



## Legislation Text

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**File #:** 2023-0326, **Version:** 1

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**To:** Board of Supervisors and Board of Directors

**Department or Agency Name(s):** County Administrator's Office

**Staff Name and Phone Number:** M. Christina Rivera (707)565-2431

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

### **Title:**

Departments and Agencies' Appointment and Oversight Structure

### **Recommended Action:**

- A) Consider changes to the existing appointment and/or oversight structure supporting Departments and Agencies, not including elected officials, County Counsel, Agriculture & Open Space District, and Sonoma Water.
- B) Direct Staff to return with legislative revisions and staffing changes necessary to support existing and future appointment and/or oversight support structure changes identified by the Board.

### **Executive Summary:**

To support the Board's Organizational Excellence pillar included in the 2021-2026 Strategic Plan, staff is seeking direction from the Board on potential changes to the oversight structure which supports Departments' and Agencies' appointed heads. The goal of any potential oversight structure change is to strengthen operational effectiveness, increase fiscal integrity, and promote better accountability to the Board and to the public.

### **Discussion:**

#### Current Oversight Structure

The Board of Supervisors, the Board of Directors of the Community Development Commission (CDC), the Board of Directors of the Agricultural & Open Space District (AOSPD), and the Board of Directors of the Water Agency, not including elected officials, governs 22 departments/agencies and is responsible for the Public Health Officer appointment. As of this writing, the legislative governance role of the Board includes day-to-day oversight of 13 of non-elected office, appointment of the Public Health Officer who receives oversight from the Director of Health Services, and the remaining 8 agencies are appointed and supported with day-to-day oversight by the County Administrator's office (CAO). See attachment A and B.

[California Government Code section 25303 <https://california.public.law/codes/ca\\_gov't\\_code\\_section\\_25303>](https://california.public.law/codes/ca_gov't_code_section_25303)

provides that the Board of Supervisors shall supervise the official conduct of all county officers, and officers of all districts and other subdivisions of the county, and particularly insofar as the functions and duties of such county officers and officers of all districts and subdivisions of the county relate to the assessing, collecting, safekeeping, management, or disbursement of public funds. The Board shall see that county and district officers faithfully perform their duties, direct prosecutions for delinquencies, and when necessary, make reports and present their books and accounts for inspection.

While the Board of Supervisors may not delegate its obligation under Government Code section 25303 to ensure that county officers faithfully perform their duties, nor may it delegate appointing authority for all officers to the County Administrative Officer, the Board may delegate supervisory authority (aka Oversight) to the County Administrative Officer that is channeled by a sufficient standard. Such standard may be either express or implied.

In explaining this concept, the California Supreme Court stated "The essentials of the legislative function are the determination and formulation of the legislative policy. Generally speaking, attainment of the ends, including how and by what means they are to be achieved, may constitutionally be left in the hands of others."

As of April 21, 2020, through Ordinance No. 6304, the Board delegated authority to the CAO to select, appoint, direct, and oversee General Services, Information Systems, Emergency Management, Human Services, Child Support, Human Resources, Permit Sonoma, Public Defender, and for any other county position designated by resolution or ordinance of the board of supervisors. Most recently, on January 10, 2023 the Board amended Article IV, Section 5 of the Community Development Commission's By-laws to reinstate the County Administrator's authority to appoint the Executive Director of the Community Development Commission. To be compliant with Government Code 27703, Ordinance No. 6304 will be revised to restore Public Defender appointment under the Board of Supervisors.

#### Survey of Other County Structures

The County Administrator is reaching out to her colleagues in other counties to gather information regarding possible options for department and agency oversight. At this time, staff knows that the following counties are organized under a County/Chief Executive Officer whom, in some cases except for elected officers and county counsel, most through a team of Assistants appoint and/or oversee day to day operations of all department/agency heads: [Sacramento <https://www.saccounty.gov/CountyDepartments/OrganizationChart/Pages/default.aspx>](https://www.saccounty.gov/CountyDepartments/OrganizationChart/Pages/default.aspx) (~11,000 employees); [San Diego <https://www.sandiegocounty.gov/content/sdc/cao/organization.html>](https://www.sandiegocounty.gov/content/sdc/cao/organization.html) (~8,200 employees); [Riverside <https://rivco.org/sites/g/files/aldnop116/files/2023-01/CEO%20Global%20Org%20Chart\\_01.11.23.pdf>](https://rivco.org/sites/g/files/aldnop116/files/2023-01/CEO%20Global%20Org%20Chart_01.11.23.pdf) (~20,000 employees); [Ventura <https://www.ventura.org/county-executive-office/organizational-chart/>](https://www.ventura.org/county-executive-office/organizational-chart/) (~8,000 employees); [Santa Barbara <https://www.countyofsb.org/2772/Executive-and-Administrative-Team>](https://www.countyofsb.org/2772/Executive-and-Administrative-Team) (~4,600 employees); [Contra Costa <https://www.contracosta.ca.gov/DocumentCenter/View/39121/ContraCostaCountyOrgChart?bidId=>](https://www.contracosta.ca.gov/DocumentCenter/View/39121/ContraCostaCountyOrgChart?bidId=>) (~9,000 employees); [Alameda <https://acgov.org/org\\_charts/gov\\_overview.pdf>](https://acgov.org/org_charts/gov_overview.pdf) (~3,700 employees), and [San Mateo <https://www.smcgov.org/ceo/county-executives-office-organizational-chart>](https://www.smcgov.org/ceo/county-executives-office-organizational-chart) (~3,000 employees). Note that Sacramento, San Diego, and San Mateo are all Charter Counties and not subject to the limitations of Gov. Code section 24000 for purposes of organization and appointment of officers.

#### Options for Structure Changes

##### **I. No Change**

Keep current oversight model in which some 14 of the county officers are appointed and supervised by the Board (except the Public Health Office), and 8 are appointed and supported by the County Administrator.

<b>Pros:</b>	<b>Cons:</b>
Provides direct communication and work priorities direction by and between the Board and county officers.	Board governing body is challenged to provide timely support, oversight, and direction, which at times may result in execution delays by county officers.

Allows Board to participate in the selection and evaluation of most county officers.	CAO span of control, which includes support of department/agency heads and leading CAO operations does not allow for timely support and oversight of department/agency heads and managing high profile projects/programs
Provides department/agency heads timely direction, clarity, and feedback.	Results in no capacity available to establish and maintain external local government and community relationships.

## II. Transform CAO to Chief/County Executive Structure

The County Administrator appoints and/or is responsible for day-to-day oversight of all county officers, except for elected officials, County Counsel, Agriculture & Open Space, and Water Agency.

Pros:	Cons:
Centralizes aspects of County-wide operational decision making.	Increases county administrative costs, as at least 2 new CAO executive leadership positions will be needed to provide timely and effective support/oversight to department/agency heads. <i>~\$840,000 for 2 Assistant CAO Sal &amp; Benefits.</i>
Increases synergy between programs opportunities.	Potential compensation compaction between Assistant CAO and department/agency heads assigned.
Increases CAO capacity to provide timely oversight support and leadership for high profile initiatives.	Incumbent departments/agency heads may feel “demoted” and/or feeling as there is a loss in autonomy.

## III. Transform CAO to Chief/County Executive Structure - Phased Approach

Over time, as positions become vacant, the County Administrator appoints and/or becomes responsible for day-to-day oversight of all department /agency heads, except for elected Officials, County Counsel, Agriculture & Open Space, and Water Agency.

Pros:	Cons:
Provides department/agency heads timely direction, clarity, and feedback. Increases synergy between programs opportunities	At least 1 new Assistant CAO position will be needed to provide support/oversight to the existing 8 incumbents, plus Economic Development which is under recruitment. <i>~\$420,000 for 1 Assistant CAO Sal &amp; Benefits.</i>
Centralizes aspects of County-wide operational decision making. Results in CAO capacity to establish and maintain external local government and community relationships.	Need CAO structure to distribute current Assistant CAO responsibilities to other CAO positions. Including the role of Chief Operating Officer and department manager. <a href="https://www.governmentjobs.com/careers/sonoma/classspecs/6856?keywords=assistant%20county%20administrator&amp;pagetype=classSpecifications">See Assistant CAO Job Description &lt;https://www.governmentjobs.com/careers/sonoma/classspecs/6856?keywords=assistant%20county%20administrator&amp;pagetype=classSpecifications&gt;.</a>

Other options to provide timely direction, clarity, and feedback support to county officers as well as to create synergies may include:

- **Standing Committees:** Rules & Procedures 42. Standing committees are those which have continuing jurisdiction over a particular subject matter or whose meeting schedule is fixed by resolution or action of the Board. Even if comprised of less than a quorum of the Board, a standing committee is subject to the Brown Act.
- **Board Member Assignment:** a specific group of departments/agencies organized by functional group or some other criteria are supported by a board member. The board member's role would include serving as liaison between group departments and the full board.
- **Standing Board Item:** Department/Agency Heads provide verbal updates to the Board but without a specific request for action.

**Strategic Plan:**

This item directly supports the County's Five-year Strategic Plan and is aligned with the following pillar, goal, and objective.

**Pillar:** Organization Excellence

**Goal:** 1. Strengthen operational effectiveness, fiscal reliability, and accountability.

**Prior Board Actions:**

April 21, 2020 - Approved Ordinance No. 6304 which delegated authority to the CAO to select, appoint, direct, and oversee certain county officers.

January 10, 2023 - Board amended Article IV, Section 5 of the Community Development Commissions By-laws to reinstate the County Administrator's authority to appoint the Executive Director.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 22-23 Adopted</b>	<b>FY23-24 Projected</b>	<b>FY 24-25 Projected</b>
Budgeted Expenses	\$0	\$420,000 to \$840,000	\$430,000 to \$860,000
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>\$0</b>	<b>\$420,000 to \$840,000</b>	<b>\$430,000 to \$860,000</b>
<b>Funding Sources</b>			
General Fund/WA GF	\$0	\$420,000 to \$840,000	\$430,000 to \$860,000
State/Federal			
Fees/Other			
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>\$0</b>	<b>\$420,000 to \$840,000</b>	<b>\$430,000 to \$860,000</b>

**Narrative Explanation of Fiscal Impacts:**

Additional Assistant CAO (ACAO) position(s) to Transform from CAO to Chief Executive Officer structure or for Phased CAO to CEO Approach is estimated to increase operational costs by at least \$420,000 for 1 new ACAO or \$840,000 for 2 new ACAOs to be escalated annually. Increased administrative operational cost is anticipated to be financed from discretionary Board of Supervisors funds, marginally offset by reimbursement from state/federally funded programs such as Health and Human Services through the cost allocation plan, if granting agencies allow it.

**Narrative Explanation of Staffing Impacts (If Required):**

None.

**Attachments:**

Attachment A - County Departments & Agencies Current Structure

Attachment B - County Organizational Chart

**Related Items “On File” with the Clerk of the Board:**

None