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MEMORANDUM



ORANGE COUNTY BOARD OF SUPERVISOR
10 Civic Center Plaza, 5th Floor, Santa Ana, California 92701

2011 MAR -9 PM 3:42
CLERK OF THE BOARD
ORANGE COUNTY
BOARD OF SUPERVISORS

Date: March 9, 2011
To: Darlene Bloom, Clerk of the Board
From: Chairman Campbell
Vice Chairman Moorlach
Re: March 15, 2011 Board Agenda- Supplemental Item

Ms. Bloom,

Please add the attached ASR and Exhibit to the Board of Supervisors agenda for the March 15, 2011 Board of Supervisors meeting.

Handwritten signature of Bill Campbell in cursive.

Chairman Bill Campbell

Handwritten signature of John M.W. Moorlach in cursive.

Vice Chairman John M.W. Moorlach



AGENDA STAFF REPORT

MEETING DATE: 03/15/11
TO: Orange County Clerk of the Board
LEGAL ENTITY TAKING ACTION: Board of Supervisors
SUBMITTING AGENCY/DEPARTMENT: Chairman Campbell
Vice Chairman Moorlach
DEPARTMENT CONTACT PERSON(S): Matt Petteruto, (714) 834-3330
Rick Francis, (714) 834-3220

CATEGORY: Discussion

SUBJECT: Ballot Measure--Voter Approval to Change Public Administrator from an Elective Position to an Appointive Position

RECOMMENDED ACTION(S):

1. Direct the Registrar of Voters to place "AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, TO CHANGE THE PUBLIC ADMINISTRATOR FROM AN ELECTED POSITION TO AN APPOINTED POSITION BY THE BOARD OF SUPERVISORS" on the ballot and to consolidate that election with the next special election or general election.
2. Direct the County Counsel to prepare the ballot language and the impartial analysis of the ordinance, and to forward them to the Registrar of Voters.

SUMMARY/BACKGROUND:

California Government Code Section 24009, subdivision (b) provides, in pertinent part, that, "Except for those offices named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the board of supervisors... Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner."

Based upon the history of the Public Administrator position in Orange County, the low salary that pertains specifically to that position, and recent issues with that office that have been the subject of Grand Jury investigations and an internal County investigation, it is submitted for the consideration of this Board that it would be wise at this time to allow the voters of Orange County an opportunity to change the position of Public Administrator for the County of Orange to be an appointive position rather than an elected position. Should the voters make this change, the Public Administrator will have and exercise all the powers pertaining to the office as provided by the laws of the State of California and the ordinances

and resolutions of the Board of Supervisors. If the voters approve making the position appointive the Public Administrator will be appointed by and serve at the will of the Board of Supervisors. If passed by the voters this provision will apply prospectively only and will not affect a present and existing term of a sitting, elected Public Administrator.

EXHIBIT(S):

Proposed Ordinance

COUNTY COUNSEL REVIEW:

Approved Proposed Ordinance as to form

**AN ORDINANCE OF THE COUNTY OF ORANGE, CALIFORNIA, TO
CHANGE THE PUBLIC ADMINISTRATOR FROM AN ELECTED POSITION
TO AN APPOINTED POSITION BY THE BOARD OF SUPERVISORS**

The People of the County of Orange, California, ordain as follows:

SECTION 1: Section 1-2-31 is hereby added to Article 3 of Division 2 of Title 1 of the Codified Ordinances of the County of Orange to read as follows:

Sec. 1-2-31. Public Administrator to be appointed by the Board of Supervisors.

(a) California Government Code Section 24009, subdivision (b) provides, in pertinent part, that, "Except for those offices named in subdivision (b) of Section 1 of Article XI of the California Constitution, any county office that is required to be elective may become an appointive office pursuant to this subdivision. In order to change an office from elective to appointive, a proposal shall be presented to the voters of the county and approved by a majority of the votes cast on the proposition. A proposal shall be submitted to the voters by the board of supervisors... Any county office changed from elective to appointive in accordance with this subdivision may be changed back from appointive to elective in the same manner."

(b) The position of Public Administrator for the County of Orange shall be an appointive position rather than an elected position. The Public Administrator shall have and exercise all the powers pertaining to said office of the Public Administrator as provided by the laws of the State of California and the ordinances and resolutions of the Board of Supervisors. The Public Administrator shall be appointed by and shall serve at the will of the Board of Supervisors.

(c) This provision shall apply prospectively only and shall not affect a present and existing term of a sitting, elected Public Administrator.