



Mendocino County

Legislation Details (With Text)

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File created: 5/19/2022 **In control:** Board of Supervisors
On agenda: 6/8/2022 **Final action:**
Title: Discussion and Possible Action Regarding Recommendation from the Chief Executive Officer (CEO)/County Administrative Officer (CAO) Ad Hoc to Continue with the CEO Model and Make Changes to County Ordinance for Improvements to the Model
(Sponsors: Supervisors Mulheren and Gjerde)

Sponsors:

Indexes:

Code sections:

Attachments: 1. McGourty Memo on Working Groups, 2. CEO Ordinance - draft 6.22

Date	Ver.	Action By	Action	Result
6/8/2022	1	Board of Supervisors		

To: Board of Supervisors

From: Supervisor Mulheren Supervisor Gjerde

Meeting Date: June 8, 2022

Department Contact: Supervisor Mulheren

Phone: 707-463-4441

Department Contact: Supervisor Gjerde

Phone: 707-463-4441

Item Type: Regular Agenda

Time Allocated for Item: 1 hour

Agenda Title:

Discussion and Possible Action Regarding Recommendation from the Chief Executive Officer (CEO)/County Administrative Officer (CAO) Ad Hoc to Continue with the CEO Model and Make Changes to County Ordinance for Improvements to the Model
(Sponsors: Supervisors Mulheren and Gjerde)

Recommended Action/Motion:

Approve recommendation from the Ad Hoc committee evaluating the Chief Executive Officer (CEO)/County Administrative Officer (CAO) ordinance and continue with a hybrid CEO ordinance, making changes to County Ordinance Chapter 2.28.

Previous Board/Board Committee Actions:

On May 9, 1963, the Board of Supervisors adopted Ordinance 413 creating the position of the County Administrative Officer, which was amended by Ordinance 4004 on April 1, 1998. On February 1, 2005, Introduction and first reading of Ordinance to create Chief Executive Officer position; March 1, 2005, Ordinance 4140 amended Chapter 2.28 of the Mendocino County Code, was approved by the Board of Supervisors to create Chief Executive Officer; On March 13, 2007, Ordinance 4182 amended Chapter 2.28 of

the Mendocino County Code. On November 30, 2021, Board of Supervisors created a Chief Executive Officer/County Administrative Officer Ad Hoc with Supervisors Mulheren and Gjerde.

Historically, the Board has increased various authorities under the Chief Executive Officer (CEO) model in comparison to the former County Administrative Officer (CAO) model, including:

- Contract signatory authority within Mendocino County Policy No. 1: (prior to 2005: Department Head \$5,000/CAO \$10,000; 2014 - Department Head \$25,000 to \$50,000 under the Purchasing Agent). Only contracts over \$50,000 are currently presented to the Board of Supervisors for consideration; prior model under CAO directed that all contracts over \$10,000 required Board of Supervisors consideration and approval
- Department Head hiring and evaluating
- The CEO serves in an ex officio capacity for the following positions: Purchasing Agent, Risk Manager, Water Agency Director, Clerk of the Board, Office of Emergency Services Director

Summary of Request:

As a result of what was then the pending retirement of Chief Executive Officer Carmel Angelo, the Board of Supervisors created an Ad Hoc with Supervisors Mulheren and Gjerde to look at the advantages and disadvantages of moving from the CEO model to a CAO model, and make a recommendation to the full board.

A primary distinguishing difference between the County's former CAO ordinance to the current CEO model is the process related to recruitment and evaluation of non-elected department heads. The CAO model calls for the CAO to "Assist the Board of Supervisors with the Board's responsibility to recruit, appoint and evaluate Board appointed department heads in conformity with board policies and procedures. In contrast, the CEO model delegates appointment and evaluation responsibility of non-elected department heads to the CEO.

Based on historical records at the time of the transition to the CEO model, Supervisors cited the difficulty of balancing policy work with coordinating all five separate Supervisors to conduct performance evaluations. Ultimately, it was felt there was a disconnect between the departments and the Board of Supervisors. This current calendar year, the Board successfully conducted performance evaluations, in conjunction with the CEO, for all non-elected department heads and committed to doing so annually.

Under the CAO model, consideration would need to be given to the structure the Board would utilize in recruiting and evaluating each non-elected department head, coupled with the overall governance structure, including day to day operational oversight. In considering a CAO model, the functions and duties of those delegated to the CEO in the ex officio capacity would also require Board direction and/or determination as to the appropriate assignment (i.e. delegated to other positions within the County or creation of new positions to perform the functions). Additionally, the Board would need to consider oversight and assignment of the delegated contract authorities as defined in Mendocino County Policy 1.

Based on review of both models the Ad Hoc recommends that the County of Mendocino continue with the CEO model with recommended changes to County Ordinance Chapter 2.28 to improve the model. Additions to the ordinance to include evaluation dates for all non-elected department heads scheduled at the first Board of Supervisor's meeting of the calendar year and added to the annual Board of Supervisor's master meeting calendar. Annual review of all non-elected department heads with the Board of Supervisors and CEO creates a hybrid model which allows for increased communication and connection. The updated ordinance will return to the Board for review and approval at the next scheduled meeting.

Alternative Action/Motion:

If not approved, provide direction to staff

Does This Item Support the General Plan? Yes

Supervisory District: All

vote requirement: Majority

Supplemental Information Available Online At: N/A

Fiscal Details:

source of funding: N/A

current f/y cost: N/A

annual recurring cost: N/A

budget clarification: N/A

budgeted in current f/y: N/A

if no, please describe:

revenue agreement: N/A

Agreement/Resolution/Ordinance Approved by County Counsel: N/A

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

FOR COB USE ONLY

Executed By: Atlas Pearson, Deputy Clerk II

Date: June 14, 2022

Final Status: Approved

