



MARIPOSA COUNTY

Board of Supervisors • (209) 966-3222



RESOLUTION - ACTION REQUESTED 2014-337

MEETING: July 8, 2014

TO: The Board of Supervisors

FROM: Merlin Jones, District II Supervisor

RE: Clerk of the Board Separation

RECOMMENDATION AND JUSTIFICATION:

Approve the separation of the Clerk of the Board, and Board staff, from the County Administrative Office and place them temporarily under the Board of Supervisors; provide direction as to long-term placement in the County organization; and direct staff to come back with the legislative actions necessary to implement the changes.

The Clerk of the Board (COB) is a county officer as defined by the California Government Code and currently operates under the supervision of the County Administrative Officer (CAO) pursuant to the current job description which was adopted in 2004. Prior to that time, the COB was supervised directly by the Board of Supervisors along with the CAO according to the job description adopted in 1988. While the 2004 change appears to have been done because of the interaction and need for coordination between the COB and the CAO, this created several problems which have never been addressed.

The major flaw with this structure is that it creates potential conflicts in situations where the COB may interpret statutorily defined responsibilities differently than the CAO does.

In addition, positioning the COB under the CAO also appears to ignore the following state and county regulations:

- Government Code §25303 which states that the Board of Supervisors “shall supervise the official conduct of all county officers”; and
- Mariposa County Code Title 2, Chapter 2.92.010 which notes that the CAO is not vested with “any right, duty, or responsibility which is statutorily conferred on any other officer, department head, or employee of the county.”

Lastly, by positioning the COB under the CAO, not only is there a built in inequity in the treatment of county officers as none of the others have supervisors other than the Board, but it also makes one county officer subordinate to another.

BACKGROUND AND HISTORY OF BOARD ACTIONS:

- Jan. 1, 1979 - Clerk of the Board position established. (Ordinance #492)
- Feb. 27, 1979 - Clerk of the Board appointed as "Filing Officer" for the Statement of Economic Interest forms for the County.
- Aug. 12, 1980 - Clerk of the Board position dissolved. (Ordinance #553)
- Dec. 12, 1986 - Clerk of the Board position re-established. (Ordinance #670)
- Apr. 1988 - Clerk of the Board job description created with the BOS and CAO as supervisor.
- Dec. 21, 2004 - Clerk of the Board job description amended and supervision moved solely under the CAO. (Res. 04-545)
- Aug. 21, 2012 - Clerk of the Board job description updated. (Res 12-440)
- Nov. 12, 2012 - Appointment of current Clerk of the Board.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:

- Option #1: Do nothing.
All problems will continue, including the COB being subject to being insubordinate at those times when COB interpretation of mandates differs from the CAO.
- Option #2: Name the CAO as COB, with the current COB reclassified as a Chief Deputy COB, or similar title.
This will relieve the problem between the CAO and COB functions. However, as COB the CAO will then be required, by law, to attend all sessions of the board including department head evaluations.
- Option #3: Separate the COB into its own department, and assign to it the clerical staff that provides board support. This will relieve the problem, but will require the establishment of a new department.
- Option #4: Dissolve the COB position which will transfer the duties back to the County Clerk.

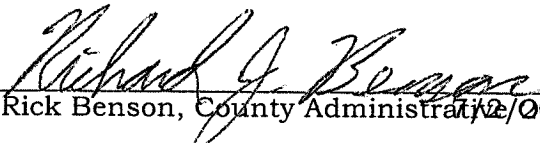
ATTACHMENTS:

- Attachment 1 - Gov Code 25300-25307 - Officers and Employees (PDF)**
- Attachment 2 - County Code Chapter 2.92 - CAO Duties (PDF)**
- FLSA Discussion from HR (PDF)**
- Memo from Rene LaRoche in Support of Separation of COB (PDF)**
- CAO Memo COB Separation (DOCX)**
- Exhibit A - Gov Code 25100-25105.5 - COB Office (PDF)**
- Exhibit B - County Ordinance 492 Establishing COB (PDF)**
- Exhibit C - County Ordinance 553 Dissolving COB (PDF)**

Exhibit D - County Ordinance 670 Restablishing COB (PDF)
Exhibit E - Gov Code 24000-24012 - County Officers (PDF)
Exhibit F - Spreadsheet of COB Mandates (PDF)
Exhibit G - Survey of COB structure in other counties (PDF)
CAO Job description (PDF)

CAO RECOMMENDATION

Not Recommended


Rick Benson, County Administrator/Officer

RESULT: ADOPTED [3 TO 2]
MOVER: Merlin Jones, District II Supervisor
SECONDER: Janet Bibby, District III Supervisor
AYES: Merlin Jones, Janet Bibby, Kevin Cann
NAYS: Lee Stetson, John Carrier