

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

DEPT: Board of Supervisors

BOARD AGENDA # *A-2

Urgent Routine

AGENDA DATE July 20, 2010

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Approval to Adopt and Waive the Second Reading of Ordinance C.S. 1089 to Amend Chapter 2.08 of the Stanislaus County Code Relating to the Chief Executive Officer, and Conforming Changes to Other Provisions of the County Code Relating to the Director of Public Works, Director of Parks and Recreation, the County Building Official, County Surveyor, and Floodplain Administrator

STAFF RECOMMENDATIONS:

1. Adopt and waive the second reading of Ordinance C.S. 1089 to amend Chapter 2.08 of the Stanislaus County Code relating to the Chief Executive Officer, and conforming changes to other provisions of the County Code relating to the Director of Public Works, Director of Parks and Recreation, the County Building Official, County Surveyor, and Floodplain Administrator.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2010-469

On motion of Supervisor Chiesa, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

THIS ITEM WAS REMOVED FROM THE CONSENT CALENDAR AND PLACED ON NON-CONSENT FOR DISCUSSION AND CONSIDERATION.

4) Other:

MOTION:

Adopted and waived the second reading of ordinance C.S. 1089, and amended the item to direct County Counsel and CEO to review the proposed language submitted by Mr. Aaron Smith, President of the California Land Surveyors Association, which revises the language in County Code Section 2.16.010 B.2., and to bring back an ordinance acceptable to both parties for the Board's consideration

ATTEST:


ELIZABETH A. KING, Assistant Clerk

File No. ORD-55-M-4

ORDINANCE NO. C.S. 1089

AN ORDINANCE AMENDING CHAPTER 2.08 OF THE STANISLAUS COUNTY CODE RELATING TO THE CHIEF EXECUTIVE OFFICER, AND CONFORMING CHANGES TO OTHER PROVISIONS OF THE COUNTY CODE RELATED TO THE DIRECTOR OF PUBLIC WORKS, THE COUNTY SURVEYOR, THE DIRECTOR OF PARKS AND RECREATION, THE BUILDING OFFICIAL AND THE FLOODPLAIN ADMINISTRATOR

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

Section 1. Subsection (C)(2) of Section 2.08.010 of the Stanislaus County Code is amended to read as follows:

“The CEO acts primarily on effective overall management of county resources; long-range financial, facilities and organizational planning; ensuring that County departments are producing services and results consistent with Board goals, policies, budgets and legal mandates; improving management and information systems to guarantee most effective use of County personnel, money, facilities, and equipment; and other specific duties assigned to the executive office;”

Section 2. Subsection (C)(4) of Section 2.08.010 of the Stanislaus County Code is amended to read as follows”

“The CEO acts as the Board’s representative on matters of management. The Board should provide the CEO with the policy direction, authority, and resources to carry out budgeted programs. The CEO is charged with ensuring the effective implementation of Board policy, management of all County resources, and accountability for results in accord with Board goals, policies and budget allocations.”

Section 3. Section 2.08.030 of the Stanislaus County Code is amended to read as follows:

“The salary of the CEO shall be established by the Board of Supervisors. The CEO is a County officer. The CEO’s salary shall be paid bi-weekly by the Auditor-Controller in the same manner as the salaries of other County employees are paid. The CEO is granted and is entitled to all the benefits conferred upon County executive management employees relating to salary increases, sick leave, vacation, and holidays and by the County Employees’ Retirement Law of 1937. The CEO is entitled to participate in the County’s retirement system in the same manner and under the same membership rules as all other County employees. The Board of Supervisors may elect to provide an employment contract for the CEO upon employment.”

Section 4. Section 2.08.040 of the Stanislaus County Code is amended to read as follows:

“The CEO shall be chosen upon the basis of knowledge and skills in public administration, demonstrated administrative ability, and knowledge of, public budgeting, personnel, finance and organization. The CEO also shall be chosen on the basis of the person’s executive and administrative qualifications with special reference to the person’s actual experience in, or the person’s knowledge of common accepted practices with respect to the duties as

hereinafter set forth. The CEO shall not engage in any business, business venture or serve as an officer in any corporation or business entity during his or her employment with Stanislaus County.”

Section 5. Subsection (B)(3) of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

“Implement the Board of Supervisors’ legislative advocacy program, including the initiation of legislation approved by the Board of Supervisors that will benefit the County and county government, and the analysis of proposed state and federal legislation; make recommendations to the Board of Supervisors for positions on proposed legislation; review all department head requests involving legislative activities; and hire and direct the activity of any County lobbyist, subject to Board of Supervisors approval and budget authority;”

Section 6. Subsection (B)(8) of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

“Supervise the overall operation of the board office and staff.”

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

“As County Budget Officer, supervise and direct the preparation of the annual County budget. In the performance of this duty, the CEO shall review and evaluate all departmental requests and all items in the recommended budget including expenditures, revenues and reserves. The CEO shall submit the recommended budget to the Board of Supervisors together with a written report and recommendations which shall be based on Board of Supervisors policy direction, revenue projections, budget targets, and proposed goals, objectives, work programs and projects developed by the various departments;”

Section 8. Subsection (C)(3) of Section 2.08.050 of the Stanislaus County Code is repealed.

Section 9. Subsection (C)(5) of Section 2.08.050 of the Stanislaus County Code is repealed.

Section 10. Subsection (C)(6) of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

“Annually review the performance of the duties of all department heads, with the exception of elected officials and County Counsel, based upon mutually agreed to goals and objectives and approve compensation adjustments in accordance with demonstrated performance and consistent with County policy and practice; confer with department heads as necessary to discuss performance in meeting annual goals and objectives;”

Section 11. Subsection (C)(7) of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

“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, 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 12. Subsection (C)(18) of Section 2.08.050 of the Stanislaus County Code is amended to read as follows:

“Oversee and approve requests by County departments and offices to conduct operations and activities on non-county owned property provided the activities directly benefit the general purposes of the County and the requesting department or office, and provided that, after consultation with the County Counsel and County Risk Manager, the benefit of conducting such activities is balanced against exposure to the risk of liability that may be reasonably associated with the activity. The Chief Executive Officer shall also consult with any other department or agency that may reasonably be affected by the activity or operations, including, but not limited to, the County Office of Emergency Services, Sheriff’s Department, Department of Public Works, Department of Environmental Resources, Department of Public Health, and the Department of Planning and Community Development.”

Section 13. Subsection (B) of Section 2.08.080 of the Stanislaus County Code is amended to read as follows:

“The CEO and staff shall provide technical assistance and support to the Board of Supervisors and its department operations.”

Section 14. Section 2.16.010 of the Stanislaus County Code is amended to read as follows:

“A. The County Surveyor shall a person authorized to practice land surveying in California and shall be appointed and may be removed by a majority of the Board of Supervisors, and shall serve at the pleasure of the Board of Supervisors.

B. The County Surveyor may be:

1. The Director of Public Works, or
2. A qualified County employee recommended by the Director of Public Works, who shall be an employee of the Public Works Department, and whose operations, functions and work product shall be supervised by the Director of Public Works; or
3. A contract land surveyor recommended by the Director of Public Works, who shall report to the Director of Public Works.

C. The County Surveyor shall have those duties as set forth in Chapter 11 of Part 3, Division 1 (commencing with Section 27550) of the Government Code.”

Section 15. Section 2.40.080 of the Stanislaus County Code is amended to read as follows:

“The Parks and Recreation Director is appointed in accordance with Stanislaus County Code section 3.16.060. The Parks and Recreation Director, when required by the Park Commission, shall attend all meetings of the Park Commission and shall make such reports to the Park Commission or to the Board of Supervisors, as shall be required of him or her from time to time.”

Section 16. Subsection B of Section 2.93.020 of the Stanislaus County Code is amended to read as follows:

““County building official” means the County’s chief building official, which shall be the Director of Planning and Community Development or his or her designee.”

Section 17. Subsection B of Section 2.94.020 of the Stanislaus County Code is amended to read as follows:

““County building official” means the County’s chief building official, which shall be the Director of Planning and Community Development or his or her designee.”

Section 18. Section 3.16.060 of the Stanislaus County Code is amended to read as follows:

“Department heads shall be appointed to the unclassified service in the following manner:

- A. As provided elsewhere by law, ordinance or agreement:
 - 1. All elected officials;
 - 2. Chief Executive Officer;
 - 3. Chief Probation Officer;
 - 4. Director of Child Support Services;
 - 5. County Counsel; and
 - 6. County Agricultural Commissioner and Sealer of Weights and Measures.
- B. All other department heads shall be appointed to the unclassified service by the Chief Executive Officer subject to confirmation by the Board of Supervisors.”

Section 19. Section 16.50.140 of the Stanislaus County Code is amended to read as follows

“The Director of Planning and Community Development or his/her designee is hereby appointed to administer, implement and enforce this chapter by granting or denying development (construction) permits in accordance with its provisions.”

Section 20. Section 16.50.060 of the Stanislaus County Code is amended to read as follows:

“The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the most current report entitled “Flood Insurance Study For the Unincorporated Areas of Stanislaus County,” and the most current accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This flood insurance study and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Board of Supervisors by the floodplain administrator. The study, FIRMs and FBFMs are on

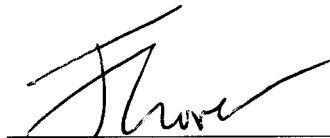
file at the county administration building, Building Department. 1010 10th Street, Modesto, California.”

Section 21. 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 Chiesa, seconded by Supervisor O'Brien, the foregoing ordinance was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 20th day of July, 2010, by the following called vote:

AYES: Supervisors: O'Brien, Chiesa, Monteith, DeMartini, and Chairman Grover
NOES: Supervisors: None
ABSENT: Supervisor: None

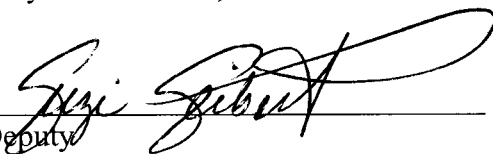




Jeff Grover, Chairman of the Board of Supervisors of the County of Stanislaus, State of California

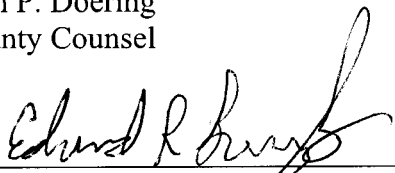
ATTEST:

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

By 
Deputy

APPROVED AS TO FORM:

John P. Doering
County Counsel

By 
Edward R. Burroughs
Assistant County Counsel

STANISLAUS COUNTY ORDINANCE C.S. 1089

Upon motion of Supervisor Chiesa, seconded by Supervisor O'Brien, Ordinance C.S. 1089 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 20th day of July 2010, by the following called vote:

AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover

NOES: None

ABSENT: None

ABSTAINING: None

Ordinance C.S. 1089 amends Chapter 2.08 of the Stanislaus County Code relating to the Chief Executive Officer, and conforming changes to other provisions of the County Code related to the Director of Public Works, County Surveyor, Director of Parks and Recreation, County Building Official, and Floodplain Administrator. Ordinance C.S. 1089 clarifies the duties and obligations of the Chief Executive Officer, and the manner of appointment and reporting requirements of the Director of Parks and Recreation, County Surveyor, Building Official, and Floodplain Administrator position.

A full copy of the ordinance is available for review at the Clerk of the Board's Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Jody Hayes in the Stanislaus County Chief Executive Office, at (209) 525-6333 at 1010 10th Street, Suite 6800, Modesto, CA 95354.

BY ORDER OF THE BOARD OF SUPERVISORS

DATED: July 20, 2010

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk
of the Board of Supervisors
of the County of Stanislaus,
State of California



BY:

Elizabeth A. King, Assistant Clerk of the Board

**DECLARATION OF PUBLICATION
(C.C.P. S2015.5)**

**COUNTY OF STANISLAUS
STATE OF CALIFORNIA**

I am a citizen of the United States and a resident Of the County aforesaid; I am over the age of Eighteen years, and not a party to or interested In the above entitle matter. I am a printer and Principal clerk of the publisher of **THE MODESTO BEE**, printed in the City of **MODESTO**, County of **STANISLAUS**, State of California, daily, for which said newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of **STANISLAUS**, State of California, Under the date of **February 25, 1951, Action No. 46453**; that the notice of which the annexed is a printed copy, has been published in each issue there of on the following dates, to wit:

Jul 28, 2010

STANISLAUS COUNTY
ORDINANCE C.S.1089

Upon motion of Supervisor Chiesa, seconded by Supervisor O'Brien, Ordinance C.S. 1089 was passed and adopted at a regular meeting of the Board of Supervisors of the County of Stanislaus, State of California, this 20th day of July 2010, by the following called vote: AYES: SUPERVISORS: O'Brien, Chiesa, Monteith, DeMartini and Chairman Grover; NOES: None; ABSENT: None; ABSTAINING: None. Ordinance C.S. 1089 amends Chapter 2.08 of the Stanislaus County Code relating to the Chief Executive Officer, and conforming changes to other provisions of the County Code related to the Director of Public Works, County Surveyor, Director of Parks and Recreation, County Building Official, and Floodplain Administrator. Ordinance C.S. 1089 clarifies the duties and obligations of the Chief Executive Officer, and the manner of appointment and reporting requirements of the Director of Parks and Recreation, County Surveyor, Building Official, and Floodplain Administrator position. A full copy of the ordinance is available for review at the Clerk of the Board's Office, 1010 10th Street, Suite 6700, Modesto, CA. For further information, contact Jody Hayes in the Stanislaus County Chief Executive Office, at (209) 525-6333 at 1010 10th Street, Suite 6800, Modesto, CA 95354. BY ORDER OF THE BOARD OF SUPERVISORS, DATED: July 20, 2010. ATTEST: CHRISTINE FERRARO TALLMAN, Clerk of the Board of Supervisors of the County of Stanislaus, State of California. BY: Elizabeth A. King, Assistant Clerk
Pub Dates July 28, 2010

I certify (or declare) under penalty of perjury
That the foregoing is true and correct and that
This declaration was executed at

MODESTO, California on

July 28th, 2010

(By Electronic Facsimile Signature)

Marie Dieckman