

SHASTA COUNTY BOARD OF SUPERVISORS

Monday, February 27, 2012

SPECIAL MEETING

2:00 p.m.: Chairman Moty called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe
 District No. 2 - Supervisor Moty
 District No. 3 - Supervisor Hawes
 District No. 4 - Supervisor Hartman
 District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
 County Counsel - Rubin E. Cruse, Jr.
 Chief Deputy Clerk of the Board - Glenda Tracy
 Administrative Board Clerk - Linda Mekelburg

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Hawes.

PUBLIC COMMENT PERIOD - OPEN TIME

Chet Szymanski stated that the time of the meetings is inconvenient for members of the public.

REGULAR CALENDAR

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

WORKSHOP

DELEGATION OF APPOINTING AUTHORITY
AMENDMENTS OF SHASTA COUNTY CODE AND PERSONNEL RULES
CHANGE TITLE OF COUNTY ADMINISTRATIVE OFFICER
TO COUNTY EXECUTIVE OFFICER

County Counsel Rubin E. Cruse, Jr. explained that the law requires the hiring authority of specific County officers to be performed by the Board of Supervisors; however, the Board of Supervisors may delegate to the County Administrative Officer (CAO) the appointing authority for certain department heads, as well as to supervise, oversee, and evaluate County department heads with the exception of County Counsel. Upon direction of the Board of Supervisors, the CAO may recommend the appointment, suspension, discipline, or dismissal of any department head that is appointed by the Board of Supervisors, which includes the Public Works Director, Director of Resource Management, Director of Housing and Community Action Programs, Veterans Service Officer, Child Support Services Director, Intermountain Fair Manager, Public

Defender, and the Health and Human Services Agency Director. The current authority of the CAO is outlined in Shasta County Code Chapter 2.12, which includes the duties of the CAO.

In response to questions by Supervisor Baugh, Mr. Cruse stated that the Board of Supervisors appoints an individual to serve as the department head who will have the authority to exercise specific statutory obligations in connection with the operations of the department, as provided in Administrative Policy 1-105, *Board/County Staff Relations*.

In response to questions by Supervisor Moty, Mr. Cruse confirmed that the Board of Supervisors has the authority to hire and fire certain positions, which responsibility cannot be given to another; however, the CAO may supervise department heads to assure that they are performing their duties.

In response to questions by Supervisor Kehoe, Mr. Cruse explained that a “constitutional officer” is an officer whose duties are enumerated in the State Constitution. These include the members of the Board of Supervisors, Sheriff, District Attorney, and Assessor-Recorder. The Chief Probation Officer is a constitutional officer appointed by the Superior Court.

Gary Cadd noted that the State Legislature did not establish that the Board of Supervisors would appoint the Public Works Director and recommended that the Public Works Director and Director of Resource Management should be put under the authority of the CAO.

Terry Rapoza suggested that a member of the public should be allowed to defer their three minutes of open time speaking to another.

Don Kirk said the Board of Supervisors should abide by the directions of the constitution.

Sally Rapoza questioned the process to be used when there is a concern with the Public Works Department. Supervisor Moty advised that anyone may contact the department head, the County Administrative Officer, or a member of the Board of Supervisors.

Wyatt Paxton inquired whether performance evaluations were available for public review. Mr. Cruse advised that performance evaluations are not subject to public review. County Administrative Officer Larry Lees added that performance evaluations are prepared annually. Mr. Paxton responded that he has had difficulty with departments and has not received a response from department heads after inquiries.

In response to direction by the Board of Supervisors, Chief Deputy Clerk of the Board Glenda Tracy explained the process of handling citizens’ complaints that are provided in writing, which is outlined in Administrative Policy 1-116, *Procedures for Responding to Complaints From Members of the Public*.

Executive Director of Shasta Voices Mary Machado suggested that the County Administrative Officer assist when a member of the public has an unresolved issue with the directors of Public Works and Resource Management, or that a member of the Board of Supervisors be assigned as a liaison to handle disputes concerning those two departments.

Charles Alexander requested consideration of accountability of department heads.

Richard Collins suggested that rural Shasta County should be developed in tasteful and environmentally responsive ways and requested that the Board of Supervisors or department heads explain to the general public the issues that have risen to a level of controversy.

In response to questions by Supervisor Moty, Mr. Cruse confirmed that the Government Code identifies the positions Road Commissioner and Surveyor, which may be consolidated with the position of Public Works Director. The CAO and the Board of Supervisors have supervisory authority over the Public Works Director and the Director of Resource Management.

In response to questions by Supervisor Baugh, CAO Lees stated he would prefer to have an enhancement of the level of authority of the County Administrative Officer yet remain within the dictates of the County Code. Mr. Cruse clarified that the Shasta County Code already provides that the County Administrative Officer will supervise the performance of the departments of Public Works, Resource Management, and other departments. The Board of Supervisors and the County Administrative Officer cannot direct the manner of which the department heads perform the duties on a day-to-day basis, yet may assure that the duties are being faithfully performed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors directed staff to prepare amendments to the Shasta County Code and to the Personnel Rules to change the title of the County Administrative Officer to County Executive Officer, to delegate to the County Administrative Officer the authority to appoint department heads that are not county officers, and to delegate to the County Administrative Officer the authority to appoint the Director of Support Services and the Chief Technology Officer without subsequent ratification by the Board.

3:11 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy