necessary. This provision does not apply to members of the Board of Supervisors, each of whom has an unfettered ability to place items on the Board agenda.

(c) The County Executive Officer shall act as the executive agent of the Board of Supervisors in the County's intergovernmental relationships. The County Executive Officer shall oversee the County's implementation of authorized intergovernmental projects and programs, assure appropriate coordination of departmental operations and resolve problems and disputes.

(d) The County Executive Officer shall be responsible for the management of all County functions and operations except those committed by law to elected or appointed officers of the County and be cognizant of the administration of all departments. In so doing, the County Executive Officer shall ensure that administrative policies, regulations and operating programs are implemented. The County Executive Officer shall coordinate

interdepartmental activities and assist department directors in solving problems that inhibit efficient operations within a department or create friction among departments. In cases of interdepartmental disputes, the County Executive Officer shall mediate and seek a resolution of conflict.

(e) The County Executive Officer shall be responsible for the assignment of work areas, space planning and technology infrastructure among County departments.

(f) The County Executive Officer shall exercise direct oversight of all appointed department directors and their agencies and departments except for the County Counsel, who reports directly to the Board of Supervisors. Such appointed department directors and their agencies shall report to and be supervised by the County Executive Officer. The County Executive Officer shall have 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 County Executive Officer may, from time to time, consult with the Board of Supervisors regarding the execution of these responsibilities.

(g) The County Executive Officer shall manage the administration of County personnel ordinances including the recruitment, examination, appointment or dismissal of affected County employees, direct the County employee relations program and make, or cause to be made, recommendations to the Board of Supervisors concerning existing personnel conditions, or requests for additional personnel, or for any change in the classification or salary of any County employee, officer or official, presented by any department director, County officer or official thereof, or recognized employee organizations.

(h) The County Executive Officer shall conduct research and make studies, investigations and recommendations that could result in greater economy, efficiency and effectiveness in County government or improvement to County operations. The County Executive Officer shall approve on the basis of management principles such organizational changes as proposed by departments. The County Executive Officer shall recommend to the

Board of Supervisors the creation, dissolution, merger or modification of organizational elements, departments or work programs as deemed necessary for the efficient, and effective operation of County government. The County Executive Officer shall recommend to the Board policies and procedures for the orderly conduct of the County's administrative and operational business and preparation for future County growth and development.

(i) The County Executive Officer, with prior approval of the Board of Supervisors, may retain the services of such consultants, experts or advisors, as the County Executive Officer deems necessary for the performance of designated duties and responsibilities.

(j) The County Executive Officer shall be the head of the County Executive Office and, subject to budget approval, is authorized to organize, staff, and administer this Office to carry out all of its responsibilities. Within available resources, the Board of Supervisors shall provide the County Executive Officer with resources necessary to fulfill the responsibilities of the Office. Within available resources, the County Executive Officer and staff shall provide assistance and support to the Board of Supervisors and the operating departments.

(k) The County Executive Officer shall cause both the operating and capital budget planning processes to be compatible with approved County policies and long range plans. The County Executive Officer shall direct the preparation of and evaluate the budget requests of all departments including actual and estimated expenditures, revenues, reserves and designations. The County Executive Officer shall direct the preparation of the Proposed Budget including its timing, schedule, forms and format of department input. The County Executive Officer shall submit the proposed annual operating and capital budgets to the Board of Supervisors and shall exercise continuous review of revenues and expenditures to ensure budgetary integrity. The County Executive Officer shall implement any necessary fiscal controls and keep the Board of Supervisors informed of the financial status of the County. All departmental requests for supplemental appropriations and budget revisions shall be reviewed by the County

Executive Officer for approval or denial or recommendation to the Board of Supervisors as appropriate.

(m) The County Executive Officer shall, from time to time, conduct comprehensive management reviews and analyses of programs, projects and departments, and report the findings and recommendations to the Board of Supervisors.

(o) The County Executive Officer shall attend all meetings of the Board of Supervisors, except when excused, and may participate in the discussion of any matter, but shall not vote. The County Executive Officer shall represent the Board of Supervisors in the County's governmental relationships, in accordance with Board policies and instructions.

(p) The County Executive Officer shall assist the Board of Supervisors in the development and implementation of the County's Strategic Plan, goals and priorities, assigning responsibility for their implementation; perform such other duties as the Board may direct; and keep the Board advised of any and all matters that may be pertinent to the discharge of its responsibilities.

Section 2-72. Removal; compensation; miscellaneous provisions.

(a.) Removal from office; notice of resignation. The County Executive Officer may be removed from office by a majority vote of the Board of Supervisors upon a minimum of sixty (60) days prior written notice of removal. However, no notice of removal shall be given to the County Executive Officer during the first ninety (90) days following any change in membership of the Board of Supervisors, except upon a four-fifths vote of the Board. A notice of removal shall be delivered in person or by mail to the County Executive Officer.

The County Executive Officer may also be removed from office in the same manner as a County officer may be removed for commission of any offense punishable under state law by removal from office. The County Executive Officer may be suspended from

office by a majority vote of the Board of Supervisors while any proceeding or action to remove him or her from office is pending.

The County Executive Officer shall give the Board of Supervisors a minimum of sixty days written notice of his or her intent to resign.

(b). Compensation. The County Executive Officer salary range shall be established by resolution of the Board of Supervisors. The salary shall be paid and the benefits administered biweekly by the Auditor-Controller in the same manner as the salaries and benefits of other County management employees are paid. The County Executive Officer is entitled to all benefits conferred upon County management employees relating to merit salary increases, sick leave, vacation and holidays, and by the County Employees Retirement Law. The County Executive Officer is entitled to the use of a County car and/or a mileage allowance as established by the Board of Supervisors and to all actual and necessary budgeted expenses for conducting County business, including dues and expenses for participation in regional, state and national professional organizations of benefit to the County.

(c) Ex Officio Positions. The County Executive Officer shall hold, ex officio, the following positions:

- (1) Director of Emergency Services. The office of Director of Emergency Services as provided for in chapter 12, section 12-6 of the Santa Barbara County Code, or successor law.
- (2) Clerk of the Board of Supervisors. The office of Clerk of the Board of Supervisors as provided for in chapter 2, section 24-.4 of the Santa Barbara County Code, or successor law.
- (3) Executive Director of Redevelopment Agency. Executive Director of the Santa Barbara County Redevelopment Agency.

(d) No implied limitation of authority. No limitation of the authority and powers of the County Executive Officer shall be implied from any omission in these sections to delegate expressly to the position any authority, duty or function.

SECTION 2. Ordinance No. 3906 and Ordinance No. 4217, relating to the County Administrator, are repealed and superseded by this ordinance.

SECTION 3. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. Before the expiration of fifteen (15) days after its passage the ordinance, or a summary of it, shall be published once, with the names of the members of the Board of Supervisors voting for or against the same in a newspaper of general circulation published in the County of Santa Barbara.

PASSED, APPROVED AND ADOPTED the ____ day of February, 2005 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chair, Board of Supervisors

ATTEST:

CLERK OF THE BOARD

APPROVED AS TO FORM:

Stephen Shane Stark
County Counsel

ATTACHMENT 2
COUNTY EXECUTIVE OFFICER ORDINANCE
ALTERNATIVES FOR CEO APPOINTMENT AND REMOVAL POWERS

PROPOSED LANGUAGE § 2-71: (CEO APPOINTS AND REMOVES EXCEPT AS REQUIRED BY LAW; MAY CONSULT WITH BOARD)

(f) The County Executive Officer shall exercise direct oversight of all appointed department directors and their agencies and departments except for the County Counsel, who reports directly to the Board of Supervisors. Such appointed department directors and their agencies shall report to and be supervised by the County Executive Officer. The County Executive Officer shall have full authority of the Board to select, appoint, evaluate, suspend, terminate and retain department directors except the directors whose appointment or removal is otherwise expressly provided for in statute. The County Executive Officer may, from time to time, consult with the Board of Supervisors regarding the execution of these responsibilities.

ALTERNATIVE A: (BOARD MAY REVIEW PERFORMANCE) Add “The Board of Supervisors may review the performance of any appointed department director.”

ALTERNATIVE B: (CONSULTATION REQUIRED) Change last sentence: “The County Executive Officer shall consult with the Board of Supervisors before appointing or removing a department director.”

ALTERNATIVE C: (BOARD RETAINS FINAL AUTHORITY) Replace text after the first two sentences of (f) with “Except as expressly provided by California law, the County Executive Officer shall select, appoint, evaluate, suspend, remove and retain appointed department directors. The Board of Supervisors shall confirm [or approve] the appointment or removal of an appointed department director except for [DIRECTORS CEO APPOINTS AND REMOVES WITHOUT BOARD APPROVAL.]”

